

112TH CONGRESS }
1st Session

HOUSE OF REPRESENTATIVES

{ REPORT
112-77

DIRECTING THE SECRETARY OF DEFENSE TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES COPIES OF ANY DOCUMENT, RECORD, MEMO, CORRESPONDENCE, OR OTHER COMMUNICATION OF THE DEPARTMENT OF DEFENSE, OR ANY PORTION OF SUCH COMMUNICATION, THAT REFERS OR RELATES TO ANY CONSULTATION WITH CONGRESS REGARDING OPERATION ODYSSEY DAWN OR MILITARY ACTIONS IN OR AGAINST LIBYA

REPORT

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ON

H. RES. 208



MAY 12, 2011.—Referred to the House Calendar and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

99-008

WASHINGTON : 2011

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DIRECTING THE SECRETARY OF DEFENSE TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES COPIES OF ANY DOCUMENT, RECORD, MEMO, CORRESPONDENCE, OR OTHER COMMUNICATION OF THE DEPARTMENT OF DEFENSE, OR ANY PORTION OF SUCH COMMUNICATION, THAT REFERS OR RELATES TO ANY CONSULTATION WITH CONGRESS REGARDING OPERATION ODYSSEY DAWN OR MILITARY ACTIONS IN OR AGAINST LIBYA

MAY 12, 2011.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 208]

The Committee on Armed Services, to whom was referred the resolution (H. Res. 208) directing the Secretary of Defense to transmit to the House of Representatives copies of any document, record, memo, correspondence, or other communication of the Department of Defense, or any portion of such communication, that refers or relates to any consultation with Congress regarding Operation Odyssey Dawn or military actions in or against Libya, having considered the same, report favorably thereon with amendments and recommend that the resolution as amended be agreed to.

The amendments are as follows:

Strike all after the resolving clause and insert the following:

That the House of Representatives directs the Secretary of Defense to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of any official document, record, memo, correspondence, or other communication of the Department of Defense in the possession of the Secretary of Defense that was created on or after February 15, 2011, and refers or relates to any of the following:

(1) Consultation or communication with Congress regarding the employment or deployment of the United States Armed Forces for Operation Odyssey Dawn or NATO Operation Unified Protector.

(2) The War Powers Resolution and Operation Odyssey Dawn or Operation Unified Protector.

Amend the title so as to read:

Resolution directing the Secretary of Defense to transmit to the House of Representatives copies of any official document, record, memo, correspondence, or other communication of the Department of Defense in the possession of the Secretary of Defense that refers or relates to any consultation with Congress regarding Operation Odyssey Dawn or NATO Operation Unified Protector.

PURPOSE AND BACKGROUND

On April 7, 2011, Representative Tom Cole (R-OK) introduced House Resolution 208, a resolution of inquiry. The resolution, as introduced, would direct the Secretary of Defense to transmit to the House of Representatives copies of any document, record, memo, correspondence, or other communication of the Department of Defense, or any portion of such communication, that refers or relates to any consultation with Congress regarding Operation Odyssey Dawn or military actions in or against Libya.

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 House Resolution 208, within 14 legislative days or a privileged motion to discharge the committee is in order. House Resolution 208 was referred to the Committee on Armed Services on April 7, 2011.

Under the rules and precedents of the House, a resolution of inquiry is one of the means by which the House may request information from the head of one of the executive departments. It is a simple resolution making a demand of the head of an executive department to furnish the House of Representatives with specific information in the possession of the executive branch. It is not used to request opinions or to require an investigation on a subject.

On May 11, 2011, the Committee on Armed Services took up House Resolution 208 for the purpose of reporting a recommendation to the House. House Resolution 208 was amended to direct the Secretary of Defense to transmit to the House of Representatives, not later than 14 days after the date of the adoption of such resolution, copies of any official document, record, memo, correspondence, or other communication of the Department of Defense in the possession of the Secretary of Defense that was created on or after February 15, 2011, and refers or relates to any of the following: (1) consultation or communication with Congress regarding the employment or deployment of the United States Armed Forces for Operation Odyssey Dawn or North Atlantic Treaty Organization (NATO) Operation Unified Protector; and (2) the War Powers Resolution and Operation Odyssey Dawn or Operation Unified Protector. Additionally, the title of House Resolution 208 was amended so as to read: "Resolution directing the Secretary of Defense to transmit to the House of Representatives copies of any official document, record, memo, correspondence, or other communications of the Department of Defense in the possession of the Secretary of Defense that relates to any consultation with Congress regarding Operation Odyssey Dawn or NATO Operation Unified Protector."

LEGISLATIVE HISTORY

House Resolution 208 was introduced on April 7, 2011, and referred to the Committee on Armed Services.

On May 11, 2011, the Committee on Armed Services held a mark-up session to consider House Resolution 208, as introduced. The committee, a quorum being present, ordered to be reported House Resolution 208, as amended, to the House with a favorable recommendation by a voice vote.

COMMITTEE POSITION

On May 11, 2011, the Committee on Armed Services, a quorum being present, ordered to be reported House Resolution 208, as amended, to the House with a favorable recommendation by a voice vote.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the committee estimates the costs of implementing the resolution would be minimal. The Congressional Budget Office did not provide a cost estimate for the resolution.

EARMARK IDENTIFICATION

House Resolution 208 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.

With respect to clause 3(c) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this legislation does not include any new budget, spending or credit authority, nor does it provide for any increase or decrease in tax revenues or expenditures.

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.

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 legislation in Article I, Section 8 of the United States Constitution.

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 legislation contains no federal mandates with respect to state, local, and tribal governments, nor with respect to the private sector. Similarly, the bill provides no unfunded 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).

HEARINGS

No hearings were held on House Resolution 208.

COMMITTEE VOTES

In accordance with clause 3(b) of rule XIII of the Rules of the House of Representatives, there were no recorded votes taken in connection with ordering House Resolution 208 reported. A motion by Mr. Thornberry to order House Resolution 208 reported, as amended, to the House was agreed to be a voice vote.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Clause 3(e) of rule XIII of the Rules of the House of Representatives requires an elaboration or description of how the reported bill proposes to repeal or amend a statute or part thereof. There were no changes in existing law made by House Resolution 208, as reported.