

105TH CONGRESS
2D SESSION

H. RES. 463

To establish the Select Committee on U.S. National Security and Military/
Commercial Concerns With the People's Republic of China.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1998

Mr. SOLOMON submitted the following resolution; which was referred to the
Committee on Rules

RESOLUTION

To establish the Select Committee on U.S. National Security
and Military/Commercial Concerns With the People's Re-
public of China.

1 *Resolved,*

2 **SECTION 1. ESTABLISHMENT.**

3 There is hereby created the Select Committee on U.S.
4 National Security and Military/Commercial Concerns
5 With the People's Republic of China, (hereafter in this Act
6 referred to as the "Select Committee"). The Select Com-
7 mittee may sit and act during the present Congress at
8 such times and places within the United States, including
9 any Commonwealth or possession thereof, or in any other
10 country, whether the House is in session, has recessed,

1 or has adjourned, as it shall deem appropriate for the com-
2 pletion of its work.

3 **SEC. 2. JURISDICTION.**

4 (a) IN GENERAL.—The Select Committee shall con-
5 duct a full and complete inquiry regarding the following
6 matters and report such findings and recommendations,
7 including those concerning the amendment of existing law
8 or the enactment of new law, to the House as it considers
9 appropriate:

10 (1) The transfer of technology, information, ad-
11 vice, goods, or services that may have contributed to
12 the enhancement of the accuracy, reliability, or capa-
13 bility of nuclear-armed intercontinental ballistic mis-
14 siles or other weapons of the People’s Republic of
15 China, or that may have contributed to the enhance-
16 ment of the domestic or foreign intelligence capabili-
17 ties of the People’s Republic of China.

18 (2) The transfer of technology, information, ad-
19 vice, goods, or services that may have contributed to
20 the manufacture of weapons of mass destruction,
21 missiles, or other weapons or armaments by the Peo-
22 ple’s Republic of China.

23 (3) The effect of any transfer or enhancement
24 referred to in paragraphs (1) or (2) on regional se-

1 security and the national security of the United
2 States, its friends, and its allies.

3 (4) The conduct of the executive branch of the
4 United States Government with respect to the trans-
5 fers or enhancements referred to in paragraphs (1)
6 or (2), and the effect of that conduct on the national
7 security of the United States, its friends, and its al-
8 lies.

9 (5) The conduct of defense contractors, weap-
10 ons manufacturers, satellite manufacturers, and
11 other private or government-owned commercial firms
12 with respect to the transfers or enhancements re-
13 ferred to in paragraphs (1) or (2).

14 (6) The enforcement of United States law, in-
15 cluding statutes, regulations, or executive orders,
16 with respect to the transfers or enhancements re-
17 ferred to in paragraphs (1) or (2).

18 (7) Any effort by the Government of the Peo-
19 ple's Republic of China or any other person or entity
20 to influence any of the foregoing matters through
21 political contributions, bribery, influence-peddling, or
22 otherwise.

23 (8) Decision-making within the executive
24 branch of the United States Government with re-
25 spect to any of the foregoing matters.

1 (9) Any effort to conceal or withhold informa-
2 tion or documents relevant to any of the foregoing
3 matters or to otherwise obstruct justice, or to ob-
4 struct the work of the Select Committee or any
5 other committee of the Congress in connection with
6 those matters.

7 (10) All matters relating directly or indirectly
8 to any of the foregoing matters.

9 (b) PERMITTING REPORTS TO BE MADE TO HOUSE
10 IN SECRET SESSION.—Any report to the House pursuant
11 to this section may, in the Select Committee’s discretion,
12 be made under the provisions of rule XXIX of the Rules
13 of the House of Representatives.

14 **SEC. 3. COMPOSITION; VACANCIES.**

15 (a) COMPOSITION.—The Select Committee shall be
16 composed of 8 Members of the House to be appointed by
17 the Speaker of the House of Representatives, one of whom
18 he shall designate as Chairman. Service on the Select
19 Committee shall not count against the limitations on com-
20 mittee service in clause 6(b)(2) of rule X.

