104TH CONGRESS 1ST SESSION

H. J. RES. 130

Providing for the establishment of a Joint Committee on Intelligence.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 1995

Mr. Hyde introduced the following joint resolution; which was referred to the Committee on Rules

JOINT RESOLUTION

Providing for the establishment of a Joint Committee on Intelligence.

- 1 Resolved by the Senate and House of Representatives
 2 of the United States of America in Congress assembled,
 3 ESTABLISHMENT
 4 SECTION 1. There is established a Joint Committee
 5 on Intelligence (hereafter in this joint resolution referred
 6 to as the "joint committee").
 7 MEMBERSHIP
- 8 Sec. 2. (a) The joint committee shall be composed
- 9 of nine Members of the Senate and nine Members of the
- 10 House of Representatives to be appointed as follows:

- 1 (1) Five Members of the Senate from the ma-2 jority party and four Members of the Senate from 3 the minority party shall be appointed by the President pro tempore of the Senate, including at least 5 one but not more than two members from each of 6 the following committees: the Committee on Appro-7 priations; the Committee on Armed Services; the 8 Committee on Foreign Relations; and the Committee 9 on the Judiciary.
 - (2) Five Members of the House of Representatives from the majority party and four Members of the House from the minority party shall be appointed by the Speaker of the House, including at least one but not more than two members from each of the following committees: the Committee on Appropriations; the Committee on National Security; the Committee on International Relations; and the Committee on the Judiciary.
- 19 The majority leader and minority leader of the House of Representatives and the majority leader and minority 20 21 leader of the Senate shall be ex officio members of the joint committee but shall have no vote in the joint committee and shall not be counted for purposes of determining a quorum.

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- 1 (b)(1) Except as provided in paragraph (2), no Mem-
- 2 ber of the Congress shall serve continuously on the joint
- 3 committee for more than eight years, except that the in-
- 4 cumbent chairman or ranking minority member having
- 5 served on the joint committee for eight years and having
- 6 served as chairman or ranking minority member for not
- 7 more than two years shall be eligible for reappointment
- 8 to the joint committee as chairman or ranking minority
- 9 member for an additional two years.
- 10 (2)(A) Of the members of the joint committee ini-
- 11 tially appointed, three Members from the Senate, no more
- 12 than two of whom are members of the same party, and
- 13 three Members of the House of Representatives, no more
- 14 than two of whom are members of the same party, shall
- 15 be appointed to each of four classes of initial terms; for
- 16 two years, four years, six years, and eight years, respec-
- 17 tively.
- 18 (B)(i) No member who begins service on the joint
- 19 committee during the first session of a Congress shall
- 20 serve continuously for more than seven years plus the re-
- 21 mainder of the session during which such service began.
- 22 (ii) No member who begins service on the joint com-
- 23 mittee during the second session of a Congress shall serve
- 24 continuously for more than eight years plus the remainder
- 25 of the session during which such service began.

- 1 (c) Vacancies in the membership of the joint commit-
- 2 tee shall not affect the power of the remaining members
- 3 to execute the functions of the joint committee and shall
- 4 be filled in the same manner as in the case of the original
- 5 appointment, for terms as provided in subsection (b).
- 6 (d)(1) The joint committee shall select a chairman
- 7 and a vice chairman from among its members at the be-
- 8 ginning of each session of a Congress. The vice chairman
- 9 shall act in the place and stead of the chairman in the
- 10 absence of the chairman.
- 11 (2) The chairmanship and the vice chairmanship of
- 12 the joint committee shall alternate between the Senate and
- 13 the House of Representatives with each session of a Con-
- 14 gress. The chairman during each odd-numbered year shall
- 15 be selected by the Members of the House of Representa-
- 16 tives on the joint committee from among their number and
- 17 the chairman during each even-numbered year shall be se-
- 18 lected by the Members of the Senate on the joint commit-
- 19 tee from among their number. The vice chairman during
- 20 each session of a Congress shall be chosen in the same
- 21 manner from that House of Congress other than the
- 22 House of Congress of which the chairman is a Member.
- DUTIES DUTIES
- Sec. 3. (a) The joint committee shall exercise exclu-
- 25 sive legislative jurisdiction with respect to—

