

REQUESTING THE PRESIDENT TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES THE REPORT PREPARED FOR THE JOINT CHIEFS OF STAFF ENTITLED "OPERATION IRAQI FREEDOM STRATEGIC LESSONS LEARNED" AND DOCUMENTS IN HIS POSSESSION ON THE RECONSTRUCTION AND SECURITY OF POST-WAR IRAQ

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OCTOBER 1, 2003.—Ordered to be printed

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

## ADVERSE REPORT

[To accompany H. Res. 364]

The Committee on International Relations, to whom was referred the resolution (H. Res. 364) requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled "Operation Iraqi Freedom Strategic Lessons Learned" and documents in his possession on the reconstruction and security of post-war Iraq, having considered the same, reports adversely thereon without amendment and recommends that the resolution not be agreed to.

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### PURPOSE AND SUMMARY

House Resolution 364 requests the President to transmit to the House of Representatives not later than 14 days after the date of

the adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled "Operation Iraqi Freedom Strategic Lessons Learned" and documents in the President's possession on the reconstruction and security of post-war Iraq.

#### BACKGROUND AND NEED FOR THE LEGISLATION

House Resolution 364 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. 364 was introduced and referred to the Committee on Armed Services, and in addition to the Committee International Relations on September 9, 2003, and was ordered reported adversely by the Committee on September 25, 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 executive departments. According to "Deschler's Precedents," 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 September 9, 2003, Mr. Wexler of Florida introduced H. Res. 364, a resolution of inquiry requesting the President to transmit to the House of Representatives the report prepared for the Joint Chiefs of Staff entitled, "Operation Iraqi Freedom Strategic Lessons Learned" and documents in the President's possession on the reconstruction and security of post-war Iraq.

In a letter dated September 25, 2003, addressed to the Chairman of the House Committee on Armed Services (HASC), Mr. Hunter, General Richard B. Myers, Chairman of the Joint Chiefs of Staff, explained that the report prepared for the Joint Staff entitled, "Operation Iraqi Freedom Strategic Lessons Learned" "is still in draft form." General Myers further explained in his letter that the document was "being prepared as a briefing to be followed up by a complete written report at a later date." In his letter, General Myers commits to making the report "as complete and comprehensive as possible," and to providing both the briefing and report to the HASC "as soon as each is completed." In closing the letter, General Myers commits to ensuring Congress is completely informed on these issues.

The Chairman of the HASC, Mr. Hunter, in a September 25, 2003, letter addressed to the Chairman of the House Committee on International Relations, committed to granting any Member of the House, consistent with appropriate security procedures and House Rules, access to review the briefing materials and the report once the HASC receives copies of the documents.

[Copies of these 2 letters follow:]



CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
WASHINGTON, D.C. 20318-0000

25 September 2003

The Honorable Duncan L. Hunter  
Chairman, Committee on Armed  
Services  
House of Representatives  
Washington, D.C. 20515-6035

Dear Mr. Chairman,

I am writing to you concerning H.Res. 364, which I understand is a resolution of inquiry requesting certain documents from the President. The resolution by its text requests the President to forward to the House a report prepared for the Joint Staff entitled " Operation Iraqi Freedom Strategic Lesson Learned."

The specific document requested is still in draft form. It is being prepared as a briefing to be followed up by a complete written report at a later date. My intention is to ensure this report is as complete and comprehensive as possible. Copies will be provided to your committee as soon as each is completed.

I will continue to work with your committee to ensure that Congress is completely informed on this and other important issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard B. Myers".

RICHARD B. MYERS  
Chairman  
of the Joint Chiefs of Staff

Copy to:  
Representative Skelton  
Chairman Hyde  
Representative Lantos

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**U.S. House of Representatives**  
 Washington, DC 20515-6035  
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ROBERT S. MANGEL, STAFF DIRECTOR

September 25, 2003

Honorable Henry J. Hyde  
 Chairman  
 Committee on International Relations  
 U.S. House of Representatives  
 2170 Rayburn House Office Building  
 Washington, D.C. 20515


Dear Mr. Chairman:

I am writing to confirm that the Chairman of the Joint Chiefs of Staff, as reflected in the attached letter, will provide the House Armed Services Committee (HASC) the briefing and the follow-up report which are currently being prepared for the Joint Chiefs of Staff entitled "Operation Iraqi Freedom Strategic Lessons Learned" just as soon as the briefing and report are completed and in final form. Any Member of the House, consistent with appropriate security procedures and House Rules, may review the briefing materials and the report once the HASC receives copies of the documents.

Please let me know if I can be of any further assistance in this matter.

With best wishes.

Sincerely,

  
 Duncan Hunter  
 Chairman

DH/ers

cc: Honorable Tom Lantos

Attachment

The Joint Staff, which is charged with preparing the briefing and report, has explained that the requested briefing and report are major undertakings that will entail hundreds of interviews, a large number of which are still ongoing. The briefing and report are very much works-in-progress and exist today in draft form only. The Joint Staff further notes that the "Lessons Learned" reports have been prepared routinely by the Defense Department following every major conflict involving our Armed Forces, in order to prepare our forces for any future conflicts and the reports are made available to the HASC in the normal course of business.

The HASC plans to continue its oversight hearings and weekly oversight briefings by the Department of Defense and the Joint Staff on post-war Iraq issues, which have been and will remain open to all Members of the House to attend.

General Myers' written commitment to provide the briefing and report entitled "Operation Iraqi Freedom Strategic Lessons Learned" to the HASC "as soon as each is completed" and Chairman Hunter's written commitment to grant access to any Member of the House, consistent with appropriate security procedures and House Rules, to review the briefing materials and the report once the HASC receives copies of the documents render premature as a matter of substance the resolution of inquiry regarding this report.

As to the request in H. Res. 364 to transmit to the House of Representatives documents in the President's possession on the reconstruction and security of post-war Iraq, it is the view of the Committee that this request is so broad and vague as to make it virtually impossible to comply with.

Because the briefing materials and report are still in draft form, but will be made available to the HASC once each is completed, which in turn will grant access to any Member of the House, consistent with appropriate security procedures and House Rules, and because the second part of the request is so broad and vague, the Committee deemed the resolution to be premature in the first instance, and virtually impossible to support in the second instance, and accordingly ordered it reported adversely.

#### HEARINGS

The Committee did not hold hearings on H. Res. 364.

#### COMMITTEE CONSIDERATION

On September 25, 2003, the Committee met in open session and with a quorum being present ordered the resolution of inquiry H. Res. 364 reported adversely without amendment by a record vote of 24 ayes to 20 noes.

#### VOTE OF THE COMMITTEE

A motion to report H. Res. 364 adversely to the House was agreed to by a record vote of 24 ayes to 20 noes.

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

*Voting no:* Lantos, Berman, Payne, Menendez, Brown, Sherman, Wexler, Engel, Delahunt, Meeks, Lee, Crowley, Hoeffel,

Blumenauer, Berkley, Napolitano, Schiff, Watson, Smith (WA) and Bell.

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(2) of House Rule XIII is inapplicable because H. Res. 364 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. 364 does not establish or authorize any new advisory committees.

CONGRESSIONAL ACCOUNTABILITY ACT

H. Res. 364 does not apply to the legislative branch.

FEDERAL MANDATES

H. Res. 364 provides no Federal mandates.