

[COMMITTEE PRINT]

RULES OF PROCEDURE
FOR THE
SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE

(Adopted June 23, 1976)

(Amended July 28, 1976)

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SENATE SELECT COMMITTEE ON INTELLIGENCE

[Established by S. Res. 400, 94th Cong., 2d Sess.]

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RULES OF PROCEDURE

RULE 1. CONVENING OF MEETINGS

1.1 The regular meeting day of the Select Committee on Intelligence for the transaction of committee business shall be every other Wednesday of each month, unless otherwise directed by the chairman.

1.2 The chairman shall have authority, upon proper notice, to call such additional meetings of the committee as he may deem necessary and may delegate such authority to any other member of the committee.

1.3 A special meeting of the committee may be called at any time upon the written request of five or more members of the committee filed with the clerk of the committee.

1.4 In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C., and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5 If five members of the committee have made a request in writing to the chairman to call a meeting of the committee, and the chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1 Meetings of the committee shall be open to the public except as provided in Senate Resolution 9, 94th Congress, 1st session.

2.2 It shall be the duty of the staff director to keep or cause to be kept a record of all committee proceedings.

2.3 The chairman of the committee, or if the chairman is not present the vice chairman, shall preside over all meetings of the committee. In the absence of the chairman and the vice chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4 Except as otherwise provided in these rules, decisions of the committee shall be by majority vote of the members present and voting. A quorum for the transaction of committee business, including the conduct of executive sessions, shall consist of six committee members until that date of the sine die adjournment of the 1st session of the 95th Congress, and thereafter, shall consist of five committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5 A vote by any member of the committee with respect to any measure or matter being considered by the committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6 Whenever the committee by roll call vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the committee may direct. The subcommittees shall be governed by the rules of the committee and by such other rules they may adopt which are consistent with the rules of the committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1 No measures or recommendations shall be reported, favorably or unfavorably, from the committee unless a majority of the committee is actually present and a majority concur.

4.2 In any case in which the committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the committee.

4.3 A member of the committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

RULE 5. NOMINATIONS

5.1 Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least 14 days before being voted on by the committee.

5.2 Each member of the committee shall be promptly furnished a copy of all nominations referred to the committee.

5.3 Nominees who are invited to appear before the committee shall be heard in public session, except as provided in rule 2.1.

5.4 No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the committee.

5.5 The committee vote on the confirmation shall not be sooner than 48 hours after the committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the committee.

5.6 No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the committee unless at least five members of the committee have specifically requested the chairman or the vice chairman to authorize such an investigation. Authorized investigations may be conducted by members of the committee and/or by designated committee staff members.

RULE 7. SUBPENAS

Subpenas authorized by the committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the chairman, the vice chairman, or any member of the committee designated by the chairman, and may be served by any person designated by the chairman, vice chairman or member issuing the subpenas. Each subpoena shall have attached thereto a copy of Senate Resolution 400, 94th Congress, 2d session, and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1 *Notice.*—Witnesses required to appear before the committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2 *Oath or affirmation.*—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the committee.

8.3 *Interrogation.*—Committee interrogation shall be conducted by members of the committee and such committee staff as are authorized by the chairman, vice chairman, or the presiding member.

8.4 *Counsel for the witness.*—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the committee of such fact. If the witness informs the committee of this fact at least 24 hours prior to his appearance before the committee the committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The committee may use such questions and dispose of such suggestions at it deems appropriate.

8.5 *Statements by Witnesses.*—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of

his testimony. Such statements shall not exceed a reasonable period of time as determined by the chairman, or other presiding member. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the clerk of the committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his appearance before the committee.

8.6 *Objections and Rulings.*—Any objection raised by a witness or counsel shall be ruled upon by the chairman or other presiding member, and such ruling shall be the ruling of the committee unless a majority of the committee present overrules the ruling of the chair.

8.7 *Inspection and Correction.*—All witnesses testifying before the committee shall be given a reasonable opportunity to inspect, in the office of the committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the committee within 5 days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his expense.

8.8 *Requests to Testify.*—The committee will consider requests to testify on any matter or measure pending before the committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a committee member or a member of the committee staff may tend to affect adversely his reputation, may request to appear personally before the committee to testify on his own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the chairman proposed questions in writing for the cross-examination of other witnesses. The committee shall take such action as it deems appropriate.

8.9 *Contempt Procedures.*—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he should not be held in contempt, and agreed, by majority vote of the committee to forward such recommendation to the Senate.

8.10 *Release of Name of Witness.*—Unless authorized by the chairman, the name of any witness scheduled to be heard by the committee shall not be released prior to, or after, his appearance before the committee.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1 Committee staff offices shall operate under strict security precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof.