1	(1) any intelligence activity conducted by any
2	agency or department of the Federal Government;
3	and
4	(2) authorizations for appropriations, both di-
5	rect and indirect, for the following:
6	(A) The Central Intelligence Agency and
7	Director of Central Intelligence.
8	(B) The Defense Intelligence Agency.
9	(C) The National Security Agency.
10	(D) The intelligence and intelligence-relat-
11	ed activities of other agencies and subdivisions
12	of the Department of Defense.
13	(E) The intelligence and intelligence-relat-
14	ed activities of the Department of State.
15	(F) The intelligence and intelligence-relat-
16	ed activities of the Federal Bureau of Investiga-
17	tion, including all activities of the Intelligence
18	Division.
19	(G) Any department, agency, or subdivi-
20	sion which is the successor to any agency
21	named in subparagraph (A), (B), or (C); and
22	the activities of any department, agency, or
23	subdivision which is the successor to any de-
24	partment, agency, bureau, or subdivision named
25	in subparagraph (D), (E), or (F), to the extent

- 1 that the activities of such successor department,
- agency, or subdivision are activities described in
- 3 subparagraph (D), (E), or (F).
- 4 (b) The joint committee shall review and study on
- 5 a continuing basis any intelligence activity conducted by
- 6 any agency or department of the Federal Government.
- 7 (c) In order to assist the Congress, the provisions of
- 8 clause 2(a) and (b)(1) of rule X of the Rules of the House
- 9 of Representatives, except for the last two sentences of
- 10 clause 2 (b)(1), shall apply to the joint committee.
- 11 POWERS
- 12 Sec. 4. (a) The joint committee, or any duly author-
- 13 ized subcommittee thereof, is authorized to sit and act at
- 14 such places and times during the sessions, recesses, and
- 15 adjourned periods of the Congress, to require by subpoena
- 16 the attendance of such witnesses and the production of
- 17 such books, papers, and documents, to administer such
- 18 oaths and affirmations, to take such testimony, to procure
- 19 such printing and binding, and to make such expenditures,
- 20 as it considers advisable.
- 21 (b)(1) The joint committee may make such rules re-
- 22 specting its organization and procedures as it considers
- 23 necessary, except that no recommendation shall be re-
- 24 ported from the joint committee unless a majority of the
- 25 joint committee assent.

- 1 (2) Ten members of the joint committee shall con-
- 2 stitute a quorum for reporting any recommendation.
- 3 (c) Subpoenas may be issued over the signature of
- 4 the chairman of the joint committee or of any member
- 5 designated by the chairman or by the joint committee to
- 6 the extent the chairman or such member is authorized by
- 7 a majority of the joint committee to issue such subpoenas,
- 8 and may be served by any person designated by such
- 9 chairman or member.
- 10 (d) The chairman of the joint committee or any mem-
- 11 ber thereof may administer oaths or affirmations to wit-
- 12 nesses.
- 13 (e) The joint committee shall, under such regulations
- 14 as the joint committee shall prescribe, make any informa-
- 15 tion in its possession available to any other committee or
- 16 Member of the Congress, and may permit any other Mem-
- 17 ber of the Congress to attend any hearing of the joint com-
- 18 mittee which is closed to the public. Whenever the joint
- 19 committee makes such information available, the joint
- 20 committee shall keep a written record showing, in the case
- 21 of any particular information, which committee or which
- 22 Members of the Congress received such information. No
- 23 Member of Congress who, and no committee which, re-
- 24 ceives any information under this subsection shall disclose

