

103^D CONGRESS
2^D SESSION

S. 2258

To create a Commission on the roles and capabilities of the United States intelligence community, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 30 (legislative day, JUNE 7), 1994

Mr. WARNER (for himself, Mr. GRAHAM, Mr. DECONCINI, Mr. METZENBAUM, Mr. CHAFEE, and Mr. COHEN) introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

A BILL

To create a Commission on the roles and capabilities of the United States intelligence community, 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,*

3 **SECTION 1. ESTABLISHMENT OF COMMISSION ON THE**
4 **ROLES AND CAPABILITIES OF THE UNITED**
5 **STATES INTELLIGENCE COMMUNITY.**

6 There is hereby established a commission to be known
7 as the Commission on the roles and capabilities of the
8 United States intelligence community (hereinafter referred
9 to as the “Commission”). For purposes of this section the

1 term “intelligence community” shall have the same mean-
2 ing as set forth in section 401a(4) of title 50, United
3 States Code.

4 **SEC. 2. COMPOSITION AND QUALIFICATIONS.**

5 (a) The Commission shall be composed of eleven
6 members, seven of whom shall be private United States
7 citizens appointed by the President; two of whom shall be
8 Members of the United States Senate, one of whom shall
9 be appointed by the majority leader of the Senate and one
10 of whom shall be appointed by the minority leader of the
11 Senate, in consultation with the chairman and vice chair-
12 man, respectively, of the Select Committee on Intelligence;
13 and two of whom shall be Members of the United States
14 House of Representatives, one of whom shall be appointed
15 by the Speaker of the House of Representatives and one
16 of whom shall be appointed by the minority leader of the
17 House of Representatives, in consultation with the chair-
18 man and ranking minority member, respectively, of the
19 Permanent Select Committee on Intelligence.

20 (b) The private members of the Commission shall be
21 appointed from among persons of demonstrated ability
22 and accomplishment in government, business, law, aca-
23 deme, journalism, or other profession, a majority of whom
24 shall not have previously held senior leadership positions
25 in the intelligence community.

1 (c) The President shall designate a private member
2 as Chairman of the Commission.

3 **SEC. 3. PERIOD OF APPOINTMENT; VACANCIES.**

4 Members shall be appointed for the life of the Com-
5 mission. Any vacancy in the Commission shall not affect
6 its powers, but shall be filled in the same manner as the
7 original appointments.

8 **SEC. 4. INITIAL ORGANIZATIONAL REQUIREMENTS.**

9 (a) The appointments required by section 2 shall be
10 made within 45 days after the effective date of this Act.

11 (b) Appropriate security clearances shall be required
12 for members of the Commission who are private United
13 States citizens. Such clearances shall be processed and
14 completed on an expedited basis by appropriate elements
15 of the executive branch, and shall in any case be completed
16 within 45 days of the date such members are appointed.

17 (c) The Commission shall convene its first meeting
18 within four months of the effective date of this Act.

19 **SEC. 5. DUTIES OF THE COMMISSION.**

20 (a) In general, it shall be the duty of the Commission
21 to review the efficacy and appropriateness of the activities
22 of the United States intelligence community in the post-
23 cold war global environment and to issue a report which
24 sets forth the Commission's recommendations with respect

1 to the roles and capabilities which are required by the
2 United States for the foreseeable future.

3 (b) In carrying out the mandate of subsection (a),
4 the Commission shall specifically consider the following:

5 (1) What should be the roles and missions of
6 the intelligence community in terms of providing
7 support to the defense and foreign policy establish-
8 ments.

9 (2) Whether the roles and missions of the intel-
10 ligence community should extend beyond the tradi-
11 tional areas of providing support to the defense and
12 foreign policy establishments, and, if so, what areas
13 should be considered legitimate for intelligence-gath-
14 ering and analysis, for example, economic issues, en-
15 vironmental issues, health issues.

16 (3) What functions, if any, should continue to
17 be assigned the Central Intelligence Agency and
18 what capabilities should it retain for the future.

19 (4) Whether the existing organization and man-
20 agement framework of the Central Intelligence
21 Agency provide the optimal structure for the accom-
22 plishment of its mission.

23 (5) Whether existing principles and strategies
24 governing the acquisition and maintenance of intel-
25 ligence collection capabilities should be retained and

1 what collection capabilities should the Government
2 retain to meet future contingencies.