9.3 Each member of the committee shall at all times have access to all papers and other material received from any source. The staff director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the committee, and such registry shall be available to any member of the committee.

9.4 Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the committee, the clerk of the committee shall be notified. The clerk of the committee shall maintain a written record indentifying the particular information transmitted and the committee or members of the Senate receiving such information.

9.5 Access to classified information supplied to the committee shall be limited to those committee staff members with appropriate security clearances and a need-to-know, as determined by the committee, and under the committee's direction, the staff director and minority staff director.

9.6 No member of the committee or of the committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session including the name of any witness who appeared or was called to appear before the committee in executive session, or the contents of any papers or other materials or other information received by the committee except as authorized by the committee in accordance with section 8 of Senate Resolution 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the committee, in such a manner as may be determined by the Senate.

9.7 Before the committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the committee or the committee staff.

RULE 10. STAFF

10.1 For the purpose of these rules, committee staff means employees of the committee, employees of the members of the committee assigned to the committee, consultants to the committee, employees of other government agencies detailed to the committee, or any other person engaged by contract or otherwise to perform services for or at the request of the committee.

10.2 The appointment of committee staff shall be confirmed by a majority vote of the committee. After confirmation, the chairman

shall certify committee staff appointments to the financial clerk of the Senate in writing.

10.3 The committee staff works for the committee as a whole, under the general supervision of the chairman and vice chairman of the committee. Except as otherwise provided by the committee, the duties of committee staff shall be performed, and committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director. The minority staff director and the minority counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the committee.

10.4 The committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the committee and the Senate.

10.5 The members of the committee staff shall not discuss either the substance or procedure of the work of the committee with any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial, or otherwise, either during his tenure as a member of the committee staff or at any time thereafter except as directed by the committee in accordance with section 8 of Senate Resolution 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the committee, in such a manner as may be determined by the Senate.

10.6 No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence pursuant to section 6 of Senate Resolution 400 of the 94th Congress, 2d Session.

10.7 No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, to notify the committee or in the event of the committee's termination the Senate of any request for his testimony, either during his tenure as a member of the committee staff or at any time thereafter with respect to information which came into his possession by virtue of his position as a member of the committee staff. Such information shall not be disclosed in response to such requests except as directed by the committee in accordance with section 8 of Senate Resolution 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the Senate.

10.8. The committee shall immediately consider action to be taken in the case of any member of the committee staff who fails to conform to any of these rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the committee staff.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1 Under direction of the chairman and the vice chairman, designated committee staff members shall brief members of the committee at a time sufficiently prior to any committee meeting to assist the committee members in preparation for such meeting and to determine any matter which the committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the committee that bear on matters to be considered at the meeting.

11.2 The staff director shall recommend to the chairman and the vice chairman the testimony, papers, and other materials to be presented to the committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the rules of the Senate and rules of the committee.

RULE 12. LEGISLATIVE CALENDAR

12.1 The clerk of the committee shall maintain a printed calendar for the information of each committee member showing the measures introduced and referred to the committee and the status of such measures; nominations referred to the committee and their status; and such other matters as the committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the committee.

12.2 Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1 No member of the committee or committee staff shall travel abroad on committee business unless specifically authorized by the chairman and vice chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the committee when travel is completed.

13.2 When the chairman and the vice chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the committee, all members of the committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in rule 13.1 shall be furnished to all members of the committee and shall not be otherwise disseminated without the express authorization of the committee pursuant to the rules of the committee.

13.3 No member of the committee staff shall travel within this country on committee business unless specifically authorized by the staff director as directed by the committee.

RULE 14. CHANGES IN RULES

These rules may be modified, amended, or repealed by the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX A

94TH CONGRESS
2D SESSION

S. RES. 400

[Report No. 94-675]

[Report No. 94-770]

IN THE SENATE OF THE UNITED STATES

MARCH 1, 1976

Mr. MANSFIELD (for Mr. RIBICOFF) (for himself, Mr. CHURCH, Mr. PERCY, Mr. BAKER, Mr. BROCK, Mr. CHILES, Mr. GLENN, Mr. HUDDLESTON, Mr. JACKSON, Mr. JAVITS, Mr. MATHIAS, Mr. METCALF, Mr. MONDALE, Mr. MORGAN, Mr. MUSKIE, Mr. NUNN, Mr. ROTH, Mr. SCHWEIKER, and Mr. WEICKER) submitted the following resolution; which was referred to the Committee on Government Operations

MARCH 1, 1976

Reported by Mr. MANSFIELD (for Mr. RIBICOFF), without amendment

MARCH 1, 1976

Referred to the Committee on Rules and Administration for a period extending no later than March 20, 1976