- 1 such information except in a closed session of the House
- 2 of Representatives or the Senate.
- 3 (f) The joint committee may permit any individual
- 4 designated by the President as a liaison to the joint com-
- 5 mittee to attend any meeting of the joint committee which
- 6 is closed to the public.
- 7 INFORMATION FROM FEDERAL AGENCIES AND
- 8 DEPARTMENTS
- 9 Sec. 5. Any agency or department of the Federal
- 10 Government described in section 3(a)(2)(A) through (F)
- 11 and any other agency or department of the Federal Gov-
- 12 ernment conducting any intelligence activity, shall keep
- 13 the joint committee fully and currently informed with re-
- 14 spect to any such activity. Any such agency or department
- 15 shall furnish any periodic reports requested by the joint
- 16 committee with respect to any such activity.
- 17 CLASSIFICATION AND RELEASE OF INFORMATION
- 18 Sec. 6. (a) The joint committee shall classify infor-
- 19 mation originating within the joint committee, and the
- 20 records of the joint committee, in accordance with stand-
- 21 ards used generally by the executive branch of the Federal
- 22 Government for the classification of information. The joint
- 23 committee shall establish guidelines under which such in-
- 24 formation and records may be (1) maintained; (2) used
- 25 by the staff of the joint committee; and (3) made available
- 26 to any Member of the Congress who requests such infor-

- 1 mation or records and has an appropriate security clear-
- 2 ance, as determined by the joint committee.
- 3 (b)(1) The joint committee may, subject to the provi-
- 4 sions of this subsection, disclose publicly any information
- 5 in the possession of the joint committee after a determina-
- 6 tion by the joint committee that the public interest would
- 7 be served by such disclosure.
- 8 (2)(A) In any case in which the joint committee votes
- 9 to disclose publicly any information which has been classi-
- 10 fied under established security procedures, which has been
- 11 submitted to it by the executive branch, and which the
- 12 executive branch requests be kept secret, the joint commit-
- 13 tee shall notify the President of such vote.
- 14 (B) The joint committee may disclose publicly such
- 15 information after the expiration of a five-day period fol-
- 16 lowing the day on which notice of such vote is transmitted
- 17 to the President, unless prior to the expiration of such
- 18 five-day period, the President, personally in writing, noti-
- 19 fies the joint committee that he objects to the disclosure
- 20 of such information, provides his reasons therefor, and
- 21 certifies that the threat to the national interest of the
- 22 United States posed by such disclosure is of such gravity
- 23 that it outweighs any public interest in the disclosure.
- 24 (3)(A) If the President notifies the joint committee
- 25 of his objections to the disclosure of such information as

- 1 provided in paragraph (2)(B), the joint committee may,
- 2 by majority vote, refer the question of the disclosure of
- 3 such information with a recommendation thereon to the
- 4 House of Representatives and the Senate for consider-
- 5 ation.
- 6 (B) The joint committee shall not publicly disclose
- 7 such information unless a two-thirds majority of each
- 8 House has, by recorded vote in open session but without
- 9 divulging the information with respect to which the vote
- 10 is being taken, agreed to the recommendation of the joint
- 11 committee to disclose such information.
- 12 (C) If within four calendar days on which the House
- 13 of Representatives is in session, after such recommenda-
- 14 tion is reported to the House, no motion has been made
- 15 by the chairman or vice chairman of the joint committee
- 16 to consider, in closed session, the matter reported under
- 17 subparagraph (A), then such a motion will be deemed priv-
- 18 ileged and may be made by any Member. The motion
- 19 under this subparagraph shall not be subject to debate or
- 20 amendment. When made, it shall be decided without inter-
- 21 vening motion, except one motion to adjourn.
- (D) If the House adopts a motion to resolve into
- 23 closed session, the Speaker shall then be authorized to de-
- 24 clare a recess subject to the call of the Chair. At the expi-
- 25 ration of such recess, the pending question, in closed ses-