21 (b) VACANCIES.—Any vacancy occurring in the mem-
22 bership of the Select Committee shall be filled in the same
23 manner in which the original appointment was made.

1 **SEC. 4. RULES APPLICABLE TO SELECT COMMITTEE.**

2 (a) QUORUM.—One-third of the members of the Se-
3 lect Committee shall constitute a quorum for the trans-
4 action of business other than the reporting of a matter,
5 which shall require a majority of the committee to be actu-
6 ally present, except that the Select Committee may des-
7 ignate a lesser number, but not less than two, as a quorum
8 for the purpose of holding hearings to take testimony and
9 receive evidence.

10 (b) APPLICABILITY OF HOUSE RULES.—The Rules
11 of the House of Representatives applicable to standing
12 committees shall govern the Select Committee where not
13 inconsistent with this resolution.

14 (c) RULES OF SELECT COMMITTEE.—The Select
15 Committee shall adopt additional written rules, which
16 shall be public, to govern its procedures, which shall not
17 be inconsistent with this resolution or the Rules of the
18 House of Representatives.

19 **SEC. 5. CLASSIFIED INFORMATION.**

20 No employee of the Select Committee or any person
21 engaged by contract or otherwise to perform services for
22 or at the request of such committee shall be given access
23 to any classified information by such committee unless
24 such employee or person has—

25 (1) agreed in writing and under oath to be
26 bound by the rules of the House (including the juris-

1 diction of the Committee on Standards of Official
2 Conduct and of the Select Committee as to the secu-
3 rity of such information during and after the period
4 of his employment or contractual agreement with the
5 Select Committee); and

6 (2) received an appropriate security clearance
7 as determined by the Select Committee in consulta-
8 tion with the Director of Central Intelligence.

9 The type of security clearance to be required in the case
10 of any such employee or person shall, within the deter-
11 mination of the Select Committee in consultation with the
12 Director of Central Intelligence, be commensurate with
13 the sensitivity of the classified information to which such
14 employee or person will be given access by such committee.

15 **SEC. 6. LIMITS ON DISCLOSURE OF INFORMATION.**

16 The Select Committee shall formulate and carry out
17 such rules and procedures as it deems necessary to prevent
18 the disclosure, without the consent of the person or per-
19 sons concerned, of information in the possession of such
20 committee which unduly infringes upon the privacy or
21 which violates the constitutional rights of such person or
22 persons. Nothing herein shall be construed to prevent such
23 committee from publicly disclosing any such information
24 in any case in which such committee determines that na-
25 tional interest in the disclosure of such information clearly

1 outweighs any infringement on the privacy of any person
2 or persons.

3 **SEC. 7. PROCEDURES FOR HANDLING INFORMATION.**

4 (a) The Select Committee may, subject to the provi-
5 sions of this section, disclose publicly any information in
6 the possession of such committee after a determination by
7 such committee that the public interest would be served
8 by such disclosure. Whenever committee action is required
9 to disclose any information under this section, the commit-
10 tee shall meet to vote on the matter within five days after
11 any member of the committee requests such a vote. No
12 member of the Select Committee shall disclose any infor-
13 mation, the disclosure of which requires a committee vote,
14 prior to a vote by the committee on the question of the
15 disclosure of such information or after such vote except
16 in accordance with this section. In any case in which the
17 Select Committee votes to disclose publicly any informa-
18 tion, which has been classified under established security
19 procedures, which has been submitted to it by the execu-
20 tive branch, and which the executive branch requests be
21 kept secret, the Select Committee shall submit such classi-
22 fied information to the Permanent Select Committee on
23 Intelligence.

24 (b)(1) As set forth in clause 7(b) of rule XLVIII, in
25 any case in which the Permanent Select Committee on In-

1 telligence votes to disclose publicly any information sub-
2 mitted pursuant to subsection (a), which has been classi-
3 fied under established security procedures, which has been
4 submitted to the Select Committee by the executive
5 branch, and which the executive branch has requested be
6 kept secret, the Permanent Select Committee on Intel-
7 ligence shall notify the President of such vote.