MARCH 18, 1976

Reported by Mr. MANSFIELD (for Mr. CANNON), without amendment

MARCH 18, 1976

Referred simultaneously to the Committee on the Judiciary and the Committee on Rules and Administration with instructions that the Committee on the Judiciary make its recommendations to the Committee on Rules and Administration no later than March 29, 1976, and that the Committee on Rules and Administration files the report no later than April 5, 1976

APRIL 1, 1976

Committee on Rules and Administration authorized to report no later than April 30, 1976, by unanimous consent

APRIL 29, 1976

Reported by Mr. CANNON, with an amendment, and an amendment to the title

MAY 19, 1976

Considered, amended, and agreed to

[Strike out all after "Resolved," and insert the part printed in italic]

RESOLUTION

To establish a Standing Committee of the Senate on Intelligence,
and for other purposes.

1 *Resolved*, That it is the purpose of this resolution to
2 establish a new select committee of the Senate, to be known
3 as the Select Committee on Intelligence, to oversee and make
4 continuing studies of the intelligence activities and programs
5 of the United States Government, and to submit to the Sen-
6 ate appropriate proposals for legislation and report to the
7 Senate concerning such intelligence activities and programs.
8 In carrying out this purpose, the Select Committee on Intel-
9 ligence shall make every effort to assure that the appropriate
10 departments and agencies of the United States provide in-
11 formed and timely intelligence necessary for the executive
12 and legislative branches to make sound decisions affecting the
13 security and vital interests of the Nation. It is further the
14 purpose of this resolution to provide vigilant legislative over-
15 sight over the intelligence activities of the United States to
16 assure that such activities are in conformity with the Con-
17 stitution and laws of the United States.

18 SEC. 2. (a) (1) There is hereby established a select
19 committee to be known as the Select Committee on Intelli-
20 gence (hereinafter in this resolution referred to as the "select
21 committee"). The select committee shall be composed of
22 fifteen members appointed as follows:

23 (A) two members from the Committee on
24 Appropriations;

1 (B) two members from the Committee on Armed
2 Services;

3 (C) two members from the Committee on Foreign
4 Relations;

5 (D) two members from the Committee on the
6 Judiciary; and

7 (E) seven members to be appointed from the Senate
8 at large.

9 (2) Members appointed from each committee named in
10 clauses (A) through (D) of paragraph (1) shall be evenly
11 divided between the two major political parties and shall be
12 appointed by the President pro tempore of the Senate upon
13 the recommendations of the majority and minority leaders
14 of the Senate. Four of the members appointed under clause
15 (E) of paragraph (1) shall be appointed by the President
16 pro tempore of the Senate upon the recommendation of the
17 majority leader of the Senate and three shall be appointed
18 by the President pro tempore of the Senate upon the recom-
19 mendation of the minority leader of the Senate.

20 (3) The majority leader of the Senate and the minority
21 leader of the Senate shall be ex officio members of the select
22 committee but shall have no vote in the committee and shall
23 not be counted for purposes of determining a quorum:

24 (b) No Senator may serve on the select committee for

1 more than eight years of continuous service, exclusive of
2 service by any Senator on such committee during the Ninety-
3 fourth Congress. To the greatest extent practicable, one-third
4 of the Members of the Senate appointed to the select com-
5 mittee at the beginning of the Ninety-seventh Congress and
6 each Congress thereafter shall be Members of the Senate
7 who did not serve on such committee during the preceding
8 Congress.

9 (c) At the beginning of each Congress, the Members
10 of the Senate who are members of the majority party of
11 the Senate shall elect a chairman for the select committee,
12 and the Members of the Senate who are from the minority
13 party of the Senate shall elect a vice chairman for such
14 committee. The vice chairman shall act in the place and
15 stead of the chairman in the absence of the chairman. Neither
16 the chairman nor the vice chairman of the select commit-
17 tee shall at the same time serve as chairman or ranking mi-
18 nority member of any other committee referred to in para-
19 graph 6 (f) of rule XXV of the Standing Rules of the
20 Senate.

21 (d) For the purposes of paragraph 6 (a) of rule XXV
22 of the Standing Rules of the Senate, service of a Senator as
23 a member of the select committee shall not be taken into
24 account.

25 SEC. 3. (a) There shall be referred to the select com-

1 mittee all proposed legislation, messages, petitions, memorials,
2 and other matters relating to the following:

3 (1) The Central Intelligence Agency and the
4 Director of Central Intelligence.

5 (2) Intelligence activities of all other departments
6 and agencies of the Government, including, but not
7 limited to, the intelligence activities of the Defense In-
8 telligence Agency, the National Security Agency, and
9 other agencies of the Department of Defense; the De-
10 partment of State; the Department of Justice; and the
11 Department of the Treasury.