3 (6) Whether intelligence analysis, as it is cur-
4 rently structured and executed, adds sufficient value
5 to information otherwise available to the Govern-
6 ment to justify its continuation, and, if so, at what
7 level of resources.

8 (7) Whether the existing decentralized system
9 of intelligence analysis results in significant waste or
10 duplication, and, if so, what can be done to correct
11 these deficiencies.

12 (8) Whether the existing arrangements for allo-
13 cating available resources to accomplish the roles
14 and missions assigned to intelligence agencies are
15 adequate.

16 (9) Whether the existing framework for coordi-
17 nating intelligence collection and analysis among ele-
18 ments of the intelligence community and for coordi-
19 nating other activities of intelligence agencies, for
20 example, training, operational activity, et cetera,
21 provides an optimal structure for such coordination.

22 (10) Whether current personnel policies and
23 practices of intelligence agencies provide an optimal
24 work force to satisfy the needs of intelligence con-
25 sumers.

1 (11) Whether resources for intelligence activi-
2 ties should continue to be allocated as part of the
3 defense budget or be treated by the President and
4 Congress as a separate budgetary program.

5 (12) Whether the existing levels of resources al-
6 located for intelligence-gathering or intelligence anal-
7 ysis, or to provide a capability to conduct covert ac-
8 tions, are seriously at variance with United States
9 needs.

10 (13) Whether there are areas of redundant or
11 overlapping activity or areas where there is evidence
12 of serious waste, duplication, or mismanagement.

13 (14) To what extent, if any, should the budget
14 for United States intelligence activities be publicly
15 disclosed.

16 (15) To what extent, if any, should United
17 States intelligence collect information bearing upon
18 private commercial activity and how should such in-
19 formation be controlled and disseminated.

20 (16) Whether counterintelligence policies and
21 practices are adequate to ensure that employees of
22 intelligence agencies are sensitive to security prob-
23 lems, and whether intelligence agencies themselves
24 have adequate authority and capability to address
25 perceived security problems.

1 (17) How the size, missions, capabilities, and
2 resources of the United States intelligence commu-
3 nity compare to those of the Governments of the
4 United Kingdom, Canada, Australia, France, Israel,
5 Russia, and Germany.

6 (18) Whether existing collaborative arrange-
7 ments between the United States and other coun-
8 tries in the area of intelligence cooperation should be
9 maintained and whether such arrangements should
10 be expanded to provide for increased burdensharing.

11 (19) Whether existing arrangements for sharing
12 intelligence with multinational organizations in sup-
13 port of mutually-shared objectives are adequate.

14 **SEC. 6. REPORTS.**

15 (a) Not later than two months after the first meeting
16 of the Commission, the Commission shall transmit to the
17 Select Committee on Intelligence of the Senate and the
18 Permanent Select Committee on Intelligence of the House
19 of Representatives a report setting forth its plan for the
20 work of the Commission.

21 (b) The Commission, not later than December 31,
22 1996, shall submit to the President and to the two com-
23 mittees named in subsection (1) a report setting forth the
24 activities, findings, and recommendations of the Commis-
25 sion, including any recommendations for legislation that

1 the Commission considers advisable. To the extent fea-
2 sible, such report shall be unclassified and made available
3 to the public. This report shall be supplemented as nec-
4 essary by a classified report or annex which shall be pro-
5 vided separately to the recipients named herein.

6 **SEC. 7. POWERS.**

7 (a) The Commission or, at its direction, any panel
8 or member of the Commission, may, for the purpose of
9 carrying out the provisions of this section, hold hearings
10 sit and act at times and places, take testimony, receive
11 evidence, and administer oaths to the extent that the Com-
12 mission or any panel or member considers advisable.

13 (b) The Commission may secure directly from the de-
14 partments or agencies within the intelligence community
15 and from any other Federal department or agency any in-
16 formation that the Commission considers necessary to en-
17 able the Commission to carry out its responsibilities under
18 this section. Upon request of the Chairman of the Com-
19 mission, the head of such department or agency shall fur-
20 nish such information expeditiously to the Commission.

21 **SEC. 8. COMMISSION PROCEDURES.**

22 (a) The Commission shall meet at the call of the
23 Chairman.