8 (2) The Permanent Select Committee on Intelligence
9 may disclose publicly such information after the expiration
10 of a five-day period following the day on which notice of
11 such vote is transmitted to the President, unless, prior to
12 the expiration of such five-day period, the President, per-
13 sonally in writing, notifies the Permanent Select Commit-
14 tee on Intelligence that he objects to the disclosure of such
15 information, provides his reasons therefor, and certifies
16 that the threat to the national interest of the United
17 States posed by such disclosure is of such gravity that it
18 outweighs any public interest in the disclosure.

19 (3) If the President, personally, in writing, notifies
20 the Permanent Select Committee on Intelligence of his ob-
21 jections to the disclosure of such information as provided
22 in paragraph (2), the Permanent Select Committee on In-
23 telligence may, by majority vote, refer the question of this
24 disclosure of such information with a recommendation
25 thereon to the House for consideration. The Permanent

1 Select Committee on Intelligence shall not publicly disclose
2 such information without leave of the House.

3 (4) Whenever the Permanent Select Committee on
4 Intelligence votes to refer the question of disclosure of any
5 information to the House under paragraph (3), the chair-
6 man of the Permanent Select Committee on Intelligence
7 shall, not later than the first day on which the House is
8 in session following the day on which the vote occurs, re-
9 port the matter to the House for its consideration.

10 (5) If within four calendar days on which the House
11 is in session, after such recommendation is reported, no
12 motion has been made by the chairman of the Permanent
13 Select Committee on Intelligence to consider, in closed ses-
14 sion, the matter reported under paragraph (4), then such
15 a motion will be deemed privileged and may be made by
16 any Member. The motion under this paragraph shall not
17 be subject to debate or amendment. When made, it shall
18 be decided without intervening motion, except one motion
19 to adjourn.

20 (6) If the House adopts a motion to resolve into
21 closed session, the Speaker shall then be authorized to de-
22 clare a recess subject to the call of the Chair. At the expi-
23 ration of such recess, the pending question, in closed ses-
24 sion, shall be, "Shall the House approve the recommenda-
25 tion of the Permanent Select Committee on Intelligence?"

1 (7) After not more than two hours of debate on the
2 motion, such debate to be equally divided and controlled
3 by the chairman and ranking minority member of the Per-
4 manent Select Committee on Intelligence, or their des-
5 ignees, the previous question shall be considered as or-
6 dered and the House, without intervening motion except
7 one motion to adjourn, shall immediately vote on the ques-
8 tion, in open session but without divulging the information
9 with respect to which the vote is being taken. If the rec-
10 ommendation of the Permanent Select Committee on In-
11 telligence is not agreed to, the question shall be deemed
12 recommitted to the Permanent Select Committee on Intel-
13 ligence for further recommendation.

14 (c)(1) No information in the possession of the Select
15 Committee relating to the lawful intelligence or intel-
16 ligence-related activities of any department or agency of
17 the United States which has been classified under estab-
18 lished security procedures and which the Select Commit-
19 tee, the Permanent Select Committee on Intelligence, or
20 the House pursuant to this section, has determined should
21 not be disclosed shall be made available to any person by
22 a Member, officer, or employee of the House except as
23 provided in paragraph (2).

24 (2) The Select Committee shall, under such regula-
25 tions as the committee shall prescribe, make any informa-

1 tion described in paragraph (1) available to any other com-
2 mittee or any other Member of the House and permit any
3 other Member of the House to attend any hearing of the
4 committee which is closed to the public. Whenever the Se-
5 lect Committee makes such information available (other
6 than to the Speaker), the committee shall keep a written
7 record showing, in the case of any particular information,
8 which committee or which Members of the House received
9 such information. No Member of the House who, and no
10 committee which, receives any information under this
11 paragraph, shall disclose such information except in a
12 closed session of the House.

13 (d) The Committee on Standards of Official Conduct
14 shall investigate any unauthorized disclosure of intel-
15 ligence or intelligence-related information by a Member,
16 officer, or employee of the House in violation of subsection
17 (c) and report to the House concerning any allegation
18 which it finds to be substantiated.

