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# REQUESTING THE PRESIDENT TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES DOCUMENTS OR OTHER MATERIALS IN THE PRESIDENT'S POSSESSION RELATING TO IRAQ'S WEAPONS OF MASS DESTRUCTION

JUNE 23, 2003.—Referred to the House Calendar and ordered to be printed

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

## ADVERSE REPORT

together with

## DISSENTING VIEWS

[To accompany H. Res. 260]

The Committee on International Relations, to whom was referred the resolution (H. Res. 260) requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents or other materials in the President's possession relating to Iraq's weapons of mass destruction, having considered the same, reports unfavorably thereon without amendment and recommends that the resolution not be agreed to.

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## PURPOSE AND SUMMARY

House Resolution 260, a resolution of inquiry, requests the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of the resolution documents or materials in the President's possession relating to Iraq's weapons of mass destruction.

## CORRESPONDENCE FROM THE INTELLIGENCE COMMITTEE

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, DC, June 16, 2003.*

Hon. Henry J. Hyde, *Chairman,*
*Committee on International Relations,*
*Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to inform you that the House Permanent Select Committee on Intelligence (HPSCI) voted on Thursday, June 12, 2003 to permit Members of the House who wish, under appropriate security conditions and House Rules, to review certain documents provided to the HPSCI by the Director of Central Intelligence (DCI). The documentation at issue is that which the DCI provided to the HPSCI in response to the May 22, 2003 letter from the two of us. A copy of that letter is enclosed with this correspondence. Specifically, we requested detailed information from the Intelligence Community on the questions relating to Iraqi WMD and Iraq's ties to terrorist groups.

Please let me know if the HPSCI can be of any assistance to the Committee on International Relations in this matter.

Sincerely,

PORTER J. GOSS, *Chairman,*
JANE HARMAN, *Ranking Democrat.*

Enclosure: As described

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PERMANENT SELECT COMMITTEE
ON INTELLIGENCE,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, DC, May 22, 2003.*

Hon. George J. Tenet,
*Director of Central Intelligence,*
*Central Intelligence Agency*
*Washington, DC.*

DEAR DIRECTOR TENET: The House Permanent Select Committee on Intelligence (HPSCI) believes that it is now time to reevaluate US intelligence regarding the amount or existence of weapons of mass destruction (WMD) in Iraq and that country's linkages to terrorist groups, such as al-Qaida. As you know, the existence of—and danger posed by—WMD in Iraq and the concern that these capabilities could be transferred to terrorists groups remains of vital interest. The Committee wants to ensure that the intelligence analysis relayed to our policymakers from the Intelligence Community

(IC) was accurate, unbiased, and timely—in light of new information resulting from recent events in Iraq.

The Committee is interested in learning, in detail, how the intelligence picture regarding Iraqi WMD was developed and would appreciate your answers to the following questions: Were sources and methods that contributed to the community's analysis on the presence and amount of WMD in Iraq of sufficient quality and quantity to provide sufficient accuracy? How was information disseminated and what lines of analysis developed? Did the analytic assessment change over time? If so, please explain how analytic conclusions shifted based on what and when. In addition, did components of the IC or internal elements of IC agencies express dissenting analytic perspectives? If so, were those dissenting views properly weighed and why was that analysis determined to be inaccurate?

The Committee is also interested in understanding how the CIA's analysis of Iraq's linkages to terrorists groups, such as al-Qaida, was derived. The Committee would like to know if that analysis changed over time, what analytic conclusions were provided to policymakers, including to Defense Secretary Rumsfeld, regarding the presence of al-Qaida in Iraq, and how the IC coordinated this analysis?

We look forward to your response by 1 July 2003.

Sincerely,

PORTER J. GOSS, *Chairman,*
JANE HARMAN, *Ranking Democrat.*

## BACKGROUND AND NEED FOR THE LEGISLATION

House Resolution 260 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. 260 was introduced and referred to the Committee on International Relations on June 5, 2003, and was ordered reported unfavorably by the Committee on June 17, 2003.

Under the rules and precedents of the House, a resolution of inquiry is the means by which the House requests information from the President of the United States or the head of one of the executive branch departments. 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."

On June 5, 2003, Mr. Kucinich of Ohio introduced H. Res. 260, a resolution of inquiry requesting the President to transmit to the House of Representatives documents in the President's possession relating to Iraq's weapons of mass destruction.

The resolution requests that the President transmit to Congress "specific evidence" for 10 claims by senior administration officials "relating to Iraq's weapons of mass destruction." These officials include the President (three statements), Vice President (two statements), Secretary of Defense (three statements), and "the White House spokesperson" (two statements).

Prior to the introduction of the pending resolution, on May 22, 2003, the House Permanent Select Committee on Intelligence (HPSCI) formally initiated a more comprehensive review of these

issues than could occur in response to the simple production of documents and material as called for in H. Res. 260. Chairman Porter Goss and Ranking Democrat Jane Harman wrote to the Director of Central Intelligence (DCI) "that it is now time to reevaluate U.S. intelligence regarding the amount or existence of weapons of mass destruction (WMD) in Iraq and that country's linkages to terrorist groups, such as al-Qaeda."

Requesting that the DCI respond by July 1, 2003, the HPSCI says it intends to "ensure that the intelligence analysis relayed to our policymakers from the Intelligence Community was accurate, unbiased, and timely." Its broad review will include an evaluation of the quality and quantity of sources and methods, an assessment of how and what analysis developed and whether it changed over time, and a study of any dissenting views that were developed in the intelligence community.