- 1 sion, shall be, "Shall the House approve the recommenda-
- 2 tions of the joint committee?".
- 3 (E) After not more than two hours of debate on the
- 4 motion, such debate to be equally divided and controlled
- 5 by the chairman or vice chairman and ranking minority
- 6 member of the joint committee, or their designees, the pre-
- 7 vious question shall be considered as ordered and the
- 8 House, without intervening motion except one motion to
- 9 adjourn, shall immediately vote on the question, in open
- 10 session but without divulging the information with respect
- 11 to which the vote is being taken. If the recommendation
- 12 of the joint committee is not agreed to by a two-thirds
- 13 majority, the question shall be deemed recommitted to the
- 14 joint committee for further recommendation.
- 15 RECORDS
- 16 Sec. 7. The joint committee shall keep a complete
- 17 record of all joint committee actions, including a record
- 18 of the votes on any question on which a record vote is
- 19 demanded. All records, data, charts, and files of the joint
- 20 committee shall be the property of the joint committee and
- 21 shall be kept in the office of the joint committee or such
- 22 other places as the joint committee may direct.
- 23 UNAUTHORIZED DISCLOSURE OF INFORMATION
- Sec. 8. (a) The joint committee shall establish and
- 25 carry out such rules and procedures as it considers nec-
- 26 essary to prevent the disclosure, outside the joint commit-

- 1 tee, of any information which (1) relates to any intel-
- 2 ligence activity which is conducted by any agency or de-
- 3 partment of the Federal Government; (2) is obtained by
- 4 the joint committee, any member of the joint committee,
- 5 or any member of the staff of the joint committee; and
- 6 (3) is not authorized by the joint committee to be dis-
- 7 closed.
- 8 (b)(1) Before any member of the joint committee or
- 9 any member of the staff of the joint committee may have
- 10 access to classified information, the following oath (or af-
- 11 firmation) shall be executed:
- 12 "I do solemnly swear (or affirm) that I will not dis-
- 13 close any classified information received in the
- course of my service with the joint committee, except
- as authorized by the joint committee or in accord-
- ance with the rules of the joint committee.".
- 17 (2) No member of the staff of the joint committee
- 18 shall be given access to any classified information by the
- 19 joint committee unless such staff member has received an
- 20 appropriate security clearance as determined by the joint
- 21 committee, in consultation with the Director of Central In-
- 22 telligence and other appropriate intelligence community
- 23 officials. The type of security clearance to be required in
- 24 the case of any such staff member or any class of staff
- 25 members shall, within the determination of the joint com-

- 1 mittee, in consultation with the Director of Central Intel-
- 2 ligence and other appropriate intelligence community offi-
- 3 cials, be commensurate with the sensitivity of the classi-
- 4 fied information to which such staff member or class of
- 5 staff members will be given access by the joint committee.
- 6 (c)(1) The joint committee may take appropriate ac-
- 7 tions against any member of the joint committee, or any
- 8 staff member of the joint committee, who violates any pro-
- 9 vision of this section or any guideline established under
- 10 section 6.
- 11 (2)(A) In the case of a member of the joint commit-
- 12 tee, such action may include (i) the censure of such mem-
- 13 ber by the joint committee; (ii) the expulsion of such mem-
- 14 ber from the joint committee, unless such expulsion is ob-
- 15 jected to, within five legislative days after the joint com-
- 16 mittee reports such expulsion, by a majority vote in the
- 17 House of Congress of which such member is a Member;
- 18 and (iii) recommendation to the Senate or the House of
- 19 Representatives, as the case may be, by the joint commit-
- 20 tee that such member be censured or expelled by the Sen-
- 21 ate or the House of Representatives.
- 22 (B) Unless an objection is adopted under subpara-
- 23 graph (A)(ii) of this paragraph, no member of the joint
- 24 committee who the joint committee has expelled shall at-

- 1 tend or participate in any meeting or activity of the joint
- 2 committee.
- 3 (3) In the case of a person serving on the staff of
- 4 the joint committee, such action may include the imme-
- 5 diate dismissal of such person. The joint committee shall
- 6 report to the Attorney General of the United States any
- 7 apparent violation of any Federal criminal law committed
- 8 by any such person in connection with a violation of any
- 9 provision of this section or any guidance established under
- 10 section 6.
- 11 STAFF
- 12 Sec. 9. (a) In carrying out its functions under this
- 13 joint resolution, the joint committee may, by record vote
- 14 of a majority of the members of the joint committee—
- 15 (1) appoint, on a permanent basis, without re-
- gard to political affiliation and solely on the basis of
- fitness to perform their duties, professional staff
- members and clerical staff members;
- 19 (2) prescribe the duties and responsibilities of
- such staff;
- 21 (3) fix the pay of such staff at rates not in ex-
- cess of the maximum rate of basic pay payable for
- positions above grade GS-15 of the General Sched-
- 24 ule under section 5376 of title 5, United States
- 25 Code;