19 (e) Upon the request of any person who is subject
20 to any such investigation, the Committee on Standards of
21 Official Conduct shall release to such individual at the
22 conclusion of its investigation a summary of its investiga-
23 tion, together with its findings. If, at the conclusion of
24 its investigation, the Committee on Standards of Official
25 Conduct determines that there has been a significant

1 breach of confidentiality or unauthorized disclosure by a
2 Member, officer, or employee of the House, it shall report
3 its findings to the House and recommend appropriate ac-
4 tion such as censure, removal from committee member-
5 ship, or expulsion from the House, in the case of a Mem-
6 ber, or removal from office or employment or punishment
7 for contempt, in the case of an officer or employee.

8 **SEC. 8. TRANSFER OF INFORMATION TO SELECT COM-**
9 **MITTEE.**

10 Any committee of the House of Representatives hav-
11 ing custody of records, data, charts, and files concerning
12 subjects within the jurisdiction of the Select Committee
13 shall furnish the originals or copies of such materials to
14 the Select Committee. In the case of the Permanent Select
15 Committee on Intelligence, such materials shall be made
16 available pursuant to clause 7(c)(2) of rule XLVIII.

17 **SEC. 9. INFORMATION GATHERING.**

18 (a) IN GENERAL.—The Select Committee is author-
19 ized to require, by subpoena or otherwise, the attendance
20 and testimony of such witnesses, the furnishing of such
21 information by interrogatory, and the production of such
22 books, records, correspondence, memoranda, papers, docu-
23 ments, calendars, recordings, electronic communications,
24 data compilations from which information can be obtained,
25 tangible objects, and other things and information of any

1 kind as it deems necessary, including all intelligence mate-
2 rials however classified, White House materials, and mate-
3 rials pertaining to unvouchered expenditures or concerning
4 communications interceptions or surveillance.

5 (b) SUBPOENAS, DEPOSITIONS AND INTERROG-
6 ATORIES.—Unless otherwise determined by the Select
7 Committee, the Chairman, upon consultation with the
8 ranking minority member, or the Select Committee may—

9 (1) authorize and issue subpoenas;

10 (2) order the taking of depositions, interroga-
11 tories, or affidavits under oath or otherwise; and

12 (3) designate a member or staff of the Select
13 Committee to conduct any deposition.

14 (c) INTERNATIONAL AUTHORITIES.—Unless other-
15 wise determined by the Select Committee, the Chairman
16 of the Select Committee, upon consultation with the rank-
17 ing minority member of the Select Committee, or the Se-
18 lect Committee may—

19 (1) order the taking of depositions and other
20 testimony, under oath or otherwise, anywhere out-
21 side the United States; and

22 (2) make application for issuance of letters rog-
23 atory, and request through appropriate channels,
24 other means of international assistance, as appro-
25 priate.

1 (d) HANDLING OF INFORMATION.—Information ob-
2 tained under the authority of this section shall be—

3 (1) considered as taken by the Select Commit-
4 tee in the District of Columbia, as well as the loca-
5 tion actually taken; and

6 (2) considered to be taken in executive session.

7 **SEC. 10. TAX RETURNS.**

8 Pursuant to sections 6103(f)(3) and 6104(a)(2) of
9 the Internal Revenue Code of 1986, for the purpose of
10 investigating the subjects set forth in this resolution and
11 since information necessary for this investigation cannot
12 reasonably be obtained from any other source, the Select
13 Committee shall be specially authorized to inspect and re-
14 ceive for the tax years 1991 through 1998 any tax return,
15 return information, or other tax-related material, held by
16 the Secretary of the Treasury, related to individuals and
17 entities named by the Select Committee as possible partici-
18 pants, beneficiaries, or intermediaries in the transactions
19 under investigation. As specified by section 6103(f)(3) of
20 the Internal Revenue Code of 1986, such materials and
21 information shall be furnished in closed executive session.

