

111TH CONGRESS
1ST SESSION

S. RES. 164

Amending Senate Resolution 400, 94th Congress, and Senate Resolution 445, 108th Congress, to improve congressional oversight of the intelligence activities of the United States, to provide a strong, stable, and capable congressional committee structure to provide the intelligence community appropriate oversight, support, and leadership, and to implement a key recommendation of the National Commission on Terrorist Attacks Upon the United States.

IN THE SENATE OF THE UNITED STATES

JUNE 2, 2009

Mr. FEINGOLD (for himself, Mr. BURR, Mr. BAYH, Ms. SNOWE, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

Amending Senate Resolution 400, 94th Congress, and Senate Resolution 445, 108th Congress, to improve congressional oversight of the intelligence activities of the United States, to provide a strong, stable, and capable congressional committee structure to provide the intelligence community appropriate oversight, support, and leadership, and to implement a key recommendation of the National Commission on Terrorist Attacks Upon the United States.

Whereas the National Commission on Terrorist Attacks Upon the United States (hereinafter referred to as the “9/11

Commission”) conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation;

Whereas in its final report, the 9/11 Commission found that congressional oversight of the intelligence activities of the United States is dysfunctional;

Whereas in its final report, the 9/11 Commission further found that under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

Whereas in its final report, the 9/11 Commission further found that as long as such oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

Whereas in its final report, the 9/11 Commission further found that a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership;

Whereas in its final report, the 9/11 Commission further found that the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed;

Whereas in its final report, the 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities;

Whereas in its final report, the 9/11 Commission further recommended that the authorizing authorities and appropriating authorities with respect to intelligence activities in each house of Congress be combined into a single committee in each house of Congress;

Whereas Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission; and

Whereas the Senate adopted Senate Resolution 445 in the 108th Congress to address some of the intelligence oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding intelligence oversight have not been implemented: Now, therefore, be it

1 *Resolved,*

2 **SECTION 1. PURPOSES.**

3 The purposes of this resolution are—

4 (1) to improve congressional oversight of the in-

5 telligence activities of the United States;

6 (2) to provide a strong, stable, and capable con-

7 gressional committee structure to provide the intel-

1 ligence community appropriate oversight, support,
2 and leadership;

3 (3) to implement a key recommendation of the
4 National Commission on Terrorist Attacks Upon the
5 United States (the “9/11 Commission”) that struc-
6 tural changes be made to Congress to improve the
7 oversight of intelligence activities; and

8 (4) to provide vigilant legislative oversight over
9 the intelligence activities of the United States to en-
10 sure that such activities are in conformity with the
11 Constitution and laws of the United States.

12 **SEC. 2. INTELLIGENCE OVERSIGHT.**

13 (a) AUTHORITY OF THE SELECT COMMITTEE ON IN-
14 TELLIGENCE.—Paragraph (5) of section 3(a) of Senate
15 Resolution 400, agreed to May 19, 1976 (94th Congress),
16 is amended in that matter preceding subparagraph (A) by
17 striking the comma following “authorizations for appro-
18 priations” and inserting “and appropriations,”.

19 (b) ABOLISHMENT OF THE SUBCOMMITTEE ON IN-
20 TELLIGENCE.—Senate Resolution 445, agreed to October
21 9, 2004 (108th Congress), is amended by striking section
22 402.

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