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Chapter 49
Resolutions of Inquiry

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§ 1. In General

The resolution of inquiry is one of the methods used by the House to obtain information from the executive branch. Deschler Ch 15 § 2. Resolutions of inquiry are accorded privileged status under rule XIII clause 7. *Manual* §§ 864, 866.

A resolution of inquiry is simple rather than concurrent or joint in form. *Manual* § 865. The resolution normally provides that the information be furnished directly to the House. However, a resolution merely authorizing a committee to request information has been treated as a resolution of inquiry, and in one instance the resolution directed the officer named to furnish information to a committee rather than to the House. 3 Hinds § 1860; Deschler Ch 15 § 2.26.

A resolution of inquiry need not contain a statement as to the purpose for which the information is sought. 96–1, June 15, 1979, p 15027. In fact, the inclusion of a preamble will effectively destroy the privilege that the resolution might otherwise enjoy. See § 6, infra.

The wording of the resolution will vary depending on the person to whom the resolution is directed. The House traditionally ''requests'' the President and ''directs'' the heads of executive departments to furnish information. *Manual* § 865. The resolution may include the qualifying phrase, ''if

not incompatible with the public interest,'' or words to that effect. 3 Hinds § 1896; 6 Cannon § 436; Deschler Ch 15 § 2.8.

§ 2. To Whom Resolutions May Be Directed

Resolutions of inquiry have been traditionally directed to the President or to a cabinet officer. Deschler Ch 15 § 2. Rule XIII clause 7 refers to ''the head of an executive department.'' That term does not extend beyond Cabinet officers to subordinate officials. Thus, a resolution of inquiry directed to the Federal Reserve Board (6 Cannon § 406) or to the Director of the CIA (Deschler Ch 15 § 2.1) would not be privileged for consideration.

§ 3. Subjects of Inquiry

A wide variety of information—relating to both foreign and domestic affairs—may be sought pursuant to a resolution of inquiry. The House has agreed to such resolutions to obtain information on:

- Agreements between the President and the British Prime Minister. Deschler Ch 15 § 2.13.
- The relationship between the President's brother (Billy Carter) and the Libyan Government. 96–2, Sept. 10, 1980, p 24948.
- The dismantlement and removal of industrial plants from postwar Germany. Deschler Ch 15 § 2.15.
- Sales to foreign countries of goods in short supply. Deschler Ch 15 § 2.22.
- Domestic availability of petroleum and coal. Deschler Ch 15 § 2.23.
- The construction of certain river improvements and the costs thereof. 3 Hinds § 1875.
- Information in possession of the Department of Justice relative to a certain kidnapping case, including the names of those questioned in the investigation. Deschler Ch 15 § 2.19.
- Documents containing a list of public school systems receiving Federal aid that bus school children to achieve racial balance or indicating the use of Federal funds for such busing. Deschler Ch 15 § 2.24.
- Department of Defense documents regarding U.S. military assistance to certain nations. Deschler Ch 15 § 2.12.
- Information from the Secretary of State regarding a U.S. military alert ordered in October, 1973. 93–2, Apr. 9, 1974, p 10177.
- Information from the Secretary of Defense relative to congressional support for the C-5B aircraft. 97–2, Aug. 3, 1982, p 18947.
- Information from the President relative to U.S. activities in Honduras and Nicaragua. 98–1, May 4, 1983, p 11097.
- Information from the President relating to U.S. supplies of crude oil and refined petroleum products. 96–1, June 14, 1979, p 14951.

- Evidence compiled by the Department of Justice and the FBI in connection with the ABSCAM investigation (relating to bribery of certain Members and other public officials), and information on the amount of Federal spending thereon. 96–2, Feb. 27, 1980, pp 4071, 4078.

Documents that have been sought pursuant to a resolution of inquiry include reports on foreign affairs, such as the so-called Pentagon Papers (Deschler Ch 15 § 2.2), certain communications between the Department of State and a U.S. Embassy (Deschler Ch 15 § 2.3), maps showing certain military operations (Deschler Ch 15 § 2.8), military statistical data (Deschler Ch 15 § 2.11), papers in the custody of the Special Prosecutor (Deschler Ch 15 § 2.17), and a letter from the Director of the FBI to the Secretary of Commerce (Deschler Ch 15 § 2.20). A resolution of inquiry, reported adversely in 1993, requested the President to furnish certain documents concerning the White House travel office and the FBI. 103–1, July 20, 1993, p 16207.

§ 4. Committee Functions

Referrals and Reports; Joint Referrals

Resolutions of inquiry are introduced through the hopper and referred to the appropriate committees for consideration and report. Under rule XIII clause 7, committees are required to report resolutions of inquiry back to the House within 14 legislative days, exclusive of the day of introduction and the day of discharge. 3 Hinds §§ 1858, 1859. The 14-day reporting period may be extended by unanimous consent. *Manual* § 864; 97–2, July 12, 1982, p 15773. In the case of a multiple referral, all committees must either report or be discharged before consideration.

Discharge

If the committee fails to report the resolution back to the House within the 14-day period, the House may reach the resolution by a motion to discharge as follows:

> MEMBER: Mr. Speaker, I move to discharge the Committee on _____ from the further consideration of the resolution, H. Res. ____, a privileged resolution of inquiry.

This motion is privileged for consideration after the 14-day period even though there may have been some delay in the transmittal of the resolution to the committee. *Manual* § 867; 3 Hinds § 1871. The motion to discharge is not debatable. *Manual* § 867. A motion to table the motion to discharge is in order but is likewise not debatable. 6 Cannon § 415. However, if the

motion to discharge is agreed to, the question recurs on agreeing to the resolution of inquiry; and that question is debatable. 6 Cannon § 417.

