

OLC 76-0441

20 February 1976

MEMORANDUM FOR THE RECORD

SUBJECT: Mark-up Session of the Senate Government Operations Committee
on Congressional Oversight of the Intelligence Community

1. I attended the first mark-up session of the Senate Government Operations Committee on the issue of congressional oversight of the Intelligence Community. The meeting lasted from 10:00 a.m. to 12:30 p.m.; and the following Senators attended:

Senator Abraham Ribicoff (D., Conn.)	Senator Lee Metcalf (D., Mont.)
Senator Lawton Chiles (D., Fla.)	Senator Sam Nunn (D., Ga.)
Senator John Glenn (D., Ohio)	Senator Charles Percy (R., Ill.)
Senator Jacob Javits (R., N. Y.)	Senator William Roth (R., Del.)
Senator Bill Brock (R., Tenn.)	Senator Lowell Weicker (R., Conn.)

2. The starting point for the Committee's deliberations is the bill of the Church Committee (S. 2893), converted into a resolution. The Committee is going the resolution route at least in part to meet the Senate's March 1 deadline for reporting the bill to the Rules Committee. The Committee considered an amendment by Senator Brock to establish a joint committee; but as it appeared there was no sentiment whatsoever for a joint committee, Senator Brock withdrew his amendment. The Committee agreed on an 11-member "Committee on Intelligence Activities." The membership is to be appointed by the caucuses of each party and will have a firm 6-5 majority-minority membership ratio. One of the purposes in going to an 11-member committee was so that other committees could have designated seats on the Intelligence Activities Committee without these members dominating the Committee. However, the Government Operations Committee later voted down the notion of designated seats.

3. The Committee also took the following action:

a. Accepted an amendment by Senator Percy which would strike the following language from the 17 February Committee Print (beginning page 5, line 22): "For the purpose of this paragraph service of a Senator as a member of the Committee on Intelligence Activities shall not be taken into account." The purpose of this amendment was to cut down on a Senator's committee load so that he would have more time to spend on intelligence activities;

(b) Agreed to an amendment by Senator Glenn which would eliminate the language in section 5 of the resolution (page 5, line 7) which disclaims interference in the jurisdiction of any other standing committee. The purpose of this amendment was to give the proposed committee exclusive jurisdiction of intelligence matters;

(c) Mindful that the Committee on Government Operations may not be able to lay all needed procedures out in advance, the Committee accepted in principle (language to be worked out) an amendment by Senator Roth directing the Committee on Intelligence Activities to recommend by July 1, 1977, needed changes in its procedures and authorities. The Committee's study is to include an inquiry into how the Senate Committee might work more closely with a House oversight committee, including joint meetings and the feasibility of establishing a joint committee.

4. Regarding the question of an annual authorization, Senator Nunn asked whether this would lead to the disclosure of the intelligence budget, and Senator Ribicoff stated nothing in the Committee resolution required the Committee to go public with its annual authorization figure. As Senator Ribicoff foresees the procedure, the Committee on Intelligence Activities will determine an authorization level [redacted]

[redacted] On a related point, Senator Muskie announced that he expected his Budget Committee to have access to all the budgetary information which the Intelligence Activities Committee is to receive and no one on the Committee objected.

5. The Committee concluded today's deliberations by discussing section 7, which forbids a member or employee of the Committee from disclosing information regarding intelligence activities except to a closed session of the Senate. Senators Roth and Huddleston spoke in favor of an amendment which would establish firm procedures for disciplining a member who discloses information without the Committee's authorization, while Senator Javits was reluctant to see a Senator's prerogatives limited. The Committee made no decisions on this question, but agreed to meet tomorrow at 10:00 a.m. on sections 7, 10, and 13 of the Committee Print.

[redacted]
Assistant Legislative Counsel

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