

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. RES. 635

Creating a select committee to investigate the Administration's intent to go to war before congressional authorization, manipulation of pre-war intelligence, encouraging and countenancing torture, retaliating against critics, and to make recommendations regarding grounds for possible impeachment.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2005

Mr. CONYERS submitted the following resolution; which was referred to the Committee on Rules

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## RESOLUTION

Creating a select committee to investigate the Administration's intent to go to war before congressional authorization, manipulation of pre-war intelligence, encouraging and countenancing torture, retaliating against critics, and to make recommendations regarding grounds for possible impeachment.

1       *Resolved*, That there is hereby established in the  
2 House of Representatives a select committee to be known  
3 as the Select Committee on Administration Predetermina-  
4 tion to Go to War and Manipulation of Intelligence (in  
5 this resolution referred to as the "Select Committee").

## PURPOSES AND FUNCTIONS

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SEC. 2. (a) The Select Committee is authorized and directed to investigate all relevant government agencies actions and decisions relating to the Administration's intent to go to war before congressional authorization, manipulation of pre-war intelligence, encouraging and countenancing torture, and retaliating against critics, including:

(1) actions by the White House, National Security Council, Department of State, Department of Defense, and Central Intelligence Agency related to United Nations and Iraq Survey Group inspections of Iraq;

(2) knowledge of Iraq's ability regarding and intentions toward, or lack of ability regarding or intentions toward, nuclear weapons capability;

(3) knowledge regarding Iraq's possession of or attempted possession of, or regarding the lack of possession of or attempted possession of, chemical or biological weapons;

(4) knowledge of Iraq's possession of aluminum tubes for conventional rocket programs or for nuclear weapons development;

(5) knowledge regarding Iraq's intent, or lack of intent, toward acquiring yellowcake uranium from Niger;

1           (6) knowledge of any involvement, or lack of in-  
2           volvement, by Iraq in the September 11, 2001, at-  
3           tacks against the United States;

4           (7) knowledge of any connections or ties, or of  
5           any lack of connections or ties, between Iraq and al  
6           Qaeda;

7           (8) knowledge of any meeting, or lack of any  
8           meeting, between Iraqi intelligence officials and Mo-  
9           hammed Atta in Prague, Czechoslovakia;

10          (9) preparations for detention, interrogation  
11          and treatment of detainees, or lack thereof, made in  
12          the planning stages of the Iraq conflict prior to  
13          March 19, 2003;

14          (10) knowledge of abuses and mistreatment of  
15          detainees during the Iraq conflict after March 19,  
16          2003;

17          (11) the investigation of abuses and mistreat-  
18          ment, or lack thereof, the results of these investiga-  
19          tions, any sanctions or punishment of offenders, and  
20          any efforts to keep these reports either from super-  
21          visors, officials or the public;

22          (12) an examination of all prison facilities, in-  
23          cluding the High Value Detainee facility at Baghdad  
24          airport and secret prisons or “black sites,” for de-  
25          taining individuals outside the United States;

1           (13) the extent to which civilian, military, or in-  
2           telligence officials expressly authorized, willingly ig-  
3           nored, or created an atmosphere that condoned the  
4           abuses and mistreatment that occurred at Abu  
5           Ghraib, Iraq; and

6           (14) knowledge on the part of any White House  
7           officials of the covert identity of Valerie Plame Wil-  
8           son and any discussion or communication by such  
9           officials with members of the media about such iden-  
10          tity, and any failure to enforce Executive Order  
11          12958.

12                                   APPOINTMENT AND MEMBERSHIP

13          SEC. 3. (a) MEMBERS.—The Select Committee shall  
14          be composed of 20 Members of the House to be appointed  
15          by the Speaker, of whom—

16                 (1) 10 Members shall be appointed upon the  
17                 recommendation of the minority leader as set forth  
18                 below;

19                 (2) 1 Member he shall designate as chairman;

20                 (3) 1 Member he shall designate, upon the rec-  
21                 ommendation of the minority leader, as vice chair-  
22                 man.

