

The Honorable Paul Ryan
H-232, The Capitol
Washington, DC 20515

The Honorable Nancy Pelosi
H-204, The Capitol
Washington, DC 20515

September 13, 2016

Strengthening Congressional Oversight of the Intelligence Community

We write to express our concerns about congressional oversight of intelligence activities. Congress is responsible for authorizing and overseeing these programs. In recent years, experts and policymakers have expressed concern that congressional oversight efforts are falling short. Experts have put forth reform proposals, but there has been no systematic evaluation of whether reforms adopted heretofore have met the mark.

We believe Congress must renew its commitment to provide a meaningful check on the executive branch and reform how it conducts oversight over intelligence matters. The time for modernization is now. When the House convenes for the 115th Congress in January 2017 and adopts its rules, the House should update them to enhance opportunities for oversight by House Permanent Select Committee on Intelligence (“HPSCI”) members; members of other committees of jurisdiction; and all other representatives. The House also should establish a select committee to review how it engages in oversight.

HPSCI Modernization

- 1. Provide staff designees for HPSCI members.** Each HPSCI member must be able to designate a staffer to represent his or her interests on the committee, as their Senate counterparts do.
- 2. Improve HPSCI operations and transparency.** HPSCI must improve transparency while protecting classified information. We recommend:
 - a. For HPSCI members.** Regularly review whether HPSCI receives all requested information and reports from the executive branch. Retain an information specialist to track all requests made by and reports received by HPSCI from the intelligence community.
 - b. For the House of Representatives.** Abide by the same requirements placed on standing committees with respect to providing notice to Congress and the general public. Provide appropriate notice to all members about HPSCI’s work and support an informed conversation about intelligence oversight.
 - c. For the general public.** Establish a process to declassify, review and process intelligence information.

3. **Improve responsiveness to House membership.** HPSCI must quickly and transparently respond to member requests for information or for meetings, with a process to engage the full chamber. Information in HPSCI's custody must be available to House members and cleared staff upon request, unless restricted by statute.
4. **Make available annual unclassified intelligence reports.** The annual, unclassified intelligence reports that HPSCI receives must be made public with minimal delay.
5. **Modernize HPSCI membership.** The current structure of HPSCI must be further aligned with the interests of the House. The Speaker and the Minority Leaders should continue to designate the chair and ranking member. Chairs and ranking members of other committees with intelligence jurisdiction—Appropriations, Armed Services, Foreign Affairs, Homeland Security, Oversight and Government Reform, and Judiciary—should each select a designee on HPSCI. For the remaining committee members, each party conference should have an inclusive process to choose them (four for the majority, three for the minority).

Empower all members of Congress

1. **Improve training for members and staff and establish Office of Classified Information Access.** Members and staff must be provided training to handle classified information and to conduct effective congressional oversight of classified matters. A new office must be created to assist with handling classified materials.
2. **Reaffirm member access to executive branch communications.** Communications from the executive branch must be made available to all members, unless the sender explicitly indicates otherwise.
3. **Clarify discussion of public domain information.** Reaffirm that members and staff may refer publicly to classified information already in the public domain.
4. **Allow congressional publication of information in the public interest.** Reform the process by which members of Congress may inform the public of matters they conclude should be publicly available.
5. **Provide members with sufficient staff assistance:** All members must be allowed to designate one personal office staff member to be provided Top Secret/Special Compartmented Information (TS/SCI) clearance to attend briefings on behalf of and to provide counsel to the member.
6. **Strengthen Congress' capacity to engage with whistleblowers.** Federal employees and contractors who blow the whistle must be able to speak to any members of Congress, committee of jurisdiction or personal office staffer without fear of reprisal. A new whistleblower ombudsman office will be created to provide assistance and advice to offices and review House disposition of whistleblower complaints. Committees with

jurisdiction will create new secure, classified intake systems for whistleblowers to contact Congress directly.

Review of Intelligence Community oversight

In addition to the above reforms, we urge you to consider establishing a distinct, broad-based review of the activities of the Intelligence Community since 9/11, modeled after the 9/11 Commission or the U.S. Senate Select Committee to Study Governmental Operations with Respect to Intelligence Committees.

When questions were raised about the activities of the intelligence community in the 1970s, Congress reacted by forming two special committees, colloquially known as the Pike and Church committees. Reports preceded wholesale reforms of the intelligence community, including improving congressional-oversight mechanisms. The outcome improved congressional oversight and the perception of its efficacy. The House should provide the new select committee adequate staffing and financial support, and give it a broad mandate to review practices and structures associated with congressional oversight of intelligence matters.

Background information on our recommendations are available in the forthcoming white paper "Congressional Oversight of the Intelligence Community Reform Agenda."

Thank you for your service to our nation and for your attention to our request. We welcome the opportunity to discuss this with you further. Please contact Daniel Schuman, policy director, Demand Progress, at daniel@demandprogress.org and 202-577-6100 or Zach Graves, tech policy program director and senior fellow, R Street Institute, at 202-525-5717 and zgraves@rstreet.org.

Sincerely yours,

American Library Association
American-Arab Anti-Discrimination Committee
Association of Research Libraries
Bill of Rights Defense Committee/Defending Dissent
Brennan Center
Campaign for Liberty
Center for Democracy and Technology
Constitution Project
CREDO Mobile
Demand Progress
Electronic Frontier Foundation
Electronic Privacy Information Center (EPIC)
Federation of American Scientists Project on Government Secrecy
Fight for the Future
Free Press Action Fund
Government Accountability Project
Liberty Coalition
National Security Archive
National Security Counselors
Open The Government

OpenTheGovernment.org
Participatory Politics Foundation
Principled Action in Government
Progressive Change Campaign Committee
Project on Government Oversight
Public Citizen
R Street Institute
Restore the Fourth
Rhode Island Coalition to Defend Human and Civil Rights
RootsAction.org
Sunlight Foundation
World Privacy Forum
X-Lab