12 (3) The organization or reorganization of any de-
13 partment or agency of the Government to the extent
14 that the organization or reorganization relates to a func-
15 tion or activity involving intelligence activities.

16 (4) Authorizations for appropriations, both direct
17 and indirect, for the following:

18 (A) The Central Intelligence Agency and Di-
19 rector of Central Intelligence.

20 (B) The Defense Intelligence Agency.

21 (C) The National Security Agency.

22 (D) The intelligence activities of other agen-
23 cies and subdivisions of the Department of Defense.

24 (E) The intelligence activities of the Depart-
25 ment of State.

1 (F) The intelligence activities of the Federal
2 Bureau of Investigation, including all activities of
3 the Intelligence Division.

4 (G) Any department, agency, or subdivision
5 which is the successor to any agency named in clause
6 (A), (B), or (C); and the activities of any de-
7 partment, agency, or subdivision which is the suc-
8 cessor to any department, agency, bureau, or sub-
9 division named in clause (D), (E), or (F) to the
10 extent that the activities of such successor depart-
11 ment, agency, or subdivision are activities described
12 in clause (D), (E), or (F).

13 (b) Any proposed legislation reported by the select com-
14 mittee, except any legislation involving matters specified in
15 clause (1) or (4) (A) of subsection (a), containing any
16 matter otherwise within the jurisdiction of any standing
17 committee shall, at the request of the chairman of such stand-
18 ing committee, be referred to such standing committee for
19 its consideration of such matter and be reported to the Sen-
20 ate by such standing committee within thirty days after the
21 day on which such proposed legislation is referred to such
22 standing committee; and any proposed legislation reported
23 by any committee, other than the select committee, which
24 contains any matter within the jurisdiction of the select
25 committee shall, at the request of the chairman of the select

1 committee, be referred to the select committee for its con-
2 sideration of such matter and be reported to the Senate by
3 the select committee within thirty days after the day on
4 which such proposed legislation is referred to such committee.
5 In any case in which a committee fails to report any pro-
6 posed legislation referred to it within the time limit prescribed
7 herein, such committee shall be automatically discharged
8 from further consideration of such proposed legislation on
9 the thirtieth day following the day on which such proposed
10 legislation is referred to such committee unless the Senate
11 provides otherwise. In computing any thirty-day period
12 under this paragraph there shall be excluded from such com-
13 putation any days on which the Senate is not in session.

14 (c) Nothing in this resolution shall be construed as pro-
15 hibiting or otherwise restricting the authority of any other
16 committee to study and review any intelligence activity to
17 the extent that such activity directly affects a matter other-
18 wise within the jurisdiction of such committee.

19 (d) Nothing in this resolution shall be construed as
20 amending, limiting, or otherwise changing the authority of
21 any standing committee of the Senate to obtain full and
22 prompt access to the product of the intelligence activities
23 of any department or agency of the Government rele-
24 vant to a matter otherwise within the jurisdiction of such
25 committee.

1 SEC. 4. (a) The select committee, for the purposes of
2 accountability to the Senate, shall make regular and periodic
3 reports to the Senate on the nature and extent of the intel-
4 ligence activities of the various departments and agencies of
5 the United States. Such committee shall promptly call to the
6 attention of the Senate or to any other appropriate com-
7 mittee or committees of the Senate any matters requiring the
8 attention of the Senate or such other committee or commit-
9 tees. In making such reports, the select committee shall
10 proceed in a manner consistent with section 8 (c) (2) to
11 protect national security.

12 (b) The select committee shall obtain an annual report
13 from the Director of the Central Intelligence Agency, the
14 Secretary of Defense, the Secretary of State, and the Director
15 of the Federal Bureau of Investigation. Such reports shall
16 review the intelligence activities of the agency or depart-
17 ment concerned and the intelligence activities of foreign
18 countries directed at the United States or its interest. An
19 unclassified version of each report may be made available
20 to the public at the discretion of the select committee. Noth-
21 ing herein shall be construed as requiring the public disclos-
22 ure in such reports of the names of individuals engaged in
23 intelligence activities for the United States or the divulging
24 of intelligence methods employed or the sources of informa-

1 tion on which such reports are based or the amount of funds
2 authorized to be appropriated for intelligence activities.

3 (c) On or before March 15 of each year, the select
4 committee shall submit to the Committee on the Budget of
5 the Senate the views and estimates described in section 301
6 (c) of the Congressional Budget Act of 1974 regarding
7 matters within the jurisdiction of the select committee.

