

DIRECTING THE SECRETARY OF STATE TO PROVIDE TO THE HOUSE OF REPRESENTATIVES CERTAIN DOCUMENTS IN THE POSSESSION OF THE SECRETARY OF STATE RELATING TO THE REPORT SUBMITTED TO THE COMMITTEE ON INTERNATIONAL RELATIONS OF THE HOUSE OF REPRESENTATIVES ON JULY 28, 2006, PURSUANT TO THE IRAN AND SYRIA NONPROLIFERATION ACT

SEPTEMBER 27, 2006.—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

together with

ADDITIONAL VIEWS

[To accompany H. Res. 985]

The Committee on International Relations, to whom was referred the resolution (H. Res. 985) directing the Secretary of State to provide to the House of Representatives certain documents in the possession of the Secretary of State relating to the report submitted to the Committee on International Relations of the House of Representatives on July 28, 2006, pursuant to the Iran and Syria Nonproliferation Act, having considered the same, reports thereon without recommendation.

TABLE OF CONTENTS

	Page
Purpose and Summary	2
Background and Need for the Legislation	2
Hearings	2
Committee Consideration	2
Committee Oversight Findings	2
Constitutional Authority Statement	3
Additional Views	5

PURPOSE AND SUMMARY

House Resolution 985 directs the Secretary of State to provide to the House of Representatives certain documents in the possession of the Secretary relating to the report submitted to the House International Relations Committee on July 28, 2006, pursuant to the Iran and Syria Nonproliferation Act.

BACKGROUND AND NEED FOR THE LEGISLATION

House Resolution 985 is a resolution of inquiry, which pursuant to Rule XXIII, 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. 985 was introduced and referred to the Committee on International Relations on September 7, 2006. The Committee held markup sessions on September 13, 2006 and ordered H. Res. 985 reported by voice vote without recommendation.

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."¹

On September 7, 2006, Mr. Berman of California introduced H. Res. 985. The resolution seeks all documents in the Secretary of State's possession relating to the report submitted to the House International Relations Committee on July 28, 2006, pursuant to the Iran and Syria Nonproliferation Act.²

The State Department and the International Relations Committee are currently negotiating the release to the International Relations Committee of documents within the scope of the resolution of inquiry. In recognition of these ongoing discussions, the Committee voted to report H. Res. 985 without recommendation.

HEARINGS

The Committee did not hold hearings on H. Res. 985.

COMMITTEE CONSIDERATION

On September 13, 2006, the Full Committee marked up H. Res. 985, pursuant to notice, in open session and agreed to a motion to report the resolution without recommendation to the House by a voice vote.

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.

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

²H. Res. 985, 109th Cong. (September 7, 2006).

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.

ADDITIONAL VIEWS

This resolution of inquiry—which I introduced with Mr. Delahunt—directs the Secretary of State to provide information to Congress regarding the recent release of a semi-annual report required by the Iran and Syria Nonproliferation Act.

Let me provide a little background on why we are doing this.

On July 20, Rep. Rohrabacher held a hearing in the Oversight and Investigations subcommittee on U.S. nonproliferation goals and strategies.

At that hearing, Acting Assistant Secretary for Nonproliferation Frank Record—a former staff member of this committee—testified that he “didn’t recall” if the long overdue report would include information about any Indian entities.

When the report was submitted to the Committee only a week later—with information about two Indian firms proliferating to Iran, and just two days after the vote on the India nuclear deal—it seemed hard for me to believe that Mr. Record hadn’t known about this and that the timing was purely coincidental.

So on July 28, Mr. Rohrabacher, Mr. Delahunt and I sent a letter to Secretary Rice expressing concern about Mr. Record’s testimony and requesting a detailed briefing on why this report wasn’t shared with members prior to the vote.

For five weeks we didn’t receive a response.

It was only after my staff told the State Department I was considering this resolution of inquiry that we finally received a written response on September 7.

Unfortunately, the response was totally inadequate, and State indicated no interest in accommodating our reasonable bipartisan request for a briefing, so our only recourse was to introduce this resolution.

It wasn’t until the morning of the markup at which we considered this resolution that I received a call from Undersecretary Nick Burns, who provided his perspective on why the report was submitted late.

I like Mr. Burns, and believe he’s a very good diplomat, but in this case my approach is the same as former President Ronald Reagan—“trust but verify.”

Even if the report had come to Congress before the vote on the India nuclear bill, I don’t think it would have changed my vote in favor of that legislation.

But the information about the Indian entities was very relevant to the debate—particularly the motion to recommit, which would have conditioned civilian nuclear cooperation on India’s support for U.S. efforts to prevent Iran from developing nuclear weapons.

At the end of the day, this really isn’t about the specifics of the India legislation.

This is a much larger issue—the right of this Committee, and the Congress as a whole, to receive all relevant information when considering an extremely important piece of legislation with serious implications for U.S. foreign policy and national security.

HOWARD L. BERMAN.

