

Resolutions of Inquiry in the House

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A resolution of inquiry is a simple House resolution (H.Res.) making a direct request or demand of the President or the head of an executive department to furnish the House with specific factual information in the Administration's possession.

Under [clause 7 of House Rule XIII](#), such resolutions, if properly drafted, are given a special parliamentary status. If the committee to which such a resolution is referred has not reported the measure back to the House within 14 legislative days after its introduction, a privileged and non-debatable motion to discharge the committee of further consideration of the resolution becomes available on the chamber floor. If the House agrees to such a privileged motion to discharge, the resolution of inquiry would then be pending before the House.

If the committee of referral reports a resolution of inquiry within the 14-day time frame, however—regardless of whether the report is favorable, adverse, or made without recommendation—the privileged resolution can be called up on the floor only by a Member who has been authorized by the reporting committee to do so. In other words, by reporting a resolution of inquiry, a committee can preclude the use of the privileged motion to discharge and preserve to itself the decision of whether to call up the measure on the floor. As such, in current practice, a House committee will virtually always mark up and report a resolution of inquiry that has been referred to it—even one it opposes—in order to retain control of the measure and prevent supporters from triggering floor votes on questions related to considering it. Committee reports on resolutions of inquiry are privileged and, as such, must be presented from the floor by a Member rather than simply placed in the hopper.

While resolutions of inquiry have been used since the earliest Congresses to seek information from the executive branch, the basic form of the present House rule was adopted in 1879. The rule was [last amended](#) in 1983 to lengthen the time period for a committee to report from one week to 14 legislative days. On occasion, when the House has expected to hold pro forma sessions for extended periods of time (for example, during the traditional August or December recess), it has adopted an order dictating that those pro forma days [do not count](#) against the 14-day period the committee has to report a resolution of inquiry. There are [historical examples](#) of the Senate using resolutions of inquiry, but such resolutions have been rare in modern times, in part because Senate rules do not afford such resolutions any special status.

In order to be privileged, a House resolution of inquiry:

- must be directed to the President or the head of an executive department (not to a subordinate official such as the IRS commissioner or the director of the CIA),
- must not have a preamble,
- must request facts in the possession of the official, and
- may not require them to express an opinion or undertake an investigation.

The House Parliamentarian, in the volume *House Practice*, has [summarized relevant chamber rules and precedents](#) related to resolutions of inquiry and provided citations to additional reading on the subject.

Unlike subpoenas or statutes, resolutions of inquiry do not have legal force, nor is there any enforcement mechanism. Any response by the executive branch to such a request for information is voluntary and based on a sense of comity between co-equal branches. [Available data examined by CRS](#) suggest that over the past 70 years, at least 30% of the time, a resolution of inquiry has resulted in the production of some information to the House. In the majority of cases, however, it is simply unknown, unclear, or in dispute whether the resolution of inquiry produced any of the information requested.

Between 1947 and the present, just under 300 resolutions of inquiry have been introduced in the House. The information most commonly sought by resolutions of inquiry over the period has related to defense, foreign relations, and intelligence. Two periods in particular—1971-1975 and 2003-2006—saw the highest levels of activity on resolutions of inquiry during the post-war period. Although Representatives of both political parties have used resolutions of inquiry, in recent Congresses, such resolutions have overwhelmingly been submitted by minority party Members in the House seeking information from a President of the opposite political party. As such, it is possible that such resolutions may become more common in the 115th Congress (2017-2018).

[Some have charged](#) that instead of using resolutions of inquiry as an oversight tool to obtain information from the executive branch, minority party Members have in recent Congresses used the privileged status such resolutions enjoy as a way to force committees to act on a given subject or get Members to record votes on politically controversial policy questions. Those holding this view argue that resolutions of inquiry, in essence, enable the minority party to "schedule" a committee markup on a subject of its choosing. [Others have taken an opposite view](#), arguing that resolutions of inquiry have increased in frequency over specific recent Congresses because the executive branch has often responded to information requests from Congress grudgingly, if at all. Those holding this view have argued that this has forced minority party Members to repeatedly turn to the few oversight tools at their disposal.

Since 1947, most of the resolutions of inquiry reported by the House committee to which they were referred were reported adversely, indicating that the committee opposed floor action on the resolution. The stated reasons for this opposition have included that the resolution had been made moot by the executive branch complying in whole or in part with the request or because such a request would, in the view of the committee, compromise an ongoing investigation, endanger sensitive information, or seek readily available facts. Less than a quarter of the resolutions of inquiry introduced since 1947 reached the House floor, the last one [in 1995](#).