

REQUESTING THE PRESIDENT OF THE UNITED STATES PROVIDE TO THE HOUSE OF REPRESENTATIVES ALL DOCUMENTS IN HIS POSSESSION RELATING TO HIS OCTOBER 7, 2002, SPEECH IN CINCINNATI, OHIO, AND HIS JANUARY 28, 2003, STATE OF THE UNION ADDRESS

DECEMBER 16, 2005.—Referred to the House Calendar and ordered to be printed

Mr. HYDE, from the Committee on International Relations, submitted the following

R E P O R T

[To accompany H. Res. 549]

The Committee on International Relations, to whom was referred the resolution (H. Res. 549) requesting the President of the United States provide to the House of Representatives all documents in his possession relating to his October 7, 2002, speech in Cincinnati, Ohio, and his January 28, 2003, State of the Union address, having considered the same, reports thereon with an amendment and without recommendation.

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THE AMENDMENT

The amendment is as follows:

Strike all after the resolving clause and insert the following:

That the President of the United States is requested to provide to the House of Representatives, not later than 14 days after the date of adoption of this resolution—

(1) all drafts of his October 7, 2002, speech in Cincinnati, Ohio, and all documents in his possession related to that speech; and

(2) all drafts of the parts relevant to Iraq in his January 28, 2003, State of the Union address and all documents in his possession related to such parts.

## PURPOSE AND SUMMARY

House Resolution 549 requests the President of the United States provide to the House of Representatives all documents in his possession relating to his October 7, 2002, speech in Cincinnati, Ohio, and his January 28, 2003, State of the Union address.

## BACKGROUND AND NEED FOR THE LEGISLATION

House Resolution 549 is a resolution of inquiry, which pursuant to rule XIII, clause 7 of the Rules of the House of Representatives, directs the Committee to act on the resolution within 14 legislative days or a privileged motion to discharge the Committee is in order. H. Res. 549 was introduced and referred to the Committee on International Relations on November 10, 2005. The Committee held markup sessions on December 8, 2005, and December 15, 2005. The Committee ordered H. Res. 549 reported without recommendation on December 15, 2005.

Under the Rules and Precedents of the House, a resolution of inquiry is one of the methods used by the House to obtain information from the executive branch. According to Deschler's Procedure it is a "simple resolution making a direct request or demand of the President or the head of an executive department to furnish the House of Representatives with specific factual information in the possession of the executive branch."<sup>1</sup>

On November 10, 2005, Mr. Hinchey of New York introduced H. Res. 549. The resolution seeks all documents in the President's possession relating to his October 7, 2002, speech in Cincinnati, Ohio and his January 28, 2003, State of the Union address.<sup>2</sup>

The Committee has now reported nine resolutions of inquiry dealing with intelligence surrounding the war in Iraq. The Committee reported adversely the most recent resolution of inquiry, H. Res. 505, on November 10, 2005—the same day Mr. Hinchey introduced H. Res. 549. A tenth resolution of inquiry has already been introduced and is currently pending before the Committee.

Regarding the previous eight resolutions of inquiry before the Committee, all were ordered reported adversely because, among other reasons, issues of pre-war intelligence have been thoroughly studied. These bipartisan investigations have overwhelmingly found that, while the intelligence on Iraq's weapons of mass destruction was often wrong, it was never manipulated or coerced. A summary of these studies can be found in H. Rept. 109-291 (Nov. 10, 2005), the Committee's most recent adverse report (of H. Res. 505).

The resolutions are politically-calculated attacks on the Bush Administration and on the war in Iraq—a war which the United States entered with bipartisan congressional support.

Opponents who continue to attack President Bush's use of intelligence despite numerous investigations that reached conclusions to the contrary should note that the two speeches by President Bush at issue in H. Res. 549 closely parallel two speeches that President Clinton delivered on February 17 and December 16 of 1998. In these speeches, President Clinton described Iraq as, "a rogue state

<sup>1</sup> Deschler's Precedents, H. Doc. No. 94-661, 94th Cong., 2d Sess., vol. 7, ch. 24, section 8.

<sup>2</sup> H. Res. 549, 109th Cong. (November 10, 2005).

with weapons of mass destruction ready to use them or provide them to terrorists, drug traffickers or organized criminals who travel the world among us unnoticed.” To date, no resolutions of inquiry have sought documents related to the intelligence President Clinton relied on in concluding Iraq had weapons of mass destruction.

In light of numerous past and ongoing investigations into the Administration’s use of pre-war intelligence on Iraq, and because these resolutions of inquiry are politically-motivated, the Committee ordered H. Res. 549 reported without recommendation.

#### HEARINGS

The Committee did not hold hearings on H. Res. 549.

#### COMMITTEE CONSIDERATION

On December 8, 2005 and December 15, 2005, the Full Committee considered H. Res. 549, pursuant to notice, in open session. On December 15, 2005, the Committee agreed to a motion to report the resolution without recommendation to the House by a record vote of 24 ayes to 19 nays.

#### VOTES OF THE COMMITTEE

Clause (3)(b) of rule XIII of the Rules of the House of Representatives requires that the results of each record vote on an amendment or motion to report, together with the names of those voting for or against, be printed in the Committee report. The following record votes occurred during consideration of H. Res. 549:

Vote to report to the House adversely (December 8, 2005):

Voting yes: Hyde, Smith (NJ), Burton, Gallegly, Ros-Lehtinen, Rohrabacher, Royce, Chabot, Tancredo, Issa, Flake, Davis, Green, Weller, Pence, McCotter, Harris, Wilson, Boozman, Barrett, Mack, Fortenberry, McCaul, and Poe.

Voting no: Leach, Lantos, Berman, Ackerman, Faleomavaega, Payne, Menendez, Brown, Sherman, Wexler, Engel, Delahunt, Meeks, Lee, Crowley, Blumenauer, Berkley, Napolitano, Schiff, Watson, Smith (WA), McCollum, Chandler and Cardoza.

The vote on H. Res. 549 to be ordered reported adversely to the House failed by a vote of 24 ayes to 24 noes.

Vote to report to the House without recommendation (December 15, 2005):

Voting yes: Smith (NJ), Burton, Gallegly, Ros-Lehtinen, Rohrabacher, Royce, King, Chabot, Tancredo, Issa, Flake, Davis, Green, Weller, Pence, McCotter, Harris, Wilson, Boozman, Barrett, Mack, Fortenberry, McCaul, and Poe.

Voting no: Lantos, Berman, Ackerman, Menendez, Sherman, Wexler, Delahunt, Meeks, Lee, Crowley, Blumenauer, Berkley, Napolitano, Schiff, Watson, Smith (WA), McCollum, Chandler and Cardoza.

H. Res. 549 was ordered reported without recommendation to the House by a vote of 24 ayes to 19 nos.

COMMITTEE OVERSIGHT FINDINGS

The Committee held no oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this resolution in article I, section 1 of the Constitution.