23                 (4) 4 Members shall sit on the Committee on  
24                 the Judiciary, of whom 2 shall be appointed upon the  
25                 recommendation of the minority leader;

1           (5) 4 Members shall sit on the Committee on  
2 International Relations, of whom 2 shall be ap-  
3 pointed upon the recommendation of the minority  
4 leader;

5           (6) 4 Members shall sit on the Permanent Se-  
6 lect Committee on Intelligence, of whom 2 shall be  
7 appointed upon the recommendation of the minority  
8 leader;

9           (7) 4 Members shall sit on the Committee on  
10 Government Reform, of whom 2 shall be appointed  
11 upon the recommendation of the minority leader;  
12 and

13           (8) 4 Members shall sit on the Committee on  
14 Armed Services, of whom 2 shall be appointed upon  
15 the recommendation of the minority leader.

16       (b) VACANCIES.—Any vacancy occurring in the mem-  
17 bership of the Select Committee shall be filled in the same  
18 manner in which the original appointment was made.

19       (c) For purposes of this section, the term “Member”  
20 means any Representative in, or Delegate or Resident  
21 Commissioner to, the House of Representatives.

22                                   POWERS OF SELECT COMMITTEE

23       SEC. 4. (a) IN GENERAL.—

24           (1) HEARINGS AND EVIDENCE.—The Select  
25 Committee or, on the authority of the Select Com-

1        mittee, any subcommittee or member thereof, may,  
2        for the purpose of carrying out this resolution—

3                (A) hold such hearings and sit and act at  
4                such times and places, take such testimony, re-  
5                ceive such evidence, administer such oaths; and

6                (B) subject to paragraph (2)(A), require,  
7                by subpoena or otherwise, the attendance and  
8                testimony of such witnesses and the production  
9                of such books, records, correspondence, memo-  
10                randa, papers, and documents, as the Select  
11                Committee or such designated subcommittee or  
12                designated member may determine advisable,  
13                including but not limited to—

14                    (i) White House documents (e.g.,  
15                    memoranda, e-mails, notes of phone calls,  
16                    handwritten notes);

17                    (ii) Department of Defense docu-  
18                    ments;

19                    (iii) Department of Justice materials;

20                    (iv) Department of State documents;

21                    (v) Central Intelligence Agency anal-  
22                    yses;

23                    (vi) Defense Intelligence Agency anal-  
24                    yses;

1 (vii) National Security Council memo-  
2 randa; and

3 (viii) Special Counsel Patrick  
4 Fitzgerald's notes, grand jury materials,  
5 and other evidence collected or created as  
6 part of the CIA leak investigation.

7 (2) SUBPOENAS.—

8 (A) ISSUANCE.—

9 (i) IN GENERAL.—A subpoena may be  
10 issued under this section only—

11 (I) by the agreement of the  
12 chairman and the vice chairman; or

13 (II) by the affirmative vote of 10  
14 members of the Select Committee.

15 (ii) SIGNATURE.—Subject to clause  
16 (i), subpoenas issued under this subsection  
17 may be issued under the signature of the  
18 chairman or any member designated by a  
19 majority of the Select Committee, and may  
20 be served by any person designated by the  
21 chairman or by a member designated by a  
22 majority of the Select Committee.

23 (B) ENFORCEMENT.—

24 (i) IN GENERAL.—In the case of con-  
25 tumacy or failure to obey a subpoena

1 issued under subsection (a), the United  
2 States district court for the judicial district  
3 in which the subpoenaed person resides, is  
4 served, or may be found, or where the sub-  
5 poena is returnable, may issue an order re-  
6 quiring such person to appear at any des-  
7 ignated place to testify or to produce docu-  
8 mentary or other evidence. Any failure to  
9 obey the order of the court may be pun-  
10 ished by the court as a contempt of that  
11 court.

12 (ii) ADDITIONAL ENFORCEMENT.—In  
13 the case of any failure of any witness to  
14 comply with any subpoena or to testify  
15 when summoned under authority of this  
16 section, the Select Committee may, by ma-  
17 jority vote, certify a statement of fact con-  
18 stituting such failure to the appropriate  
19 United States attorney, who may bring the  
20 matter before the grand jury for its action,  
21 under the same statutory authority and  
22 procedures as if the United States attorney  
23 had received a certification under sections  
24 102 through 104 of the Revised Statutes



1 of the United States (2 U.S.C. 192  
2 through 194).

3 (b) CONTRACTING.—The Select Committee may, to  
4 such extent and in such amounts as are provided in appro-  
5 priation Acts, enter into contracts to enable the Select  
6 Committee to discharge its duties under this resolution.

