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United States Senate

SELECT COMMITTEE ON INTELLIGENCE SSCI #2008-1184
WASHINGTON, DC 20510-6475

March 6, 2008

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The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Republican Leader
United States Senate
Washington, D.C. 20510

Dear Senator Reid and Senator McConnell:

This letter sets forth our recommendations for change within the Senate to improve congressional oversight for intelligence. Section 603 of the Implementing Recommendations of the 9/11 Commission Act (Public Law 110-53) required the Senate Select Committee on Intelligence (SSCI) and the Homeland Security and Governmental Affairs Committee (HSGAC) to undertake a review of the 9/11 Commission's Final Report with regard to intelligence reform and congressional intelligence oversight reform. It also required the Committees to submit to the Senate recommendations for reform of congressional oversight of intelligence. The recommendations in this letter match those proposed to you in a letter sent by the Chairman and Ranking Member of the Homeland Security and Governmental Affairs Committee.

On November 13, 2007, the SSCI conducted a public hearing to receive testimony from members of the 9/11 Commission, as well as from experts from the Library of Congress and the private sector. On February 27, 2008, the SSCI met to formulate conclusions on the matter. The Committee concluded that the Senate should enact either one of two options to implement the necessary changes embodied by the comments and recommendations of the 9/11 Commission.

The first option is to implement the 9/11 Commission recommendation with regard to fiscal oversight of intelligence by consolidating authorization and appropriations authority in the SSCI. This option would implement directly the 9/11 Commission recommendation. We understand that this approach was considered and rejected by the Senate during consideration of S. Res. 445 in October 2004. We note, however, that Senators Burr, Bayh, Feingold, Hagel, McCain, Snowe and Sununu have reintroduced this measure in the 110th Congress with S. Res. 375.

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The second option embodies the spirit of the 9/11 Commission recommendation yet poses less structural change to the Senate and could be accomplished during this Congress simply by amending and implementing part of S. Res. 445. Section 402 of S. Res. 445 called for the creation of a Subcommittee on Intelligence within the Appropriations Committee. To date, this subcommittee has not been created. We recommend, as the second option, to amend and implement Section 402 of S. Res. 445 with the following necessary changes:

- The Subcommittee on Intelligence shall be an additional appropriations subcommittee and therefore require no reorganization of the Appropriations Committee.
- The Subcommittee on Intelligence shall appropriate all funds for the National Intelligence Program (NIP) (as opposed to the current situation where appropriations for the NIP are fragmented among several subcommittees within the Appropriations Committee).
- There will be a mechanism allowing for the allocation of the intelligence budget to the Subcommittee through the congressional budget process.
- The annual appropriations bill for the NIP reported by the Subcommittee on Intelligence shall pass from the Subcommittee to the full Appropriations Committee without intervening review by any other subcommittee; it shall then be reported to the Senate like any other appropriations measure.
- Appropriations Committee members who are members of the SSCI shall have automatic membership on the Subcommittee on Intelligence as shall the Chairman and Ranking Member of the Subcommittee on Defense Appropriations.
- The Chairman and Ranking member of the Subcommittee on Intelligence shall be selected from among those members who are both Appropriations Committee and SSCI members.

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- Assignment to and role on the Subcommittee on Intelligence shall not count against other subcommittee roles and assignments of any member of the Appropriations Committee.
- The Chairman and Ranking member of the Subcommittee on Intelligence of the Appropriations Committee shall select, designate or hire staff with appropriate clearances for the Subcommittee on Intelligence.
- If either, or both, the Chairman and Vice Chairman of the SSCI are not appropriations cross-over members to the SSCI, then either, or both, shall serve as ex officio members of the Subcommittee on Intelligence.
- The effective date of these changes shall be the date upon which the Senate adopts these amendments to S. Res. 445.

The Senate has already voted overwhelmingly to create a Subcommittee on Intelligence of the Appropriations Committee. We believe constituting this subcommittee with the necessary stipulations above will provide the closest approximation to the 9/11 Commission recommendation for consolidation and consistency of oversight, while at the same time imposing the least alteration to Senate organization and tradition. After consulting with you on these options we plan to sponsor the appropriate Senate resolution to address this issue.

Sincerely,

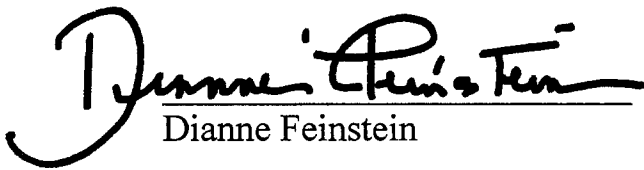


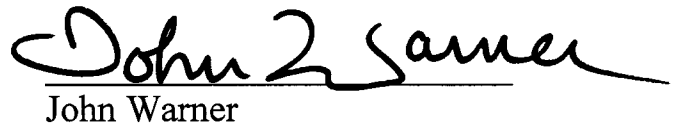
John D. Rockefeller IV
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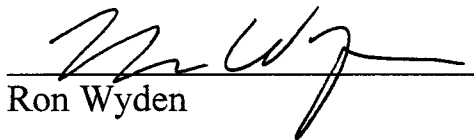



Christopher S. Bond
Vice Chairman

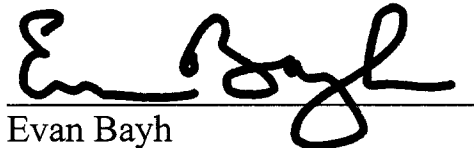
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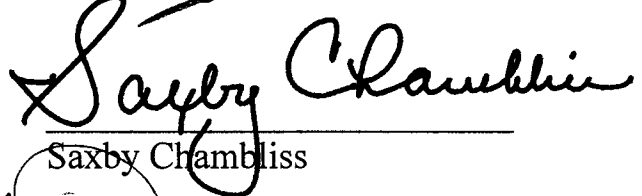

Dianne Feinstein


John Warner

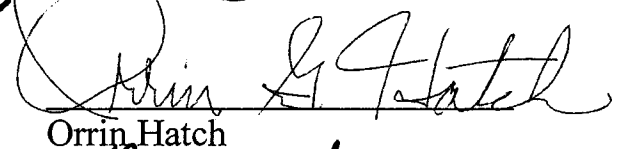

Ron Wyden

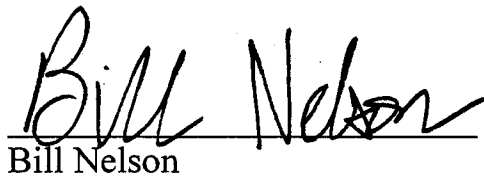

Chuck Hagel

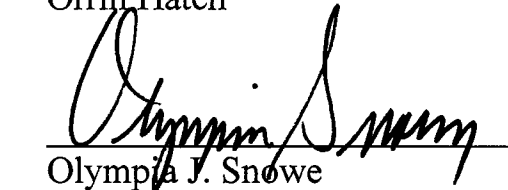

Evan Bayh


Saxby Chambliss

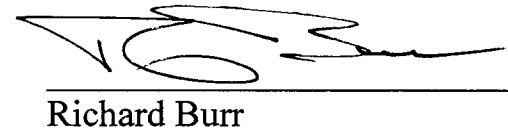

Barbara A. Mikulski


Orrin Hatch


Bill Nelson


Olympia J. Snowe


Sheldon Whitehouse


Richard Burr

cc: The Honorable Robert C. Byrd
The Honorable Thad Cochran