

# CRS Report for Congress

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## Senate Select Committee on Intelligence: Term Limits and Assignment Limitations

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### Summary

The 2005 Intelligence Authorization bill (S. 2386) as reported by the Senate Intelligence Committee contains a provision repealing term limits for committee members. The *9/11 Commission Report* recommended that the eight year term limit for members serving on the Intelligence Committee be abolished. The commission also recommended that the committee be smaller, seven or nine members (it currently has 17 voting members), and four of the members who serve on the Intelligence Committee should also serve on the Committees on Armed Services, Judiciary, or Foreign Relations, or the Defense Appropriations subcommittee.

This report addresses issues related to the impact on the Intelligence Committee if term limits are abolished. This report will be updated as events warrant.

### Introduction

S. 2386, the 2005 Intelligence Authorization bill, reported by the Senate Intelligence Committee on May 5, 2004, contains a provision (section 306) repealing the eight-year term limit for members serving on the Intelligence Committee.<sup>1</sup> The *9/11 Commission Report* recommended that members should “serve indefinitely” on the committee, without set terms. The commission report also recommended that the committee be small, “perhaps seven or nine members” and four of the members should also serve on the Committees on Armed Services, Judiciary, or Foreign Relations, or the Defense Appropriations subcommittee. An informal working group of Republican Senators had previously been created to review, among other things, committee assignments generally, and may review the issue of term limits and service on the Intelligence Committee. Press reports indicate that the majority and minority leaders will appoint a bipartisan task force

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<sup>1</sup> The Senate Armed Services Committee, which received a referral of S. 2386, recommended deleting section 306, and in the committee report noted that committee members “reserve the right to submit an amendment related to this provision during consideration of S. 2386 on the Senate floor.”

of Senators to review the recommendations of the 9/11 Commission as they relate to the Intelligence Committee.<sup>2</sup>

## Rules Governing Committee Assignments

Senate Rule XXV and party conference rules address committee assignments. Paragraphs 2 and 3 of Rule XXV establish categories of committees, popularly referred to as “A,” “B,” and “C,” that condition assignment rules.<sup>3</sup>

The “A” committees are

- Agriculture, Nutrition, and Forestry
- Appropriations
- Armed Services
- Banking, Housing, and Urban Affairs
- Commerce, Science, and Transportation
- Energy and Natural Resources
- Environment and Public Works
- Finance
- Foreign Relations
- Governmental Affairs
- Health, Education, Labor and Pensions
- Judiciary

The “B” committees are

- Budget
- Rules and Administration
- Small Business and Entrepreneurship
- Veterans’ Affairs
- Special Committee on Aging
- Select Committee on Intelligence
- Joint Economic Committee

The “C” committees are the Select Committee on Ethics, the Committee on Indian Affairs, and the Joint Committee on Taxation. The Joint Committee on the Library and the Joint Committee on Printing are not listed in any category, but are treated as “C” committees for assignment purposes.

Paragraph 4 of Senate Rule XXV places restrictions on committee membership based on these categories.

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<sup>2</sup> *CQ Today*, July 23, 2004.

<sup>3</sup> For additional information on Senate committee assignment process, see CRS Report RL30743, *Committee Assignment Process in the U.S. Senate: Democratic and Republican Party Procedures*, by Judy Schneider, and CRS Report 98-183, *Senate Committees: Categories and Rules for Committee Assignments*, by Judy Schneider.

- Each Senator shall serve on two committees, and no more than two, in Class A.
- Each Senator may serve on one committee, but no more than one, in Class B.
- Each Senator may serve on one or more committees in Class C.

Democratic and Republican members are prohibited by party rule from serving on more than one among the so-called “Super A” or “Big Four” committees: Appropriations, Armed Services, Finance, and Foreign Relations.<sup>4</sup> Further, Republican members from the same state are prohibited from serving on the same committee by Republican Conference rule. Democrats adhere to the same prohibition, but by tradition.