1	(4) terminate the employment of such staff as
2	the joint committee may consider appropriate; and
3	(5) require, at the time of appointment, all staff
4	members to agree in writing and under oath to the
5	policy of the joint committee governing the disclo-
6	sure of classified information.
7	(b) In carrying out any of its functions under this
8	joint resolution, the joint committee may utilize, on a re-
9	imbursable basis, the services, information, facilities, and
10	personnel of any agency or department of the Federal
11	Government, and may procure the temporary or intermit-
12	tent services of experts or consultants by contract at rates
13	of pay not in excess of the daily equivalent of the maxi-
14	mum annual rate of basic pay payable for positions above
15	grade GS-15 of the General Schedule under section 5376
16	of title 5, United States Code, including payment of such
17	rates for necessary traveltime.
18	EXPENSES
19	Sec. 10. The expenses of the joint committee shall
20	be paid one-half from the contingent fund of the House
21	of Representatives and one-half from the contingent fund
22	of the Senate, from funds appropriated for the joint com-
23	mittee, upon vouchers approved by the chairman of the
24	joint committee.
25	DEFINITION
26	Sec. 11. For purposes of this joint resolution—

- (1) the term "intelligence activities" includes—
- (A) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities;
 - (B) activities taken to counter similar activities directed against the United States;
 - (C) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement, or other association; and
 - (D) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the

- 1 United States, and covert or clandestine activi-
- 2 ties directed against such persons; and
- 3 (2) the term "staff" includes any employee of
- 4 the joint committee and any person engaged by con-
- 5 tract or otherwise to perform services for the joint
- 6 committee.
- 7 RULES
- 8 Sec. 12. (a)(1) Clause 1(h)(1) of rule X of the Rules
- 9 of the House of Representatives is amended by inserting
- 10 "and the Joint Committee on Intelligence" after "Appro-
- 11 priations".
- 12 (2) Clause 1(k)(2) of rule X of the Rules of the
- 13 House of Representatives is amended by inserting imme-
- 14 diately before the period at the end the following:
- 15 ", except for matters exclusively within the legislative ju-
- 16 risdiction of the Joint Committee on Intelligence".
- 17 (3) Clause 1(k)(4) of rule X of the Rules of the
- 18 House of Representatives is amended by inserting imme-
- 19 diately before the period at the end the following: ", except
- 20 for matters exclusively within the legislative jurisdiction
- 21 of the Joint Committee on Intelligence".
- 22 (4) Clause 1(k)(15) of rule X of the Rules of the
- 23 House of Representatives is amended by inserting imme-
- 24 diately before the period at the end the following: ", except
- 25 for matters exclusively within the legislative jurisdiction
- 26 of the Joint Committee on Intelligence".

- 1 (5) The matter following clause 1(i)(17) and clause
- 2 3(d) of rule X of the Rules of the House of Representa-
- 3 tives are each amended by striking "intelligence activities
- 4 relating to foreign policy,".
- 5 (6) Clause 2(g)(2) of rule XI of the Rules of the
- 6 House of Representatives is amended by striking ", the
- 7 Committee on National Security, and the Permanent Se-
- 8 lect Committee on Intelligence" and inserting "and the
- 9 Committee on National Security".
- 10 (7) Clause 6(a)(2) of rule XI of the Rules of the
- 11 House of Representatives is amended by striking "the
- 12 Permanent Select Committee on Intelligence" and insert-
- 13 ing "the Joint Committee on Intelligence".
- 14 (8) Rule XLVIII of the Rules of the House of Rep-
- 15 resentatives is repealed.
- 16 (b) The provisions of this joint resolution are enacted
- 17 by the Congress—
- 18 (1) as an exercise of the rulemaking power of
- the House of Representatives and the Senate, re-
- spectively, and as such they shall be considered as
- 21 part of the rules of each House, respectively, or of
- that House to which they specifically apply, and
- such rules shall supersede other rules only to the ex-
- tent that they are inconsistent therewith; and