7 (c) INFORMATION FROM FEDERAL AGENCIES.—

8 (1) IN GENERAL.—The Select Committee is au-  
9 thorized to secure directly from any executive de-  
10 partment, bureau, agency, board, commission, office,  
11 independent establishment, or instrumentality of the  
12 Government, information, suggestions, estimates,  
13 and statistics for the purposes of this resolution.  
14 Each department, bureau, agency, board, commis-  
15 sion, office, independent establishment, or instru-  
16 mentality shall, to the extent authorized by law, fur-  
17 nish such information, suggestions, estimates, and  
18 statistics directly to the select committee, upon re-  
19 quest made by the chairman, the chairman of any  
20 subcommittee created by a majority of the Select  
21 Committee, or any member designated by a majority  
22 of the Select Committee.

23 (2) RECEIPT, HANDLING, STORAGE, AND DIS-  
24 SEMINATION.—Information shall only be received,  
25 handled, stored, and disseminated by members of

1 the Select Committee and its staff consistent with all  
2 applicable statutes, regulations, and Executive or-  
3 ders.

4 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

5 (1) GENERAL SERVICES ADMINISTRATION.—

6 The Administrator of General Services shall provide  
7 to the Select Committee on a reimbursable basis ad-  
8 ministrative support and other services for the per-  
9 formance of the Select Committee's functions.

10 (2) OTHER DEPARTMENTS AND AGENCIES.—In

11 addition to the assistance prescribed in paragraph  
12 (1), departments and agencies of the United States  
13 may provide to the Select Committee such services,  
14 funds, facilities, staff, and other support services as  
15 they may determine advisable and as may be author-  
16 ized by law.

17 (e) GIFTS.—The Select Committee may accept, use,  
18 and dispose of gifts or donations of services or property.

19 (f) POSTAL SERVICES.—The Select Committee may  
20 use the United States mails in the same manner and  
21 under the same conditions as departments and agencies  
22 of the United States.

23 ADMINISTRATIVE PROVISIONS

24 SEC. 5. (a) Subject to the adoption of expenses reso-  
25 lutions as required by clause 5 of rule XI of the Rules  
26 of the House of Representatives, the Select Committee

1 may incur expenses in connection with its functions under  
2 this resolution.

3 (b) In carrying out its functions under this resolution,  
4 the Select Committee, is authorized to—

5 (1) appoint, either on permanent basis or as ex-  
6 perts or consultants, such staff as the Select Com-  
7 mittee considers necessary;

8 (2) prescribe the duties and responsibilities of  
9 such staff;

10 (3) fix the compensation of such staff at a sin-  
11 gle per annum gross rate which does not exceed the  
12 highest rate of basic pay, as in effect from time to  
13 time, of level V of the Executive Schedule in section  
14 5316 of title 5, United States Code;

15 (4) terminate the employment of any such staff  
16 as the Select Committee considers appropriate; and,

17 (5) reimburse members of the Select Committee  
18 and of its staff for travel, subsistence, and other  
19 necessary expenses incurred by them in the perform-  
20 ance of their duties and responsibilities for the Se-  
21 lect Committee, other than expenses in connection  
22 with any meeting of the Select Committee, or a sub-  
23 committee thereof, held in the District of Columbia.

1 (c) The Select Committee and all authority granted  
2 in this resolution shall expire 30 days after the filing of  
3 the report of the Select Committee with the House.

4 REPORTS OF SELECT COMMITTEE

5 SEC. 6. (a) The Select Committee shall report to the  
6 House as soon as practicable during the present Congress,  
7 but not later than six months after the date of passage  
8 of this resolution, the results of its investigation and  
9 study, together with such recommendations as it deems  
10 advisable. The Select Committee shall report to the Com-  
11 mittee on the Judiciary as soon as practicable during the  
12 present Congress, but not later than six months after the  
13 date of passage of this resolution, of any substantial and  
14 credible information which such Select Committee receives  
15 in carrying out its responsibilities that may constitute  
16 grounds for possible impeachment.

17 (b) Any such report which is made when the House  
18 is not in session shall be filed with the Clerk of the House.

19 (c) Any such report shall be referred to the committee  
20 or committees which have jurisdiction over the subject  
21 matter thereof.

22 (d) The records, files, and materials of the Select  
23 Committee shall be transferred to the Clerk of the House  
24 but, if the report of the Select Committee is referred to  
25 only one committee under the provisions of subsection (c),  
26 the records, files, and materials of the Select Committee

- 1 shall be transferred instead to the committee to which the
- 2 final report is referred.