A committee also may be discharged from consideration of a resolution of inquiry by unanimous consent, even where a motion to discharge is not yet eligible for consideration under rule XIII clause 7. Deschler Ch 15 §§ 2.17, 2.18.

§ 5. Consideration in the House

Generally; Calling Up

A resolution of inquiry, if in proper form, is privileged, and a report thereon is presented from the floor rather than through the hopper. 103–1, July 20, 1993, p 16207. Subject to three-day report availability under rule XIII clause 4, the resolution may be called up in the House and considered anytime after it has been reported by (or discharged from) a committee to which it was referred. 6 Cannon § 414; Deschler Ch 24 § 8.13. It may not be called up as privileged before being referred to committee. *Manual* § 866. The privilege of the resolution is not affected by an adverse report. Indeed, an adverse report on the resolution is itself submitted as privileged. 6 Cannon §§ 404, 410.

The reported resolution retains its privilege after being referred to the calendar. 6 Cannon § 407. If it is ruled out because it was submitted through the hopper, it may be immediately resubmitted from the floor without loss of privilege. 6 Cannon § 419.

Who May Call Up

Normally, when a resolution of inquiry has been reported by committee within the 14-day time frame, only an authorized member of that committee may call up the resolution for consideration. 6 Cannon § 413; § 4, supra. By reporting a resolution of inquiry, even adversely, within 14 legislative days, the committee of jurisdiction retains control of the resolution, and a Member not authorized by the committee cannot call up the resolution. *Manual* § 867; 8 Cannon § 2310. Where the resolution has been referred to two committees, but neither reports, the resolution could be discharged by majority vote and called up by any Member. If one committee reports, the other committee could be discharged by motion, but only the reporting committee could call it up. If both committees report, the resolution could be called up by direction of one or both of the committees.

Three-day Availability Requirement

The consideration of a resolution of inquiry in the House is ordinarily subject to the three-day availability requirement of rule XIII clause 4. *Man-*

ual § 850. However, the House has considered it on the day reported where no point of order was raised, or pursuant to a unanimous-consent request. Deschler Ch 24 §§ 8.13, 8.14.

Debate; Motions

The Member calling up a privileged resolution of inquiry is recognized to control one hour of debate, whether the resolution is reported from committee or is before the House pursuant to a motion to discharge. *Manual* § 867.

A motion to table will lie against a pending resolution of inquiry, whether reported favorably or adversely. Deschler Ch 15 § 2. The motion to table is preferential. *Manual* § 914. The motion may be offered by the manager of the resolution before or after debate on the resolution. *Manual* § 867.

Effect of Adjournment

A resolution of inquiry undisposed of by the House at adjournment at the end of the day retains its privilege and is the unfinished business when that class of business is again in order under the rules. 6 Cannon § 412. On that day, the resolution may be called up and debated *de novo*. 96–1, June 14, 1979, p 14951; 96–1, June 15, 1979, p 15027.

§ 6. Privilege of Resolution

For a resolution of inquiry to have privileged status, or for the motion to discharge to have that status, the resolution must be addressed to the President or to a member of his Cabinet. 3 Hinds § 1861; 6 Cannon § 406. To be privileged, the resolution should not present a preamble. 3 Hinds §§ 1877, 1878; 6 Cannon §§ 422, 427. It must seek facts rather than opinions and may not require an investigation. 3 Hinds §§ 1872–1874; 6 Cannon §§ 427, 429, 432; § 7, infra. A resolution may be held to require an investigation where it calls for information that is not within the purview of the executive to whom the resolution is addressed. 3 Hinds § 1874; 6 Cannon § 410. The point of order that a resolution of inquiry is not privileged should be raised after the resolution has been read but before debate thereon. See POINTS OF ORDER; PARLIAMENTARY INQUIRIES.

§ 7. — Resolutions Calling for Opinions

To enjoy privileged status, a resolution of inquiry should seek factual information only. It may not be considered as privileged if it calls for an opinion or for such facts as would inevitably require the statement of an

opinion to answer the inquiry. *Manual* § 866; 3 Hinds §§ 1872, 1873; 6 Cannon § 413; Deschler Ch 15 § 2. A request for documents only is normally construed not to require an expression of opinion.

Resolutions of inquiry have lost their privileged status because they sought opinions rather than facts, for example:

- The names of those certifying to an appointment unless the disclosure would be ''distressing'' to anyone named. 72–1, Feb. 5, 1932, p 3453.
- An ''analysis'' of a country's past and present military capability. 92–1, July 7, 1971, p 23816.
- The rationale for American involvement in South Vietnam. Deschler Ch 15 § 2.1.
- The extent of damage to facilities struck by bombs. Deschler Ch 15 § 2.7.

§ 8. Executive Branch Responses

Resolutions of inquiry ordinarily have been complied with pursuant to principles of comity between the branches of government. Deschler Ch 15 §§ 2, 3. Responses submitted to the House by the officer named in the resolution are laid before the House and referred to the committee or committees reporting the resolution. 96–2, Sept. 17, 1980, p 25887.

The House rules contain no specific provision for enforcing resolutions of inquiry, and there have been a number of instances in which the officer named has refused or declined to provide some or all of the information sought. For examples of conflicts with the executive branch over resolutions of inquiry, see *Manual* § 868; 6 Cannon §§ 434, 435. In such cases the House may renew its inquiry or demand a further or more complete answer. 3 Hinds §§ 1890, 1891; 6 Cannon § 435. For the power of the House to issue subpoenas and to enforce them pursuant to contempt procedures, see CONTEMPT.