I look with great hope toward the operation of the new select committee and trust that it will operate as an effective brake on the abuses which prompted the investigation of the Select Committee on Intelligence. The Senate will now proceed to vote on the question of agreeing to Senate Resolution 400, as amended.

On this question the ayes and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Michigan (Mr. PIATT A. HARR), the Senator from Indiana (Mr. BAUK), and the Senator from Wyoming (Mr. MCCREE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKES), the Senator from North Carolina (Mr. HEIL), and the Senator from Delaware (Mr. ROW) are necessarily absent.

On this vote, the Senator from Tennessee (Mr. BAKES) is paired with the Senator from North Carolina (Mr. HEIL). If present and voting, the Senator from Tennessee would vote "aye" and the Senator from North Carolina would vote "nay." The result was announced—yeas 72, nays 22, as follows:

[Roll-call Vote No. 181 Leg.]

YEAS—72

Abourezk  
Allen  
Beall  
Beijing  
Bennett  
Biden  
Blakely  
Bumpers  
Byrd  
Byrd, F. J.  
Byrd, K. C.  
Cannon  
Case  
Cline  
Church  
Clark  
Clemett  
Clyburn  
Dole  
Domenici  
Durbin  
Fusco  
Fong  
Ford  

NAYS—22

Allen  
Baker  
Bartlett  
Beck  
Buckley  
Currie  
Pannun  
Golinger  

NOT VOTING—6

Baker  
Hart, Philip A.  

So the resolution (S. Res. 400) was agreed to, as follows:

S. Res. 409
Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall give 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 foreign policy of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

Sec. 2. (a) (1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of seven members appointed as follows:

- (A) two members from the Committee on Appropriations;
- (B) two members from the Committee on Armed Services;
- (C) two members from the Committee on Foreign Relations;
- (D) two members from the Committee on the Judiciary;
- (E) seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate. The majority and minority leaders of the Senate shall select the recommendations of the majority and minority leaders of the Senate. Four of the members appointed under clause (E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and the minority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(3) The majority leader of the Senate and the minority leader of the Senate 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.

(b) No Senator may serve on the select committee for more than eight years of continuous service, exclusive of service by any Senator on such committee during the Thirty-Fourth Congress. At the greatest extent practicable, one-third of the Members of the Senate appointed to the select committee by the Senate at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

(c) At the beginning of each Congress, the Members of the Senate who are members of the majority party of the Senate shall elect a chairman and, in the case of the minority party of the Senate, each Senator who is from the minority party of the Senate shall elect a vice chairman. The vice chairman shall act in the place and stead of the chairman in the absence of the chair.

(d) The provisions of paragraph 6(a) of rule XXV of the Standing Rules of the Senate are hereby changed to read as follows:

- (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) The Defense Intelligence Agency and other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense.
  - (3) The Department of the Treasury.
  - (4) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to any activity involving intelligence activities.

(e) Authorization for appropriations, with direct and indirect, for the following:

- (A) The Central Intelligence Agency and the Director of Central Intelligence.
- (B) The Defense Intelligence Agency.
- (C) The National Security Agency.
- (D) The intelligence activities of other agencies and subdivisions of the Department of Defense.
- (E) The intelligence activities of the Department of Justice.
- (F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

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

(h) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee, except the jurisdiction of the select committee, at the request of the chairman of such standing committee, be referred to such standing committee for consideration and be reported to the Senate by such standing committee within thirty days after the day on which such proposal is referred to such standing committee; and any proposed legislation reported by any committees, other than the select committee, which contains any matter within the jurisdiction of the select committee, shall be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposal.

(k) Any department or agency of the Government on the thirteenth day following the day on which such requested legislation is referred to such committees shall, unless otherwise provided in the proposal, in any case in which a committee fails to report any proposed legislation referred to the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposal.
a matter otherwise within the jurisdiction of such committee.  

Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing or select committee of the Senate to conduct the full and prompt access to the product of the intelligence activities of any department or agency of the United States. The type of security cleared in the case of any such employee or person shall, within the determination of such committees, in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the information to which such employee or person will be given access by such committees.  

Second. The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate and the appropriate committees of the Senate in an annual report to the Senate and in quarterly reports to the appropriate committees of the Senate. Such reports shall contain the names and positions of all such employees or persons, and such summary of such activities as the committees may determine. Such reports may be available to the public at the discretion of the select committees.  