8 SEC. 5. (a) For the purposes of this resolution, the select
9 committee is authorized in its discretion (1) to make investi-
10 gations into any matter within its jurisdiction, (2) to make
11 expenditures from the contingent fund of the Senate, (3) to
12 employ personnel, (4) to hold hearings, (5) to sit and act
13 at any time or place during the sessions, recesses, and ad-
14 journed periods of the Senate, (6) to require, by subpoena
15 or otherwise, the attendance of witnesses and the production
16 of correspondence, books, papers, and documents, (7) to
17 take depositions and other testimony, (8) to procure the
18 service of individual consultants or organizations thereof, in
19 accordance with the provisions of section 202 (i) of the Leg-
20 islative Reorganization Act of 1946, and (9) with the prior
21 consent of the Government department or agency concerned
22 and the Committee on Rules and Administration, to use on a
23 reimbursable basis the services of personnel of any such
24 department or agency.

1 (b) The chairman of the select committee or any mem-
2 ber thereof may administer oaths to witnesses.

3 (c) Subpenas authorized by the select committee may
4 be issued over the signature of the chairman, the vice chair-
5 man, or any member of the select committee designated by
6 the chairman, and may be served by any person designated
7 by the chairman or any member signing the subpoena.

8 SEC. 6. No employee of the select committee or any
9 person engaged by contract or otherwise to perform services
10 for or at the request of such committee shall be given access
11 to any classified information by such committee unless such
12 employee or person has (1) agreed in writing and under
13 oath to be bound by the rules of the Senate (including the
14 jurisdiction of the Select Committee on Standards and Con-
15 duct and of such committee as to the security of such infor-
16 mation during and after the period of his employment or
17 contractual agreement with such committee; and (2) re-
18 ceived an appropriate security clearance as determined by
19 such committee in consultation with the Director of Central
20 Intelligence. The type of security clearance to be required in
21 the case of any such employee or person shall, within the
22 determination of such committee in consultation with the
23 Director of Central Intelligence, be commensurate with the
24 sensitivity of the classified information to which such em-
25 ployee or person will be given access by such committee.

1 SEC. 7. The select committee shall formulate and carry
2 out such rules and procedures as it deems necessary to pre-
3 vent the disclosure, without the consent of the person or
4 persons concerned, of information in the possession of such
5 committee which unduly infringes upon the privacy or which
6 violates the constitutional rights of such person or persons.
7 Nothing herein shall be construed to prevent such committee
8 from publicly disclosing any such information in any case
9 in which such committee determines the national interest in
10 the disclosure of such information clearly outweighs any in-
11 fringement on the privacy of any person or persons.

12 SEC. 8. (a) The select committee may, subject to the
13 provisions of this section, disclose publicly any information in
14 the possession of such committee after a determination by
15 such committee that the public interest would be served by
16 such disclosure. Whenever committee action is required to
17 disclose any information under this section, the committee
18 shall meet to vote on the matter within five days after any
19 member of the committee requests such a vote. No member
20 of the select committee shall disclose any information, the
21 disclosure of which requires a committee vote, prior to a vote
22 by the committee on the question of the disclosure of such
23 information or after such vote except in accordance with this
24 section.

25 (b) (1) In any case in which the select committee votes

1 to disclose publicly any information which has been classi-
2 fied under established security procedures, which has been
3 submitted to it by the executive branch, and which the ex-
4 ecutive branch requests be kept secret, such committee shall
5 notify the President of such vote.

6 (2) The select committee may disclose publicly such
7 information after the expiration of a five-day period follow-
8 ing the day on which notice of such vote is transmitted to the
9 President, unless, prior to the expiration of such five-day
10 period, the President, personally in writing, notifies the com-
11 mittee that he objects to the disclosure of such information,
12 provides his reasons therefor, and certifies that the threat to
13 the national interest of the United States posed by such
14 disclosure is of such gravity that it outweighs any public
15 interest in the disclosure.

16 (3) If the President, personally in writing, notifies the
17 select committee of his objections to the disclosure of such
18 information as provided in paragraph (2), such committee
19 may, by majority vote, refer the question of the disclosure of
20 such information to the Senate for consideration. The com-
21 mittee shall not publicly disclose such information without
22 leave of the Senate.

23 (4) Whenever the select committee votes to refer the
24 question of disclosure of any information to the Senate under
25 paragraph (3), the chairman shall, not later than the first

1 day on which the Senate is in session following the day on
2 which the vote occurs, report the matter to the Senate for
3 its consideration.

4 (5) One hour after the Senate convenes on the fourth
5 day on which the Senate is in session following the day on
6 which any such matter is reported to the Senate, or at such
7 earlier time as the majority leader and the minority leader
8 of the Senate jointly agree upon in accordance with section
9 133 (f) of the Legislative Reorganization Act of 1946, the
10 Senate shall go into closed session and the matter shall be
11 the pending business. In considering the matter in closed
12 session the Senate may—

13 (A) approve the public disclosure of all or any
14 portion of the information in question, in which case the
15 committee shall publicly disclose the information ordered
16 to be disclosed,

17 (B) disapprove the public disclosure of all or any
18 portion of the information in question, in which case the
19 committee shall not publicly disclose the information
20 ordered not to be disclosed, or

21 (C) refer all or any portion of the matter back to
22 the committee, in which case the committee shall make
23 the final determination with respect to the public dis-
24 closure of the information in question.

