

DIRECTING THE SECRETARY OF HOMELAND SECURITY TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES ALL INFORMATION IN THE POSSESSION OF THE DEPARTMENT OF HOMELAND SECURITY RELATING TO THE DEPARTMENT'S PLANNING, INFORMATION SHARING, AND COORDINATION WITH ANY STATE OR LOCALITY RECEIVING DETAINEES HELD AT NAVAL STATION, GUANTANAMO BAY, CUBA ON OR AFTER JANUARY 20, 2009

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DECEMBER 15, 2009.—Referred to the House Calendar and ordered to be printed

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Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H. Res. 922]

The Committee on Homeland Security, to whom was referred the resolution (H. Res. 922) directing the Secretary of Homeland Security to transmit to the House of Representatives all information in the possession of the Department of Homeland Security relating to the Department's planning, information sharing, and coordination with any state or locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009, having considered the same, report favorably thereon with amendments and recommend that the resolution be agreed to.

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The amendments are as follows:

Strike all after the resolving clause and insert the following:

That the House of Representatives directs the Secretary of Homeland Security to transmit to the House of Representatives, not later than 14 days after the date of adoption of this resolution, copies of the notifications by the Department of Homeland Security to the Governor of any State to which a detainee will be transferred, and any official correspondence between the Governor of that State and the Department of Homeland Security, including all component agencies, regarding the Department's planning, information sharing, and coordination with any State or locality in the United States, including New York City, that has received or will receive detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009.

Amend the title so as to read:

Resolution directing the Secretary of Homeland Security to transmit to the House of Representatives certain information relating to the Department of Homeland Security's planning, information sharing, and coordination with any State or locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009.

#### PURPOSE AND SUMMARY

The purpose of H. Res. 922 is to provide for submission to the House of Representatives by the Secretary of Homeland Security certain information relating to the Department of Homeland Security's planning, information sharing, and coordination with any State or locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba, on or after January 20, 2009.

#### BACKGROUND AND NEED FOR LEGISLATION

In 2001, President George W. Bush, pursuant to congressional authorization to use of "all necessary and appropriate force" against those responsible for the terrorist attacks of September 11, 2001, ordered that suspected Al Qaeda and Taliban members be detained at several locations, including the U.S. Naval Station at Guantanamo Bay, Cuba. Today, there are about 215 detainees being held at Guantanamo Bay. Some of the detainees, such as the Uighurs, a Turkic Muslim minority group from China, have not been transferred to their country of origin because of national security or human rights concerns and other countries have been unreceptive to accepting detainees.

On January 27, 2009, President Barack Obama issued Executive Order 13492, Review and Disposition of Individuals Detained at the Guantanamo Bay Naval Base and Closure of Detention Facilities, which requires that the detention facility be "promptly" closed no later than January 22, 2010 "in order to effect the appropriate disposition of" Guantanamo Bay detainees. Executive Order 13492 also ordered an immediate review of each detainee's status and temporarily halted all proceedings before military commissions. President Obama also issued Executive Order 13493, Review of Detention Policy Options, that established the Special Task Force on Detainee Disposition, tasked with "identif[y]ing lawful options" for the disposition of Guantanamo Bay detainees and others captured by the United States. The Secretary of Homeland Security is identified as a participant in the interagency review ordered in Executive Order 13492 and a member of the Special Task Force on Detainee Disposition established under Executive Order 13493.

Members of the Committee on Homeland Security have an interest in ensuring that there is proper notification to the Governors of States that will be recipients of detainees that are transferred from Guantanamo Bay. For this reason, Chairman Thompson offered, and a majority of Committee Members approved, an amendment in the nature of a substitute to amend H. Res. 922 to require the Secretary of Homeland Security to transmit copies of all notifications within 14 days of adoption of the resolution.

#### HEARINGS

The Committee held no hearings on H. Res. 922.

#### COMMITTEE CONSIDERATION

The Committee on Homeland Security considered H. Res. 922 on December 9, 2009, and ordered the resolution to be reported to the House, with a favorable recommendation by voice vote. The Committee adopted H. Res. 922, amended, by a recorded vote of 16 yeas and 14 nays (Roll Call Vote No. 18).

The following amendment was offered:

An Amendment in the Nature of a Substitute offered by Mr. Thompson (#1); was AGREED TO by a recorded vote of 16 yeas and 14 nays (Roll Call Vote No. 17).

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

The Committee adopted H. Res. 922, as amended, by a recorded vote of 16 yeas and 14 nays (Roll Call Vote No. 18). The vote was as follows:

YEAS	NAYS
Mr. Thompson	Mr. Carney
Ms. Norton	Mr. King
Ms. Jackson-Lee	Mr. Smith
Mr. Cuellar	Mr. Souder
Ms. Clarke	Mr. Lungren
Ms. Richardson	Mr. Rogers
Mrs. Kirkpatrick	Mr. McCaul
Mr. Lujan	Mr. Dent
Mr. Owens	Mr. Bilirakis
Mr. Pascrell	Mr. Broun
Mr. Cleaver	Mrs. Miller
Mr. Green	Mr. Olson
Mr. Himes	Mr. Cao
Ms. Kilroy	Mr. Austria
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Ms. Kilroy	Mr. Austria
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#### COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

#### NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply, as H. Res. 922 does not provide new budgetary authority or increased tax expenditures.

#### CONGRESSIONAL BUDGET OFFICE ESTIMATE

Clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, and Section 402 of the Congressional Budget Act of 1974 do not apply, as H. Res. 922 is not a bill or joint resolution.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply, as H. Res. 922 does not authorize funding.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

#### FEDERAL MANDATES STATEMENT

H. Res. 922 provides no Federal mandates.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives does not apply, as H. Res. 922 is not a bill or joint resolution.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

This resolution directs the Secretary of Homeland Security, not later than 14 days after adoption of this resolution, to transmit copies of each notification that the Department of Homeland Security sent to each Governor of a State to which a detainee held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009 will be transferred. The Secretary is also required to transmit any official correspondence between the Governor of a State to which a detainee will be transferred and the Department of Homeland Security. The official correspondence that must be transmitted includes correspondence between Department of Homeland Security component agencies, such as U.S. Immigration and Customs Enforcement, the U.S. Coast Guard, the Federal Emergency Management Agency, and the Transportation Security Administration, and States and localities, including New York City, that reflects the planning, information sharing, and coordination on the transfer of detainees held at the Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H. Res. 922 makes no changes to existing law.

