95TH CONGRESS
1ST SESSION

H. RES. 658

[Report No. 95–498]

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1977

Mr. Wright submitted the following resolution; which was referred to the Committee on Rules

JULY 13, 1977

Reported with amendments, referred to the House Calendar, and ordered to be printed

JULY 14, 1977

Considered, amended, and agreed to

RESOLUTION

Resolved, That it is the purpose of this resolution to establish a new permanent select committee of the House, to be known as the Permanent Select Committee on Intelligence, to oversee and make continuing studies of the intelligence and intelligence-related activities and programs of the United States Government, and to submit to the House appropriate proposals for legislation and report to the House concerning such intelligence and intelligence-related activities and programs. In carrying out this purpose, the Permanent Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of
the Nation. It is further the purpose of this resolution to provide
vigilant legislative oversight over the intelligence and intelligence-
related activities of the United States to assure that such activi-
ties are in conformity with the Constitution and laws of the
United States.

Sec. 2. The Rules of the House of Representatives are
amended by adding at the end thereof the following:

"Rule XLVIII.

"PERMANENT SELECT COMMITTEE ON INTELLIGENCE

"1. (a) There is hereby established a permanent select
committee to be known as the Permanent Select Committee
on Intelligence (hereinafter in this rule referred to as the
'select committee'). The select committee shall be composed
of thirteen Members with representation to include at least
one Member from:

"(1) the Committee on Appropriations;
"(2) the Committee on Armed Services;
"(3) the Committee on International Relations; and
"(4) the Committee on the Judiciary.

"(b) The majority leader of the House and the minority
leader of the House shall be ex officio members of the select
committee but shall have no vote in the committee and shall
not be counted for purposes of determining a quorum.

"(c) No Member of the House may serve on the select
committee for more than six years of continuous service, ex-
clusive of service by any Member of the House on such com-
mittee during the Ninety-fifth Congress. To the greatest extent practicable, at least four of the Members of the House appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the House who did not serve on such committee during the preceding Congress.

"2. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

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

"(2) Intelligence and intelligence-related activities of all other departments and agencies of the Government, including, but not limited to, the intelligence and intelligence-related activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

"(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence or intelligence-related activities.

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

"(A) The Central Intelligence Agency and Director of Central Intelligence.
"(B) The Defense Intelligence Agency.

"(C) The National Security Agency.

"(D) The intelligence and intelligence-related activities of other agencies and subdivisions of the Department of Defense.

"(E) The intelligence and intelligence-related activities of the Department of State.

"(F) The intelligence and intelligence-related activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

"(G) Any department, agency, or subdivision which is the successor to any agency named in subdivision (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in subdivision (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in subdivision (D), (E), or (F).

"(b) Any proposed legislation initially reported by the select committee, except any legislation involving matters specified in subparagraph (1) or (4) (A) of paragraph (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee by the Speaker for its consideration of such matter and be reported
to the House by such standing committee within the time prescribed by the Speaker in the referral; and any proposal legislation initially reported by any committee, other than the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred by the Speaker to the select committee for its consideration of such matter and be reported to the House within the time prescribed by the Speaker in the referral.

"(c) Nothing in this rule shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence or intelligence-related activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

"(d) Nothing in the rule shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the House to obtain full and prompt access to the product of the intelligence and intelligence-related activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

"3. (a) The select committee, for the purposes of accountability to the House, shall make regular and periodic reports to the House on the nature and extent of the intelligence and intelligence-related activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the House or to any other appropriate committee or committees of the House any matters requiring the attention
of the House or such other committee or committees. In making such reports, the select committee shall proceed in a manner consistent with clause 7 to protect national security.

"(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence and intelligence-related activities of the agency or department concerned and the intelligence and intelligence-related activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence or intelligence-related activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence and intelligence-related activities.

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

"4. To the extent not inconsistent with the provisions of
this rule, the provisions of clauses 1, 2, 3, and 5 (a), (b), and (c) of rule XI shall apply to the select committee.

"5. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the House (including the jurisdiction of the Committee on Standards of Official Conduct and of the select committee as to the security of such information during and after the period of his employment or contractual agreement with such committee); and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

"6. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional
rights of such person or persons. Nothing herein shall be con-
strued to prevent such committee from publicly disclosing any
such information in any case in which such committee determines
that national interest in the disclosure of such information clearly
outweighs any infringement on the privacy of any person or
persons.

"7. (a) The select committee may, subject to the provisions
of this clause, disclose publicly any information in the possession
of such committee after a determination by such committee that
the public interest would be served by such disclosure. Whenever
committee action is required to disclose any information under
this clause, the committee shall meet to vote on the matter within
five days after any member of the committee requests such a
vote. No member of the select committee shall disclose any in-
formation, the disclosure of which requires a committee vote,
prior to a vote by the committee on the question of the disclosure
of such information or after such vote except in accordance with
this clause.

"(b) (1) In any case in which the select committee votes
to disclose publicly any information which has been classified
under established security procedures, which has been sub-
mitted to it by the executive branch, and which the executive
branch requests be kept secret, such committee shall notify the
President of such vote.

"(2) The select committee may disclose publicly such
information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

"(3) If the President, personally, in writing, notifies the select committee of his objections to the disclosure of such information as provided in subparagraph (2), such committee may, by majority vote, refer the question of the disclosure of such information with a recommendation thereon to the House for consideration. The committee shall not publicly disclose such information without leave of the House.

"(4) Whenever the select committee votes to refer the question of disclosure of any information to the House under subparagraph (3), the chairman shall, not later than the first day on which the House is in session following the day on which the vote occurs, report the matter to the House for its consideration.

