



Legislative Bulletin.....January 9, 2007

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H.Res. 35—To enhance intelligence oversight authority

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$0

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

**H.Res. 35—To enhance intelligence oversight authority—as introduced
(Obey, D-WI)**

Order of Business: The resolution is scheduled to be considered on Tuesday, January 9th, pursuant to H.Res. 6, a rule that the House passed last week closing the bill to amendments, waiving all points of order against the resolution and its consideration, deeming the previous question as ordered, providing for one total hour of debate, and providing for one motion to recommit (commit) **WITHOUT** instructions. (Note: H.Res. 6 was the resolution changing House Rules for the 110th Congress. It also provided for the consideration of several portions of the Democrats' 100-Hour Agenda.) **In other words, this bill will come to the floor under a closed rule and without the applicability of any of the new House rules that the Democrats have implemented.**

Summary: H.Res. 35 would establish a Select Intelligence Oversight Panel of the House Appropriations Committee, composed of no more than 13 Members (no more than eight of the same political party), as appointed by the Speaker. The Panel would include:

- the Appropriations Committee Chairman and Ranking Member;
- the Defense Appropriations Subcommittee Chairman and Ranking Member;
- six other Appropriations Committee Members; and
- three Members of the Permanent Select Committee on Intelligence.

The Speaker would designate a Chairman and a Ranking Member of the Panel.

(NOTE: some conservatives may be concerned at the Democrat Speaker appointing Republican Members of the Panel.)

The Panel would be tasked with:

- reviewing and studying budget requests for, and execution of, intelligence activities;
- making recommendations to relevant Appropriations subcommittees; and
- preparing annual reports to the Defense Appropriations Subcommittee containing budgetary and oversight observations and recommendations for use by such Subcommittee in preparation of the classified annex to the Defense appropriations bill.

The procedures for the Panel would be the same as those for subcommittee under House Rule XI (except for subpoena power, which would remain with the full Appropriations Committee and the Defense Appropriations Subcommittee).

Additional Background: The National Commission on Terrorist Attacks Upon the United States (“The 9/11 Commission”), an independent, bipartisan commission created by Congress and the President in late 2002, was chartered to analyze the circumstances surrounding the September 11, 2001 terrorist attacks and to make recommendations designed to guard against future attacks. One such recommendation was the consolidation of intelligence-related oversight in Congress. Specifically, the Commission’s executive summary argues that:

The Congress, like the executive branch, responded slowly to the rise of transnational terrorism as a threat to national security. The legislative branch adjusted little and did not restructure itself to address changing threats. Its attention to terrorism was episodic and splintered across several committees. The Congress gave little guidance to executive branch agencies on terrorism, did not reform them in any significant way to meet the threat, and did not systematically perform robust oversight to identify, address, and attempt to resolve the many problems in national security and domestic agencies that became apparent in the aftermath of 9/11.

So long as oversight is undermined by current congressional rules and resolutions, we believe the American people will not get the security they want and need. The United States needs a strong, stable, and capable congressional committee structure to give America's national intelligence agencies oversight, support, and leadership.

http://www.9-11commission.gov/report/911Report_Exec.htm.

It is difficult to see how the creation of an appropriations subpanel without otherwise reshuffling and consolidating committee jurisdictions accomplishes the goals highlighted by the Commission.

Committee Action: On January 5, 2007, the resolution was referred to the Rules Committee, which took no further official action on it.

Cost to Taxpayers: The resolution would yield no direct new costs to taxpayers.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill would create a new panel within the House Appropriations Committee.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: Although a committee report citing constitutional authority is unavailable. Article I, Section 5, Clause 2, grants each House of Congress the right to “determine the Rules of its Proceedings.”

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