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113TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
113–547

DIRECTING THE SECRETARY OF DEFENSE TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES COPIES OF ANY EMAILS IN THE POSSESSION OF THE DEPARTMENT OF DEFENSE OR THE NATIONAL SECURITY AGENCY THAT WERE TRANSMITTED TO OR FROM THE EMAIL ACCOUNT(S) OF FORMER INTERNAL REVENUE SERVICE EXEMPT ORGANIZATIONS DIVISION DIRECTOR LOIS LERNER BETWEEN JANUARY 2009 AND APRIL 2011

JULY 22, 2014.—Referred to the House Calendar and ordered to be printed

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Mr. MCKEON, from the Committee on Armed Services, submitted the following

R E P O R T

[To accompany H. Res. 649]

The Committee on Armed Services, to whom was referred the resolution (H. Res. 649) directing the Secretary of Defense to transmit to the House of Representatives copies of any emails in the possession of the Department of Defense or the National Security Agency that were transmitted to or from the email account(s) of former Internal Revenue Service Exempt Organizations Division Director Lois Lerner between January 2009 and April 2011, having considered the same, report thereon without amendment and without recommendation.

PURPOSE AND BACKGROUND

On June 25, 2014, Representative Steve Stockman introduced H. Res. 649, a resolution of inquiry directing the Secretary of Defense to transmit to the House of Representatives copies of any emails in the possession of the Department of Defense or the National Security Agency that were transmitted to or from the email account(s) of former Internal Revenue Service Exempt Organizations Division Director Lois Lerner between January 2009 and April 2011.

Clause 7 of rule XIII of the Rules of the House of Representatives provides for a committee to report on a qualifying resolution of inquiry, such as H. Res. 649, within 14 legislative days or a privileged motion to discharge the committee is in order. H. Res. 649 was referred to the Committee on Armed Services on June 25, 2014.

Under the rules and precedents of the House, a resolution of inquiry is one of the methods that the House can use to obtain information from the executive branch. As stated in volume 7, chapter

24, section 8 of "Deschler's Precedents," a resolution of inquiry is a "simple resolution making a direct request or demand of the President or head of an executive department to furnish the House of Representatives with specific information in the possession of the executive branch." In addition, the resolution must seek facts rather than opinions and may not require an investigation.

On July 16, 2014, the Committee on Armed Services met in open session to consider H. Res. 649 and report the measure to the House. No amendments to the resolution were offered. The committee ordered H. Res. 649 reported to the House by voice vote without recommendation and without amendment, a quorum being present.

HEARINGS

No hearings were held by the committee on H. Res. 649.

COMMITTEE POSITION

On July 16, 2014, the Committee on Armed Services held a markup session to consider H. Res. 649. No amendments were offered to the resolution. The committee ordered H. Res. 649 reported to the House without recommendation by voice vote, a quorum being present.

The committee notes that oversight of this matter and related document requests are being conducted by the committees with jurisdiction over the Internal Revenue Service.

COMMITTEE VOTES

In accordance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the committee advises that there were no record votes taken during the committee's consideration of H. Res. 649.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Clause 3(c)(3) of rule XIII of the House of Representatives is not applicable because the Congressional Budget Office did not provide a cost estimate for the resolution.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the committee estimates the costs of implementing the resolution would be negligible.

STATEMENT REQUIRED BY THE CONGRESSIONAL BUDGET ACT

In accordance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and section 308(a) of the Congressional Budget Act of 1974 (Public Law 93–344), this resolution does not provide new budget authority, new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures.

ADVISORY OF EARMARKS

The committee finds that H. Res. 649 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits

as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

OVERSIGHT FINDINGS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the committee reports that the findings and recommendations of the committee are incorporated in the descriptive portions of this report.

GENERAL PERFORMANCE GOALS AND OBJECTIVES

In compliance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, there are no general performance goals and objectives associated with this legislation, as it authorizes no funding.

FEDERAL ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

STATEMENT OF FEDERAL MANDATES

Pursuant to section 423 of Public Law 104–4, this resolution contains no Federal mandates with respect to state, local, and tribal governments, nor with respect to the private sector. Similarly, the resolution provides no Federal intergovernmental mandates.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The committee finds that this legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

DUPLICATION OF FEDERAL PROGRAMS

No provision of the resolution establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The committee estimates that H. Res. 649 requires no directed rule makings.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, H. Res. 649 would not make any changes to existing law.

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