1 Upon conclusion of the consideration of such matter in closed
2 session, which may not extend beyond the close of the ninth
3 day on which the Senate is in session following the day on
4 which such matter was reported to the Senate, or the close
5 of the fifth day following the day agreed upon jointly by the
6 majority and minority leaders in accordance with section
7 133 (f) of the Legislative Reorganization Act of 1946
8 (whichever the case may be), the Senate shall immediately
9 vote on the disposition of such matter in open session, with-
10 out debate, and without divulging the information with re-
11 spect to which the vote is being taken. The Senate shall
12 vote to dispose of such matter by one or more of the means
13 specified in clauses (A), (B), and (C) of the second
14 sentence of this paragraph. Any vote of the Senate to
15 disclose any information pursuant to this paragraph shall be
16 subject to the right of a Member of the Senate to move for
17 reconsideration of the vote within the time and pursuant
18 to the procedures specified in rule XIII of the Standing
19 Rules of the Senate, and the disclosure of such information
20 shall be made consistent with that right.

21 (c) (1) No information in the possession of the select
22 committee relating to the lawful intelligence activities of
23 any department or agency of the United States which has
24 been classified under established security procedures and
25 which the select committee, pursuant to subsection (a) or

1 (b) of this section, has determined should not be disclosed
2 shall be made available to any person by a Member, officer,
3 or employee of the Senate except in a closed session of the
4 Senate or as provided in paragraph (2).

5 (2) The select committee may, under such regulations as
6 the committee shall prescribe to protect the confidentiality of
7 such information, make any information described in para-
8 graph (1) available to any other committee or any other
9 Member of the Senate. Whenever the select committee makes
10 such information available, the committee shall keep a writ-
11 ten record showing, in the case of any particular information,
12 which committee or which Members of the Senate received
13 such information. No Member of the Senate who, and no
14 committee which, receives any information under this sub-
15 section, shall disclose such information except in a closed
16 session of the Senate.

17 (d) It shall be the duty of the Select Committee on
18 Standards and Conduct to investigate any unauthorized dis-
19 closure of intelligence information by a Member, officer or
20 employee of the Senate in violation of subsection (c) and to
21 report to the Senate concerning any allegation which it finds
22 to be substantiated.

23 (e) Upon the request of any person who is subject to
24 any such investigation, the Select Committee on Standards
25 and Conduct shall release to such individual at the conclu-

1 sion of its investigation a summary of its investigation to-
2 gether with its findings. If, at the conclusion of its investi-
3 gation, the Select Committee on Standards and Conduct
4 determines that there has been a significant breach of con-
5 fidentiality or unauthorized disclosure by a Member, officer,
6 or employee of the Senate, it shall report its findings to the
7 Senate and recommend appropriate action such as censure,
8 removal from committee membership, or expulsion from
9 the Senate, in the case of Member, or removal from office
10 or employment or punishment for contempt, in the case of an
11 officer or employee.

12 SEC. 9. The select committee is authorized to permit any
13 personal representative of the President, designated by the
14 President to serve as a liaison to such committee, to attend
15 any closed meeting of such committee.

16 SEC. 10. Upon expiration of the Select Committee on
17 Governmental Operations With Respect to Intelligence Ac-
18 tivities, established by Senate Resolution 21, Ninety-fourth
19 Congress, all records, files, documents, and other materials
20 in the possession, custody, or control of such committee,
21 under appropriate conditions established by it, shall be
22 transferred to the select committee.

23 SEC. 11. (a) It is the sense of the Senate that the head
24 of each department and agency of the United States should
25 keep the select committee fully and currently informed with

1 respect to intelligence activities, including any significant
2 anticipated activities, which are the responsibility of or en-
3 gaged in by such department or agency: *Provided*, That this
4 does not constitute a condition precedent to the implementa-
5 tion of any such anticipated intelligence activity.

6 (b) It is the sense of the Senate that the head of any
7 department or agency of the United States involved in any
8 intelligence activities should furnish any information or docu-
9 ment in the possession, custody, or control of the department
10 or agency, or person paid by such department or agency,
11 whenever requested by the select committee with respect
12 to any matter within such committee's jurisdiction.