"(5) If within four calendar days on which the House is in session, after such recommendation is reported, no motion has been made by the chairman of the select committee to consider, in closed session, the matter reported under subparagraph (4),
then such a motion will be deemed privileged and may be made
by any Member. The motion under this subparagraph shall not
be subject to debate or amendment. When made, it shall be
decided without intervening motion, except one motion to adjourn.

"(6) If the House adopts a motion to resolve into closed
session, the Speaker shall then be authorized to declare a recess
subject to the call of the Chair. At the expiration of such recess,
the pending question, in closed session, shall be, 'Shall the House
approve the recommendations of the select committee?'

"(7) After not more than two hours of debate on the
motion, such debate to be equally divided and controlled by the
chairman and ranking minority member of the select committee,
or their designees, the previous question shall be considered as
ordered and the House, without intervening motion except one
motion to adjourn, shall immediately vote on the question, in
open session but without divulging the information with respect
to which the vote is being taken. If the recommendation of the
select committee is not agreed to, the question shall be deemed
recommitted to the select committee for further recommendation.

"(c) (1) No information in the possession of the select
committee relating to the lawful intelligence or intelligence-
related activities of any department or agency of the United
States which has been classified under established security
procedures and which the select committee, pursuant to para-
graph (b) (2) of this clause, has determined should not be
disclosed shall be made available to any person by a Member,
officer, or employee of the House except as provided in sub-
paragraph (2).

"(2) The select committee shall, under such regulations
as the committee shall prescribe, make any information described
in subparagraph (1) available to any other committee or any
other Member of the House and permit any other Member of
the House to attend any hearing of the committee which is
closed to the public. Whenever the select committee makes such
information available, the committee shall keep a written record
showing, in the case of any particular information, which com-
mittee or which Members of the House received such information.
No Member of the House who, and no committee which, receives
any information under this subparagraph, shall disclose such
information except in a closed session of the House.

"(d) The Committee on Standards of Official Conduct
shall investigate any unauthorized disclosure of intelligence or
intelligence-related information by a Member, officer, or employee
of the House in violation of paragraph (c) and report to the
House concerning any allegation which it finds to be sub-
stantiated.

"(e) Upon the request of any person who is subject to
any such investigation, the Committee on Standards of Official
Conduct shall release to such individual at the conclusion of
its investigation a summary of its investigation, together with its findings. If, at the conclusion of its investigation, the Committee on Standards of Official Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the House, it shall report its findings to the House and recommend appropriate action such as censure, removal from committee membership, or expulsion from the House, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

"8. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

"9. Subject to the rules of the House, no funds shall be appropriated for any fiscal year beginning after September 30, 1978, with the exception of a continuing bill or resolution continuing appropriations, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the House during the same or preceding fiscal year to carry out such activity for such fiscal year:
"(a) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

"(b) The activities of the Defense Intelligence Agency.

"(c) The activities of the National Security Agency.

"(d) The intelligence and intelligence-related activities of other agencies and subdivisions of the Department of Defense.

"(e) The intelligence and intelligence-related activities of the Department of State.

"(f) The intelligence and intelligence-related activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

10. (a) As used in this rule, the term 'intelligence and intelligence-related activities' includes (1) 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; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement, or other association; (4) the collection, analysis, production, dissemination, or use of informa-
tion 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 United States, and covert or clandestine activities directed against such persons.

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

"(c) For purposes of this rule, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence or intelligence-related activities now conducted by the department, agency, bureau, or subdivision referred to in this rule.

"11. Clause 6 (a) of rule XXVIII does not apply to conference committee meetings respecting legislation (or any part thereof) reported from the Permanent Select Committee on Intelligence.

SEC. 3. (a) The Permanent Select Committee on Intelligence shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:
1. (1) the quality of the analytical capabilities of United States intelligence and intelligence-related activities and means for integrating more closely analytical intelligence and policy formulation;

2. (2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence and intelligence-related activities and the desirability of developing charters for each intelligence agency or department;

3. (3) the organization of intelligence and intelligence-related activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence and intelligence-related activities; to reduce duplication or overlap; and to improve the morale of the personnel of the intelligence and intelligence-related agencies;

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

5. (5) the desirability of changing any law, House rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

6. (6) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence
and intelligence-related activities in lieu of having separate
committees in each House of Congress, or of establishing
procedures under which separate committees on intelligence
and intelligence-related activities of the two Houses of Con-
gress would receive joint briefings from the intelligence and
intelligence-related agencies and coordinate their policies
with respect to the safeguarding of sensitive intelligence
information;

(7) the authorization of funds for the intelligence and
intelligence-related activities of the Government and whether
disclosure of any of the amounts of such funds is in the public
interest; and

(8) the development of a uniform set of definitions for
terms to be used in policies or guidelines which may be
adopted by the executive or legislative branches to govern,
clarify, and strengthen the operation of intelligence and in-
telligence-related activities.

(b) The Permanent Select Committee on Intelligence shall
report the results of the study provided for by this section to the
House, together with any recommendations for legislative or
other actions as it deems appropriate, not later than the close of
the Ninety-fifth Congress.
Sec. 4. All records, files, documents, and other materials of
the Select Committee on Intelligence of the Ninety-fourth Con-
gress now in the possession, custody, or control of the Clerk of
the House shall be transferred to the Permanent Select Com-
mittee on Intelligence.

Passed the House of Representatives July 14, 1977.

Attest: EDMUND L. HENSHAW, JR.,

Clerk.
Resolved, That the following resolutions be submitted to the Congress:

Resolved, That an act to amend the rules of the House of Representatives be enacted, and that such amendments be adopted.

Resolved, That the resolutions be referred to the Committee on Rules.

Resolved, That the amendments be reported to the House.

Resolved, That the amendments be adopted.

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