(a) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate 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.  

Sec. 4. Any request shall be submitted in a manner consistent with section 8(c) (2) to protect national security.  

(a) The select committee shall submit an annual report to the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of the Interior, and the Director of the Federal Bureau of Investigation. Such reports shall, with respect to activities of 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 activities.  

(b) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee which unduly infringes upon the privacy or which would be in the interest of national security or which would disclose the names of a foreign country directed at the United States or to us or to any of our allies. Such report shall not be made available to the public at the discretion of the select committees. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence 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 activities.  

(c) The select committee shall disclose publicly any information which has been classified under established security procedures, which has been classified under the authority of the President of the United States, which the President shall disclose publicly, which the President shall authorize the disclosure of such information to the Senate, and shall authorize the disclosure of such information without leave of the Senate.  

(d) The select committee shall conduct such investigations as the committees may assign to it to determine the need for such committees, in consultation with the Director of Central Intelligence, to institute proceedings under this section. The committees shall, when necessary, be authorized to institute proceedings for the determination of any petition or request submitted to the committees under this section.  

(e) The select committee shall, when necessary, be authorized to determine the need for such committees, in consultation with the Director of Central Intelligence, to institute proceedings under this section. The committees shall, when necessary, be authorized to institute proceedings for the determination of any petition or request submitted to the committees under this section.
section (e) and to report to the Senate concerning any allegations which it finds to be substantiated.

(e) Upon the request of any person who is the subject of any investigation conducted by, or at the request of, any Senator or by a Senator or the Select Committee on Standards and Conduct shall release to such individual at the conclusion of such investigation a full and complete record of all its investigation together with its findings.

II. At the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by any Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate actions such as the removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from official duties in the case of an employee.

Sec. 9. The select committee is authorized to communicate with any personal representatives of the President, designated by the President to serve as a liaison to such committee, to attend a closed meeting of such committee.

Sec. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-Fourth Congress, all records, files, documents, and other materials, equipment, custody, and control of such committee, under appropriate conditions established by it, shall be transferred to the Senate select committee.

Sec. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any unauthorized activities which are the responsibility of or engaged in by such department or agency: Provided, That this does not constitute a condition precedent to the implementation of any such activities.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of such department or agency to the select committee with respect to any matter within such committee’s jurisdiction.

(c) It is the sense of the Senate that each department of the United States should report immediately upon discovery to the select committee any and all intelligence activities that constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, and recommendations or directives agreed to, and which department or agency should further report to such committees what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

Sec. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, or, to the extent 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 Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

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

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

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

(5) The intelligence activities of the Department of Energy.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities conducted by the Federal Bureau of Investigation, the National Security Agency, the Defense Intelligence Agency, and other agencies, that may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to be of interest to the Senate select committee or to the International Security Committee, or to the International Security Committee.

(7) The intelligence activities of the United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation; (8) The extent and nature of the authority of the members and agencies of the executive branch to engage in intelligence activities and the desirability of developing standards for such activities.

(9) The organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce costs, to improve the morale of the personnel of the intelligence agencies; (10) The clandestine activities and procedures by which Congress is informed of such activities; (11) The desirability of establishing a joint committee of the Senate and the House of Representatives on Intelligence Activities in lieu of having separate committees in each House of Congress, and of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information.

(12) The use of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is necessary; and

(13) The development of a uniform set of definitions for terms to be used in policies or guidelines of the national intelligence community.

The title was amended so as to read: “A Resolution to Establish a Select Committee on Intelligence.”

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the resolution was defeated.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPARKMAN. Mr. President, will the Senator yield for a unanimous consent agreement?

Mr. RIBICOFF. May I take just 2 minutes to finish?

Mr. SPARKMAN. Surely.

Mr. RIBICOFF. Mr. President, I thank the Senate as a whole for its overwhelming support. The Senate saw its duty and it did its best. It is high time that someone in this body who should be singled out for special appreciation.

Our majority leader [Mr. MANSFIELD], announced last year, suggested to Congress that there should be an oversight committee on intelligence. As is usual with the majority leader, he was foresighted and far-sighted. If we had accepted his