13 (c) It is the sense of the Senate that each department
14 and agency of the United States should report immediately
15 upon discovery to the select committee any and all intelli-
16 gence activities which constitute violations of the constitu-
17 tional rights of any person, violations of law, or violations
18 of Executive orders, Presidential directives, or departmental
19 or agency rules or regulations; each department and agency
20 should further report to such committee what actions have
21 been taken or are expected to be taken by the departments
22 or agencies with respect to such violations.

23 SEC. 12. Subject to the Standing Rules of the Senate,
24 no funds shall be appropriated for any fiscal year beginning
25 after September 30, 1976, with the exception of a continuing

1 bill or resolution, or amendment thereto, or conference re-
2 port thereon, to, or for use of, any department or agency of
3 the United States to carry out any of the following activi-
4 ties, unless such funds shall have been previously authorized
5 by a bill or joint resolution passed by the Senate during the
6 same or preceding fiscal year to carry out such activity for
7 such fiscal year:

8 (1) The activities of the Central Intelligence Agency
9 and the Director of Central Intelligence.

10 (2) The activities of the Defense Intelligence Agency.

11 (3) The activities of the National Security Agency.

12 (4) The intelligence activities of other agencies and
13 subdivisions of the Department of Defense.

14 (5) The intelligence activities of the Department of
15 State.

16 (6) The intelligence activities of the Federal Bureau of
17 Investigation, including all activities of the Intelligence
18 Division.

19 SEC. 13. (a) The select committee shall make a study
20 with respect to the following matters, taking into considera-
21 tion with respect to each such matter, all relevant aspects
22 of the effectiveness of planning, gathering, use, security, and
23 dissemination of intelligence:

24 (1) the quality of the analytical capabilities of
25 United States foreign intelligence agencies and means for

1 integrating more closely analytical intelligence and
2 policy formulation;

3 (2) the extent and nature of the authority of the
4 departments and agencies of the executive branch to
5 engage in intelligence activities and the desirability of
6 developing charters for each intelligence agency or
7 department;

8 (3) the organization of intelligence activities in the
9 executive branch to maximize the effectiveness of the
10 conduct, oversight, and accountability of intelligence
11 activities; to reduce duplication or overlap; and to im-
12 prove the morale of the personnel of the foreign intelli-
13 gence agencies;

14 (4) the conduct of covert and clandestine activities
15 and the procedures by which Congress is informed of
16 such activities;

17 (5) the desirability of changing any law, Senate
18 rule or procedure, or any Executive order, rule, or regu-
19 lation to improve the protection of intelligence secrets
20 and provide for disclosure of information for which there
21 is no compelling reason for secrecy;

22 (6) the desirability of establishing a standing com-
23 mittee of the Senate on intelligence activities;

24 (7) the desirability of establishing a joint commit-
25 tee of the Senate and the House of Representatives on

1 intelligence activities in lieu of having separate com-
2 mittees in each House of Congress, or of establishing
3 procedures under which separate committees on intelli-
4 gence activities of the two Houses of Congress would
5 receive joint briefings from the intelligence agencies and
6 coordinate their policies with respect to the safeguarding
7 of sensitive intelligence information;

8 (8) the authorization of funds for the intelligence
9 activities of the Government and whether disclosure of
10 any of the amounts of such funds is in the public interest;
11 and

12 (9) the development of a uniform set of definitions
13 for terms to be used in policies or guidelines which may
14 be adopted by the executive or legislative branches to
15 govern, clarify, and strengthen the operation of intel-
16 ligence activities.

17 (b) The select committee may, in its discretion, omit
18 from the special study required by this section any matter
19 it determines has been adequately studied by the Select Com-
20 mittee To Study Governmental Operations With Respect to
21 Intelligence Activities, established by Senate Resolution 21,
22 Ninety-fourth Congress.

23 (c) The select committee shall report the results of the
24 study provided for by this section to the Senate, together
25 with any recommendations for legislative or other actions it

1 deems appropriate, no later than July 1, 1977, and from
2 time to time thereafter as it deems appropriate.

3 SEC. 14. (a) As used in this resolution, the term "intel-
4 ligence activities" includes (1) the collection, analysis, pro-
5 duction, dissemination, or use of information which relates to
6 any foreign country, or any government, political group,
7 party, military force, movement, or other association in such
8 foreign country, and which relates to the defense, foreign
9 policy, national security, or related policies of the United
10 States, and other activity which is in support of such activi-
11 ties; (2) activities taken to counter similar activities directed
12 against the United States; (3) covert or clandestine activi-
13 ties affecting the relations of the United States with any
14 foreign government, political group, party, military force,
15 movement or other association; (4) the collection, analysis,
16 production, dissemination, or use of information about activi-
17 ties of persons within the United States, its territories and
18 possessions, or nationals of the United States abroad whose
19 political and related activities pose, or may be considered
20 by any department, agency, bureau, office, division, instru-
21 mentality, or employee of the United States to pose, a threat
22 to the internal security of the United States, and covert or
23 clandestine activities directed against such persons. Such
24 term does not include tactical foreign military intelligence
25 serving no national policymaking function.