1	(2) with full recognition of the constitutional
2	right of either House to change such rules (so far
3	as relating to such House) at any time, in the same
4	manner, and to the same extent as in the case of
5	any other rule of such House.
6	AMENDMENTS TO NATIONAL SECURITY ACT OF 1947
7	Sec. 13. (a) Section 104(d) of the National Security
8	Agency of 1947 (50 U.S.C. 403–4(d)) is amended—
9	(1) in paragraph (4), by striking "Select Com-
10	mittee on Intelligence of the Senate and the Perma-
11	nent Select Committee on Intelligence of the House
12	of Representatives" and inserting "Joint Committee
13	on Intelligence''; and
14	(2) in paragraph (5), by striking "Select Com-
15	mittee on Intelligence of the Senate and to the Per-
16	manent Select Committee on Intelligence of the
17	House of Representatives" and inserting "Joint
18	Committee on Intelligence".
19	(b) Section 501 of such Act is amended—
20	(1) in subsection (a)(1), by striking "intel-
21	ligence committees are" and inserting "joint com-
22	mittee is";
23	(2) in subsection (a)(2), by striking "the term"
24	and all that follows through the period and inserting
25	"the term 'joint committee' means the Joint Com-

I	mittee on Intelligence (hereafter in this title referred
2	to as the 'joint committee').";
3	(3) as amended by paragraph (1), by striking
4	"intelligence committees" each place it appears and
5	inserting "joint committee";
6	(4) in subsection (d), by striking "each of" and
7	inserting "the Members of each House on"; and
8	(5) in subsection (d), by striking "its respec-
9	tive" both places it appears and inserting "their re-
10	spective".
11	(c) Section 502 of such Act is amended—
12	(1) by striking "intelligence committees" and
13	inserting "joint committee" each place it appears;
14	and
15	(2) in paragraph (2), by striking "either of".
16	(d) Section 503 of such Act is amended—
17	(1) by striking "intelligence committees" and
18	inserting "joint committee" each place it appears;
19	(2) in subsection (b)(2), by striking "either of";
20	and
21	(3) in subsection (c)(3), by striking "each intel-
22	ligence committee" and inserting "the joint commit-
23	tee".
24	(e) Section 504 of such Act is amended—

(1) in subsection (d)(2), by striking "intel-1 2 ligence committees" and inserting "joint commit-3 tee"; and 4 (2) in subsection (e)(2)— (A) by striking "Permanent Select Com-5 mittee on Intelligence" and inserting "joint 6 7 committee,"; and 8 (B) by striking "and the Select Committee 9 on Intelligence" and inserting a comma. 10 (f) Section 602(c) of such Act is amended by striking 11 "Select Committee on Intelligence of the Senate" and all 12 that follows through the period and inserting "Joint Com-13 mittee on Intelligence.". 14 (g) Section 603 of the such Act is amended by strik-15 ing "submit to the Select" and all that follows through "House of Representatives" and inserting "submit to the 16 17 Joint Committee on Intelligence". 18 (h) Section 701(c)(3) of such Act is amended by striking "intelligence committees" and inserting "Joint 19 Committee on Intelligence". 20 21 (i) Section 801(b)(2) of such Act is amended by striking "Permanent Select Committee on Intelligence of the 23 House of Representatives and the Select Committee on Intelligence of the Senate" and inserting "Joint Committee

on Intelligence".

EFFECTIVE DATE

- 2 Sec. 14. This Act shall take effect at the beginning
- 3 of the first Congress beginning after the date of enactment
- 4 of this Act.

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