1 (b) Six members of the Commission shall constitute
2 a quorum, but a lesser number of members may hold hear-
3 ings, take testimony, or receive evidence.

4 (c) The Commission shall act by resolution agreed to
5 by a majority of the members of the Commission.

6 (d) The Commission may establish panels composed
7 of less than the full membership of the Commission for
8 the purpose of carrying out the Commission's duties. The
9 actions of each such panel shall be subject to the review
10 and control of the Commission. Any findings and deter-
11 minations made by such a panel shall not be considered
12 the findings and determinations of the Commission unless
13 approved by the Commission.

14 **SEC. 9. AUTHORITY OF INDIVIDUALS TO ACT FOR COMMIS-**
15 **SION.**

16 Any member or agent of the Commission may, if au-
17 thorized by the Commission, take any action which the
18 Commission is authorized to take under this section.

19 **SEC. 10. ADMINISTRATIVE MATTERS.**

20 (a) Each member of the Commission who is a private
21 United States citizen shall be paid at a rate equal to the
22 daily equivalent of the annual rate of basic pay payable
23 for level V of the Executive Schedule under section 5316
24 of title 5, United States Code, for each day (including
25 travel time) during which the member is engaged in the

1 performance of the duties of the Commission. All members
2 of the Commission who are Members of the Congress shall
3 serve without pay.

4 (b) Each member of the Commission shall be allowed
5 travel expenses, including per diem in lieu of subsistence,
6 at rates authorized for employees of agencies under sub-
7 chapter I of chapter 57 of title 5, United States Code,
8 while away from their homes or regular places of business
9 in the performance of services for the Commission.

10 (c) The Chairman of the Commission may, without
11 regard to the provisions of title 5, United States Code,
12 governing appointments in the competitive service appoint
13 a staff director and such additional personnel as may be
14 necessary to enable the Commission to perform its duties.
15 The appointment of a staff director shall be subject to the
16 approval of the Commission. No member of the staff shall
17 be a current officer or employee of the intelligence commu-
18 nity.

19 (d) The Chairman of the Commission may fix the pay
20 of the staff director and other personnel without regard
21 to the provisions of chapter 51 and subchapter III of chap-
22 ter 53 of title 5, United States Code, relating to classifica-
23 tion of positions and General Schedule pay rates, except
24 that the rate of pay fixed under this paragraph for the
25 staff director may not exceed the rate payable for level

1 V of the Executive Schedule under section 5316 of such
2 title and the rate of pay for other personnel may not ex-
3 ceed the maximum rate payable for grade GS-15 of the
4 General Schedule.

5 (e) Upon request of the Chairman of the Commission,
6 the head of any Federal department or agency may detail,
7 on a non-reimbursable basis, any personnel of that depart-
8 ment or agency to the Commission to assist it in carrying
9 out its administrative and clerical functions, except that
10 no personnel shall be detailed to the staff of the Commis-
11 sion who currently are officers or employees of an agency
12 within the intelligence community.

13 (f) The Chairman of the Commission may procure
14 temporary and intermittent services under section 3109(b)
15 of title 5, United States Code, at rates for individuals
16 which do not exceed the daily equivalent of the annual rate
17 of basic pay payable for level V of the Executive Schedule
18 under section 5316 of such title.

19 (g) The Commission may use the United States mails
20 and obtain printing and binding services in the same man-
21 ner and under the same conditions as other departments
22 and agencies of the Federal Government.

23 (h) The Director of Central Intelligence shall furnish
24 the Commission, on a reimbursable basis, any administra-

1 tive and support services requested by the Commission
 2 consistent with this section.

3 **SEC. 11. PAYMENT OF COMMISSION EXPENSES.**

4 The compensation, travel expenses, per diem allow-
 5 ances of members and employees of the Commission, and
 6 other expenses of the Commission shall be paid out of
 7 funds available to the Director of Central Intelligence for
 8 the payment of compensation, travel allowances, and per
 9 diem allowances, respectively, of employees of the Central
 10 Intelligence Agency.

11 **SEC. 12. TERMINATION OF THE COMMISSION.**

12 The Commission shall terminate one month after the
 13 date of the submission of the report required by subsection
 14 (6)(b), or on January 31, 1997, whichever is later.

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