

106TH CONGRESS
1ST SESSION

S. RES. 107

To establish a Select Committee on Chinese Espionage.

IN THE SENATE OF THE UNITED STATES

MAY 24, 1999

Mr. SMITH of New Hampshire submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

To establish a Select Committee on Chinese Espionage.

1 *Resolved,*

2 **SECTION 1. ESTABLISHMENT OF THE SELECT COMMITTEE.**

3 (a) IN GENERAL.—There is established a temporary
4 Select Committee on Chinese Espionage (hereafter in this
5 resolution referred to as the “select committee”) which
6 shall consist of 12 members, 6 to be appointed by the
7 President pro tempore of the Senate upon recommenda-
8 tions of the Majority Leader from among members of the
9 majority party, and 6 to be appointed by the President
10 pro tempore of the Senate upon recommendations of the
11 Minority Leader from among members of the minority
12 party.

1 (b) CHAIRMAN.—The Majority Leader shall select the
2 chairman of the select committee.

3 (c) VICE CHAIRMAN.—The Minority Leader shall se-
4 lect the vice chairman of the select committee.

5 (d) SERVICE OF A SENATOR.—The service of a Sen-
6 ator as a member or chairman on the select committee
7 shall not count for purposes of paragraph 4 of rule XXV
8 of the Standing Rules of the Senate.

9 (e) RULES AND PROCEDURES.—A majority of the
10 members of the select committee shall constitute a quorum
11 thereof for the transaction of business, except that the se-
12 lect committee may fix a lesser number as a quorum for
13 the purpose of taking testimony. The select committee
14 shall adopt rules of procedure not inconsistent with this
15 resolution and the rules of the Senate governing standing
16 committees of the Senate.

17 (f) VACANCIES.—Vacancies in the membership of the
18 select committee shall not affect the authority of the re-
19 maining members to execute the functions of the select
20 committee.

21 **SEC. 2. JURISDICTION.**

22 (a) IN GENERAL.—There shall be referred to the se-
23 lect committee, concurrently with referral to any other
24 committee of the Senate with jurisdiction, all messages,

1 petitions, memorials, and other matters relating to United
2 States-China national security relations.

3 (b) EFFECT ON OTHER COMMITTEES JURISDIC-
4 TION.—Nothing in this resolution shall be construed as
5 prohibiting or otherwise restricting the authority of any
6 other committee of the Senate or as amending, limiting,
7 or otherwise changing the authority of any standing com-
8 mittee of the Senate.

9 **SEC. 3. REPORTS.**

10 The select committee may, for the purposes of ac-
11 countability to the Senate, make such reports to the Sen-
12 ate with respect to matters within its jurisdiction as it
13 shall deem advisable which shall be referred to the appro-
14 priate committee. In making such reports, the select com-
15 mittee shall proceed in a manner consistent with the re-
16 quirements of national security.

17 **SEC. 4. POWERS OF THE SELECT COMMITTEE.**

18 (a) IN GENERAL.—For the purposes of this resolu-
19 tion, the select committee is authorized at its discretion—

20 (1) to make investigations into any matter with-
21 in its jurisdiction;

22 (2) to hold hearings;

23 (3) to sit and act at any time or place during
24 the sessions (subject to paragraph 5 of rule XXVI

1 of the Standing Rules of the Senate), recesses, and
2 adjourned periods of the Senate;

3 (4) to require, by subpoena or otherwise, the at-
4 tendance of witnesses and the production of cor-
5 respondence, books, papers, and documents;

6 (5) to make expenditures from the contingent
7 fund of the Senate to carry out its functions and to
8 employ personnel, subject to procedures of para-
9 graph 9 of rule XXVI of the Standing Rules of the
10 Senate; and

11 (6) with the prior consent of the Government
12 department or agency concerned and the Committee
13 on Rules and Administration, to use on a reimburs-
14 able, or nonreimbursable basis the services of per-
15 sonnel of any such department or agency.

16 (b) OATHS.—The chairman of the select committee
17 or any member thereof may administer oaths to witnesses.

18 (c) SUBPOENAS.—Subpoenas authorized by a major-
19 ity of the select committee shall be issued over the signa-
20 ture of the chairman and may be served by any person
21 designated by the chairman.

22 **SEC. 5. TREATMENT OF CLASSIFIED INFORMATION.**

23 (a) EMPLOYEES.—

24 (1) IN GENERAL.—No employee of the select
25 committee or person engaged to perform services for

1 or at the request of such committee unless such em-
2 ployee or person has—

3 (A) agreed in writing and under oath to be
4 bound by the rules of the Senate and of such
5 committee as to the security of such informa-
6 tion during and after the period of his employ-
7 ment or relationship with such committee; and

8 (B) received an appropriate security clear-
9 ance as determined by such committee in con-
10 sultation with the Director of Central Intel-
11 ligence.

12 (2) CLEARANCE.—The type of security clear-
13 ance to be required in the case of any employee or
14 person under paragraph (1) shall, within the deter-
15 mination of such committee in consultation with the
16 Director of Central Intelligence, be commensurate
17 with the sensitivity of the classified information to
18 which such employee or person will be given access
19 by such committee.

20 (b) SECURITY OFFICER.—The select committee shall
21 designate a security officer qualified to administer appro-
22 priate security procedures to ensure the protection of con-
23 fidential and classified information in the possession of the
24 select committee and shall make suitable arrangements,
25 in consultation with the Office of Senate Security, for the

1 physical protection and storage of classified information
2 in its possession.

3 **SEC. 6. TREATMENT OF PRIVATE INFORMATION.**

4 (a) RULES AND PROCEDURES.—The select com-
5 mittee shall formulate and carry out such rules and proce-
6 dures as it deems necessary to prevent the disclosure,
7 without the consent of the person or persons concerned,
8 of information in the possession of such committee which
9 unduly infringes upon the privacy or which violates the
10 constitutional rights of such person or persons.

11 (b) DISCLOSURE.—Nothing in this resolution shall be
12 construed to prevent the select committee from publicly
13 disclosing any such information in any case in which such
14 committee determines the national interest in the disclo-
15 sure of such information clearly outweighs any infringe-
16 ment on the privacy of any person or persons.

17 **SEC. 7. PRESIDENTIAL REPRESENTATIVE.**

18 The select committee is authorized to permit any per-
19 sonal representative of the President, designated by the
20 President to serve as a liaison to such committee, to at-
21 tend any closed meeting of such committee.

22 **SEC. 8. TERMINATION OF SELECT COMMITTEE.**

23 Unless specifically reauthorized, the select committee
24 shall terminate at the end of the 106th Congress. Upon
25 termination of the select committee, all records, files, doc-

1 uments, and other materials in the possession, custody,
2 or control of the select committee, under appropriate con-
3 ditions established by the select committee, shall be trans-
4 ferred to the Secretary of the Senate.

