

109TH CONGRESS
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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.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2005

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

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").

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 (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.