In a press release of June 12, 2003, Chairman Goss and Ranking Member Harman announced their "bi-partisan commitment" to continue the HPSCI's "serious, focused, and comprehensive review" of these issues, and provide additional details on how they plan to do so. They note that the DCI has offered the full cooperation of the Intelligence Community to assist the HPSCI in its review. In fact, the DCI has already begun to provide a significant volume of information, containing highly classified information, to the HPSCI. It was done weeks ahead of the requested date of July 1.

The HPSCI plans to continue its oversight of these intelligence issues as it has conducted oversight through the years. It will hold committee hearings, closed and open, as appropriate.

Most importantly in terms of evaluating the necessity of the request set out in H. Res. 260, however, is that the HPSCI voted to grant, under appropriate security conditions and House Rules, access to any Member of the House who wishes to review the documentation provided to the HPSCI by the DCI in response to its letter of May 22, 2003. The HPSCI Chairman and Ranking Member recently forwarded to the Chairman and the Ranking Member of the House International Relations Committee a copy of their May 22 request and informed the committee of HPSCI's vote granting access to Members of the House.

The DCI's ongoing and timely transmittal of relevant intelligence information to the HPSCI and the HPSCI's vote granting access to the information to any Member of the House render moot as a matter of substance this resolution of inquiry. The HPSCI is especially well-suited to handle these highly classified documents and conduct this review. For the International Relations Committee to duplicate the HPSCI efforts in collecting the same documents would be a needless duplication of effort. It is not in the interest of the International Relations Committee nor the Congress to collect a second set of intelligence documents relating to these matters. Any Member who avails himself or herself of the opportunity to see the materials HPSCI is collecting will see at least the same materials that would be produced under this resolution, and in all probability more.

The documents and material being collected by the HPSCI are available for review by Members, consistent with House Rule XXIII, the Code of Official Conduct, which governs access by Members to classified information.

Because the HPSCI is in the process of collecting the documents and materials relating to Iraq's weapons of mass destruction, and the HPSCI voted to grant Members of the House access to the documents, the Committee deemed the resolution to be moot and accordingly ordered it reported unfavorably.

## HEARINGS

The Committee did not hold hearings on H. Res. 260.

## COMMITTEE CONSIDERATION

On June 17, 2003, the Committee met in open session and ordered unfavorably reported the resolution of inquiry H. Res. 260 without amendment by a record vote of 23 ayes to 15 noes, with 3 voting "present."

## VOTE OF THE COMMITTEE

A motion to report H. Res. 260 unfavorably to the House was agreed to by a record vote of 23 ayes to 15 noes, with 3 voting "present."

*Voting yes:* Hyde, Leach, Bereuter, Burton, Gallegly, Ros-Lehtinen, Ballenger, Royce, King, Chabot, Houghton, McHugh, Tancredo, Smith (MI), Pitts, Flake, Davis, Green, Weller, Pence, McCotter, Janklow, Harris

*Voting no:* Ackerman, Menendez, Sherman, Wexler, Engel, Delahunt, Lee, Crowley, Hoeffel, Blumenauer, Berkley, Napolitano, Schiff, Watson, Bell

*Voting "present":* Rohrabacher, Paul, Faleomavaega

## 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.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because H. Res. 260 does not provide new budgetary authority or increased tax expenditures.

## PERFORMANCE GOALS AND OBJECTIVES

The rule requiring a statement of performance goals and objectives is inapplicable.

## 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.

## NEW ADVISORY COMMITTEES

H. Res. 260 does not establish or authorize any new advisory committees.

## Congressional Accountability Act

H. Res. 260 does not apply to the legislative branch.

## Federal Mandates

H. Res. 260 provides no Federal mandates.

## DISSENTING VIEWS

When H. Res. 260 came before this committee, members faced three options: to report the resolution unfavorably, to report it favorably, or to report it without recommendation. By choosing to make an unfavorable recommendation, the majority of this committee sent a message to the American people that the important questions raised in this resolution of inquiry were not worth pursuing.

H. Res. 260 posits a number of questions that are, in fact, of vital interest to this committee, Congress, and the American public. It calls on the Administration to provide documentation substantiating a series of claims made by the President, Vice President, and other officials last fall regarding their certainty as to Iraq's possession of weapons of mass destruction.

The Administration is in the process of providing much of this information to the Select Committees on Intelligence, and Members of Congress have been granted access to independently review the tens of thousands of documents that are expected to arrive.

That very volume, however, will make it extremely difficult for individual members to uncover answers to these questions. Nor does this mechanism provide any public accounting: the American people have a right to know the answers, although much specific intelligence information will obviously need to remain classified.

Moreover, questions of war and peace fall very much within the domain of the Committee on International Relations. That is why H.J. Res. 114, authorizing the use of force against Iraq, came before this committee and was reported out on October 3, 2003. Furthermore, multiple referrals on matters of overlapping jurisdiction among committees are routine within the operating procedures of the House of Representatives. It is the hope of the undersigned that this committee will continue to explore pre-war U.S. policy with Iraq and the events and decisions that contributed to that conflict.

The questions raised in this resolution deserve a non-partisan, public accounting that still observes all necessary security precautions. By reporting this resolution unfavorably, however, the International Relations Committee sends a signal to the American public that growing reports that pre-war intelligence may have been slanted to suit a particular interpretation or otherwise distorted or less complete than was presented are unworthy of congressional scrutiny. Such is not the case, and therefore we respectfully offer our dissent from the majority report and express our opposition to the decision to report this resolution of inquiry unfavorably.

WILLIAM D. DELAHUNT.
BARBARA LEE.
GARY L. ACKERMAN.

DONALD M. PAYNE.
ROBERT MENENDEZ.
SHERROD BROWN.
ROBERT WEXLER.
ELIOT L. ENGEL.
JOSEPH M. HOEFFEL.
EARL BLUMENAUER.
GRACE F. NAPOLITANO.
DIANE E. WATSON.
BETTY MCCOLLUM

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