Exceptions to the Senate rule restrictions, which are not uncommon, are recommended by the pertinent party conference and then officially authorized through Senate approval of a resolution affecting one or more Senators.

## **Intelligence Committee Specific Assignment Provisions**

The rules and standing orders of the Senate, and the legislation creating the Select Committee on Intelligence (S.Res. 400, 94<sup>th</sup> Congress), address specific assignment issues related to the committee. As established, the committee was to be composed of 15 members: two from the Committee on Appropriations; two from Committee on Armed Services; two from the Committee on Foreign Relations; two from the Committee on the Judiciary (with each party represented, and the President pro tempore making appointments based on recommendations from the majority and minority leaders); and seven members to be appointed from the Senate at large. Four of the seven members were to be appointed by the President pro tempore on the recommendation of the majority leader and three on the recommendation of the minority leader. The members of the committee were to serve no more than eight years of continuous service. Finally, an attempt was to be made to ensure that one third of the committee members should be new to the committee each Congress.

## **Intelligence Committee: 108<sup>th</sup> Congress**

In the 108<sup>th</sup> Congress, the Intelligence Committee is composed of 17 voting Members, nine Republicans and eight Democrats. The majority and minority leaders serve as non-voting *ex officio* members.

Serving on the Intelligence Committee and the Appropriations Committee are two Republican and three Democratic Senators. One of the two Republican Members and two of the three Democratic Members serve on the Defense Subcommittee. Serving on the Intelligence Committee and the Armed Services Committee are three Republican and two Democratic Senators. Serving on the Intelligence Committee and the Foreign Relations Committee are one Republican and one Democratic Senator. Serving on the Intelligence Committee and the Judiciary Committee are two Republican and three Democratic Senators.

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<sup>4</sup>The Republican working group is reportedly reviewing these designations. *Roll Call*, “Frist May Get New Powers,” June 28, 2004.

Three Republican and one Democratic Senator have served eight years on the Intelligence Committee and are scheduled to rotate off the committee in the next Congress. Five Republican and five Democratic Senators serve on three “A” committees and one Democratic Senator serves on two Super A committees. One Democratic Senator also serves on two “B” committees, in addition to the Intelligence Committee.

The following table compares the structure of the Intelligence Committee as contained in the legislation creating the panel with the 9/11 Commission recommendations. Also noted is information relating to the current Intelligence Committee structure and membership.

Intelligence Committee as Created by S.Res. 400	9/11 Commission Recommendations	Current Intelligence Committee
<p>15 members</p> <p>Majority and Minority Leaders to serve <i>ex officio</i> without vote</p>	<p>small, “perhaps seven or nine members”</p>	<p>17 voting Members</p>
<p>Eight year term limit on Members</p> <p>Senate standing order encourages routine rotation of a third of the members each Congress</p>	<p>“serve indefinitely”</p>	<p>2005 Intelligence Authorization bill, as reported by the Intelligence Committee, abolishes term limits</p> <p>Three Republicans and one Democrat have served eight years on the Committee</p>
<p>Two members to also serve on Appropriations Committee (one from each party)</p> <p>Two members to also serve on Armed Services Committee (one from each party)</p> <p>Two members to also serve on Foreign Relations Committee (one from each party)</p> <p>Two members to also serve on Judiciary (one from each party)</p> <p>Seven members at-large (four from the majority party and three from the minority party)</p>	<p>Four committee members to serve on:</p> <p>Appropriations Defense Subcommittee</p> <p>Armed Services</p> <p>Foreign Relations</p> <p>Judiciary Committee</p>	<p>Five members (two Republicans and three Democrats) serve on Appropriations; one Republican and two Democrats serve on Defense Subcommittee</p> <p>Three Republicans and two Democrats serve on Armed Services</p> <p>One Republican and one Democrat serve on Foreign Relations</p> <p>Two Republicans and three Democrats serve on Judiciary</p> <p>Six at-large members</p>