

109TH CONGRESS
2D SESSION

H. R. 5954

To amend the Rules of the House of Representatives to specify conditions under which the Permanent Select Committee on Intelligence of the House of Representatives shall be required to exercise its authority to make classified information in its possession available to certain standing committees of the House, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2006

Mr. FLAKE (for himself, Mr. SCHIFF, Mr. INGLIS of South Carolina, Mr. McGOVERN, Mr. PAUL, and Mr. MACK) introduced the following bill; which was referred to the Committee on Rules, and in addition to the Select Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Rules of the House of Representatives to specify conditions under which the Permanent Select Committee on Intelligence of the House of Representatives shall be required to exercise its authority to make classified information in its possession available to certain standing committees of the House, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Intelligence Oversight
3 Act”.

4 **SEC. 2. TREATMENT OF CLASSIFIED INFORMATION IN POS-**

5 **SESSION OF HOUSE INTELLIGENCE COM-**
6 **MITTEE.**

7 (a) REQUIRING CERTAIN INFORMATION TO BE MADE
8 AVAILABLE TO CERTAIN STANDING COMMITTEES.—
9 Clause 11(g)(3) of rule X of the Rules of the House of
10 Representatives is amended—

11 (1) in the first sentence of subdivision (B), by
12 striking “as it may prescribe,” and inserting “as it
13 may prescribe subject to the requirements of subdivi-
14 sion (C),”; and

15 (2) by adding at the end the following new sub-
16 divisions:

17 “(C) The select committee may not reject a request
18 by any standing committee referred to in subdivision (D)
19 to make information described in subdivision (A) available
20 to such committee if the information relates to any matter
21 within the jurisdiction of such committee, unless the infor-
22 mation reveals sensitive intelligence sources and methods
23 or reveals sensitive information related to a covert action
24 (as defined in section 503(e) of the National Security Act
25 of 1947 (50 U.S.C. 413b(e))).

1 “(D) The committees referred to in this subdivision
2 are as follows:

- 3 “(i) The Committee on Appropriations.
4 “(ii) The Committee on Armed Services.
5 “(iii) The Committee on Energy and Com-
6 merce.
7 “(iv) The Committee on Financial Services.
8 “(v) The Committee on Government Reform.
9 “(vi) The Committee on Homeland Security.
10 “(vii) The Committee on International Rela-
11 tions.
12 “(viii) The Committee on the Judiciary.

13 “(ix) Any other standing committee designated
14 by the Speaker for purposes of this subdivision.”.

15 (b) REQUIRING NOTIFICATION OF STANDING COM-
16 MITTEES OF INFORMATION WITHIN JURISDICTION;
17 BRIEFING BY MEMBERS SERVING ON BOTH COMMIT-
18 TEES.—Clause 11(g) of rule X of the Rules of the House
19 of Representatives is amended by adding at the end the
20 following new subparagraph:

21 “(6)(A) If the select committee is provided with infor-
22 mation described in subparagraph (3)(A) which relates to
23 any matter within the jurisdiction of a standing committee
24 described in subparagraph (3)(D), the select committee
25 shall provide notice to such standing committee not later

1 than 7 legislative days after the select committee is pro-
2 vided with the information, under such regulations as it
3 may prescribe in consultation with the Speaker and the
4 minority leader.

5 “(B) After providing notice under subdivision (A) to
6 a standing committee, the members of the select com-
7 mittee who also serve on such standing committee, in co-
8 ordination with the chairman of such standing committee,
9 shall provide for a briefing of the entire membership of
10 such standing committee with respect to the information
11 which is the subject of the notice, in accordance with such
12 procedures as may be established by the select committee
13 and the chairman of such standing committee. Any mem-
14 ber attending the briefing may be accompanied by a staff
15 person in the same manner and under the same terms and
16 conditions as provided in subparagraph (3)(B). This sub-
17 division shall not apply with respect to the Committee on
18 Energy and Commerce, the Committee on Financial Serv-
19 ices, the Committee on Government Reform, or the Com-
20 mittee on Homeland Security.”.

21 (c) ASSISTANCE TO STANDING COMMITTEES RE-
22 QUESTING BRIEFING ON CLASSIFIED INFORMATION
23 HELD BY EXECUTIVE BRANCH OFFICES.—Clause 11(g)
24 of rule X of the Rules of the House of Representatives,

1 as amended by subsection (b), is amended by adding at
2 the end the following new subparagraph:

3 “(7) If a standing committee described in subpara-
4 graph (3)(D) provides the select committee with a copy
5 of a request sent by the standing committee to any entity
6 in the executive branch for a briefing regarding informa-
7 tion described in subparagraph (3)(A) which relates to any
8 matter within the jurisdiction of the standing committee,
9 the select committee shall transmit a written response en-
10 dorsing the request to the standing committee and the en-
11 tity in the executive branch, unless the information reveals
12 sensitive intelligence sources and methods or reveals sen-
13 sitive information related to a covert action (as defined
14 in section 503(e) of the National Security Act of 1947
15 (50 U.S.C. 413b(e))).”.

16 (d) PERMITTING ACCESS TO STAFF ACCOMPANYING
17 MEMBER GRANTED ACCESS TO INFORMATION.—Clause
18 11(g)(3)(B) of rule X of the Rules of the House of Rep-
19 resentatives is amended by adding at the end the fol-
20 lowing: “A Member to whom information is made available
21 under this subdivision and who serves on a standing com-
22 mittee described in subparagraph (D) may be accom-
23 panied during the Member’s review of the information by
24 one individual who is an employee of the Office of the
25 Member or an employee of such standing committee, but

- 1 only if the employee has the appropriate security clearance
- 2 as determined by the select committee (as defined under
- 3 the National Security Act of 1947).”.

4 (e) CONFORMING AMENDMENT RELATING TO OVER-
5 SIGHT FUNCTIONS.—Clause 3(m) of rule X of the Rules
6 of the House of Representatives is amended by adding at
7 the end the following: “Nothing in this paragraph may be
8 construed to prohibit any disclosure authorized under
9 clause 11 or the disclosure by the select committee of the
10 existence of any operation or program which is not a cov-
11 ert action (as defined in section 503(e) of the National
12 Security Act of 1947 (50 U.S.C. 413b(e))).”.

13 SEC. 3. PROHIBITION ON DENYING INFORMATION TO A
14 COMMITTEE RELATING TO THE JURISDIC-
15 TION OF THAT COMMITTEE.

16 Section 501(c) of the National Security Act of 1947
17 (50 U.S.C. 413(c)) is amended by adding at the end the
18 following: “The congressional intelligence committees shall
19 not establish any procedure that denies another committee
20 of the House of Representatives or the Senate access to
21 information, including classified transcripts, records, data,
22 charts, or files, in possession of the congressional intel-
23 ligence committees if such information relates to the juris-
24 diction of the other committee, provided that such infor-
25 mation does not reveal sensitive intelligence sources and

1 methods or sensitive information related to a covert ac-
2 tion.”.

3 **SEC. 4. NO EFFECT ON RESTRICTIONS REGARDING HAN-**
4 **DLING OF CLASSIFIED INFORMATION.**

5 Nothing in this Act or any amendment made by this
6 Act may be construed to affect any provision of law or
7 any rule or regulation governing the handling of classified
8 information which is authorized to be made available to
9 any individual, including the application of existing crimi-
10 nal and civil penalties and sanctions under the House
11 Rules providing for censure, removal from committee
12 membership, or expulsion from the House for a Member
13 or removal from employment for staff who have engaged
14 in unauthorized disclosure of intelligence or intelligence-
15 related information.

