Congressional Research Service
Informing the legislative debate since 1914

Senate Select Committee on Intelligence: Term Limits and Assignment Limitations

October 14, 2004

Congressional Research Service
https://crsreports.congress.gov
RS21908

CRS REPORT
Prepared for Members and
Committees of Congress

Summary

The 2005 Intelligence Authorization bill (S. 2386) as reported by the Senate Intelligence Committee contains a provision repealing term limits for committee members.[1] The *9/11 Commission Report* recommended that the eight-year term limit for members serving on the Intelligence Committee be abolished. S.Res. 445, introduced by Rules and Administration Committee Chairman Trent Lott on October 1, 2004, reported from that committee by a vote of 12-0 on October 5, 2004, and agreed to October 9, by a vote of 79-6, eliminated term limits for Intelligence Committee members.

The 9/11 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. The bipartisan working group of Senators also recommended designated membership representation from the Appropriations, Armed Services, Foreign Relations, and Judiciary Committees. S. Res. 445 provides that the committee have no more than 15 members and designates that two members each from the Committees on Appropriations, Armed Services, Judiciary, and Foreign Relations serve on the Intelligence Committee..

This report addresses issues related to the impact on the Intelligence Committee if term limits are abolished and other assignment questions addressed in S. Res. 445. 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

[1] The provision was struck during floor consideration after passage of S.Res. 445.

term limit for members serving on the Intelligence Committee.[2] 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.

A bipartisan working group of 22 Senators that reviewed the recommendations of the 9/11 Commission as they related to the Intelligence Committee issued a press release on October 4, 2004.[3] Among the recommendations was to eliminate the term limits on Intelligence Committee members (introduced as S.Res. 445, on October 1, 2004, and reported from the Rules and Administration Committee by a vote of 12-0 on October 5, 2004); ensuring designated membership representation from the Committees on Appropriations, Armed Services, Foreign Relations and Judiciary; ensuring a one vote majority advantage; reducing the committee size to 15 members; giving the majority and minority leaders the authority to name the chair and vice chair; and elevating the committee from a "B" to an "A" committee. The resolution was amended to include the above provisions and agreed to on October 9, 2004, by a vote of 79-6.

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.[4]

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 (to be renamed Homeland Security and Governmental Affairs)
- Health, Education, Labor and Pensions

---

[2] 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." Section 306 was struck during floor consideration of the bill.

[3] *CQ Today*, Oct. 4, 2004.

[4] 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.

- Judiciary

The Intelligence Committee becomes an "A" committee pursuant to S. Res. 445.

The "B" committees are

- Budget
- Rules and Administration
- Small Business and Entrepreneurship
- Veterans' Affairs
- Special Committee on Aging
- Select Committee on Intelligence (becomes an "A" committee pursuant to S. Res. 445)
- 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.

- 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.[5] 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, 94th 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

[5] A Republican working group is reportedly reviewing these designations. *Roll Call*, "Frist May Get New Powers," June 28, 2004.

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: 108th Congress

In the 108th 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.

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
15 members Majority and Minority Leaders to serve *ex officio* without vote	small, "perhaps seven or nine members"	17 voting Members S. Res. 445 provides for no more than 15 members
Eight-year term limit on Members Senate standing order encourages routine rotation of a third of the members each Congress	"serve indefinitely"	2005 Intelligence Authorization bill, as reported by the Intelligence Committee, abolishes term limits S.Res. 445 abolishes term limits Three Republicans and one Democrat have served eight years on the Committee
Two members to also serve on Appropriations Committee (one from each party)	Four committee members to serve on: Appropriations Defense Subcommittee	Five members (two Republicans and three Democrats) serve on Appropriations; one Republican and two Democrats serve on Defense Subcommittee
Two members to also serve on Armed Services Committee (one from each party)	Armed Services	Three Republicans and two Democrats serve on Armed Services
Two members to also serve on Foreign Relations Committee (one from each party)	Foreign Relations	One Republican and one Democrat serve on Foreign Relations
Two members to also serve on Judiciary (one from each party)	Judiciary Committee	Two Republicans and three Democrats serve on Judiciary
Seven members at-large (four from the majority party and three from the minority party)		Six at-large members S. Res. 445 recommends two from each committee

Author Information

Judy Schneider
Specialist on the Congress

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.