1 (b) As used in this resolution, the term "department
2 or agency" includes any organization, committee, council,
3 establishment, or office within the Federal Government.

4 (c) For purposes of this resolution, reference to any
5 department, agency, bureau, or subdivision shall include a
6 reference to any successor department, agency, bureau, or
7 subdivision to the extent that such successor engages in
8 intelligence activities now conducted by the department,
9 agency, bureau, or subdivision referred to in this resolution.

10 SEC. 15. For the period from the date this resolution
11 is agreed to through February 28, 1977, the expenses of
12 the select committee under this resolution shall not exceed
13 \$275,000, of which amount not to exceed \$30,000 shall
14 be available for the procurement of the services of individual
15 consultants, or organizations thereof, as authorized by sec-
16 tion 202 (i) of the Legislative Reorganization Act of 1946.
17 expenses of the select committee under this resolution shall
18 be paid from the contingent fund of the Senate upon
19 vouchers approved by the chairman of the select committee,
20 except that vouchers shall not be required for the disburse-
21 ment of salaries of employees paid at an annual rate.

1 SEC. 16. Nothing in this resolution shall be construed
2 as constituting acquiescence by the Senate in any practice,
3 or in the conduct of any activity, not otherwise authorized
4 by law.

APPENDIX B

94TH CONGRESS
1ST SESSION

S. RES. 9

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 1975

Mr. CHILES (for himself, Mr. ROTH, Mr. BIDEN, Mr. BROCK, Mr. CHURCH, Mr. CLARK, Mr. CRANSTON, Mr. HATFIELD, Mr. HATHAWAY, Mr. HUMPHREY, Mr. JAVITS, Mr. JOHNSTON, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MUSKIE, Mr. PACKWOOD, Mr. PERCY, Mr. PROXMIRE, Mr. STAFFORD, Mr. STEVENSON, Mr. TAFT, Mr. WEICKER, Mr. BUMPERS, Mr. STONE, Mr. CULVER, Mr. FORD, Mr. HART of Colorado, Mr. LAXALT, Mr. NELSON, and Mr. HASKELL) introduced the following resolution; which was read twice and referred to the Committee on Rules and Administration:

RESOLUTION

Amending the rules of the Senate relating to open committee meetings.

1. *Resolved*, That paragraph 7(b) of rule XXV of the
2 Standing Rules of the Senate is amended to read as follows;
3 “(b) Each meeting of a standing, select, or special
4 committee of the Senate, or any subcommittee thereof, in-
5 cluding meetings to conduct hearings, shall be open to the
6 public, except that a portion or portions of any such meeting
7 may be closed to the public if the committee or subcom-
8 mittee, as the case may be, determines by record vote of a

1 majority of the members of the committee or subcommittee
2 present that the matters to be discussed or the testimony to
3 be taken at such portion or portions—

4 “(1) will disclose matters necessary to be kept
5 secret in the interests of national defense or the confi-
6 dential conduct of the foreign relations of the United
7 States;

8 “(2) will relate solely to matters of committee
9 staff personnel or internal staff management or proce-
10 dure;

11 “(3) will tend to charge an individual with crime
12 or misconduct, to disgrace or injure the professional
13 standing of an individual, or otherwise to expose an
14 individual to public contempt or obloquy, or will repre-
15 sent a clearly unwarranted invasion of the privacy of
16 an individual;

17 “(4) will disclose the identity of any informer or
18 law enforcement agent or will disclose any information
19 relating to the investigation or prosecution of a criminal
20 offense that is required to be kept secret in the interests
21 of effective law enforcement; or

22 “(5) will disclose information relating to the trade
23 secrets or financial or commercial information pertaining
24 specifically to a given person if—

25 “(A) an Act of Congress requires the infor-

1 mation to be kept confidential by Government offi-
2 cers and employees; or

3 “ (B) the information has been obtained by the
4 Government on a confidential basis, other than
5 through an application by such person for a specific
6 Government financial or other benefit, and is re-
7 quired to be kept secret in order to prevent undue
8 injury to the competitive position of such person.

9 Whenever any hearing conducted by any such committee
10 or subcommittee is open to the public, that hearing may be
11 broadcast by radio or television, or both, under such rules
12 as the committee or subcommittee may adopt.”

13 SEC. 2. Section 133A (b), of the Legislative Reorga-
14 nization Act of 1946, section 242 (a) of the Legislative
15 Reorganization Act of 1970, and sections 102 (d) and (e)
16 of the Congressional Budget Act of 1974 are repealed.