22 **SEC. 11. ACCESS TO INFORMATION OF THE SELECT COM-
23 MITTEE.**

24 The Select Committee shall provide other committees
25 and Members of the House with access to information and

1 proceedings, consistent with clause 7(c)(2) of rule XLVIII,
2 except that the Select Committee may direct that particu-
3 lar matters or classes of matter shall not be made available
4 to any person by its members, staff, or others, or may
5 impose any other restriction. The Select Committee may
6 require its staff to enter nondisclosure agreements, and
7 its chairman, in consultation with the ranking minority
8 member, may require others, such as counsel for wit-
9 nesses, to do so. The Committee on Standards of Official
10 Conduct may investigate any unauthorized disclosure of
11 such classified information by a Member, officer, or em-
12 ployee of the House or other covered person upon request
13 of the Select Committee. If, at the conclusion of its inves-
14 tigation, the Committee on Standards of Official Conduct
15 determines that there has been a significant unauthorized
16 disclosure, it shall report its findings to the House and
17 recommend appropriate sanctions for the Member, officer,
18 employee, or other covered person consistent with clause
19 7(e) of rule XLVIII and any committee restriction, includ-
20 ing nondisclosure agreements. The Select Committee shall,
21 as appropriate, provide access to information and proceed-
22 ings to the Speaker and the minority leader and their ap-
23 propriately cleared and designated staff.

1 **SEC. 12. COOPERATION OF OTHER ENTITIES.**

2 (a) COOPERATION OF OTHER COMMITTEES.—The
3 Select Committee may submit to any standing committee
4 specific matters within its jurisdiction and may request
5 that such committees pursue such matters further.

6 (b) COOPERATION OF OTHER FEDERAL ENTITIES.—
7 The Chairman of the Select Committee, upon consultation
8 with the ranking minority member, or the Select Commit-
9 tee may request investigations, reports, and other assist-
10 ance from any agency of the executive, legislative, and ju-
11 dicial branches of the Federal Government.

12 **SEC. 13. ACCESS AND RESPONSE TO JUDICIAL PROCESS.**

13 In addition to any applications to court in response
14 to judicial process that may be made in behalf of the
15 House by its counsel, the Select Committee shall be au-
16 thorized to respond to any judicial or other process, or
17 to make any applications to court, upon consultation with
18 the Speaker consistent with rule L.

19 **SEC. 14. ADMINISTRATIVE MATTERS.**

20 (a) PERSONNEL.—The Chairman, upon consultation
21 with the ranking minority member, may employ and fix
22 the compensation of such clerks, experts, consultants,
23 technicians, attorneys, investigators, clerical and steno-
24 graphic assistants, and other appropriate staff as the
25 Chairman considers necessary to carry out the purposes
26 of this resolution. Detailees from the executive branch or

1 staff of the House or a joint committee, upon the request
2 of the Chairman of the Select Committee, upon consulta-
3 tion with the ranking minority member, shall be deemed
4 staff of the Select Committee to the extent necessary to
5 carry out the purposes of this resolution.

6 (b) PAYMENT OF EXPENSES.—(1) The Select Com-
7 mittee may reimburse the members of its staff for travel,
8 subsistence, and other necessary expenses incurred by
9 them in the performance of the duties vested in the Select
10 Committee.

11 (2) Not more than \$2,500,000 are authorized for ex-
12 penses of the Select Committee for investigations and
13 studies, including for the procurement of the services of
14 individual consultants or organizations thereof, and for
15 training of staff, to be paid out of the applicable accounts
16 of the House of Representatives upon vouchers signed by
17 the Chairman and approved in the manner directed by the
18 Committee on House Oversight.

19 **SEC. 15. APPLICABILITY OF OTHER LAWS TO SELECT COM-**
20 **MITTEE.**

21 The Select Committee shall be deemed a committee
22 of the House for all purposes of the rules of the House
23 of Representatives and shall be deemed a committee for
24 all purposes of law, including, but not limited to, section
25 202(f) of the Legislative Reorganization Act of 1946 (2

1 U.S.C. 72a(f)), sections 102 and 104 of the Revised Stat-
2 utes (2 U.S.C. 192 and 194), sections 1001, 1505, 1621,
3 6002, and 6005 of title 18, United States Code, section
4 502(b)(1)(B)(ii) of the Mutual Security Act of 1954 (22
5 U.S.C. 1754(b)(1)(B)(ii)), and section 734 of title 31,
6 United States Code.

7 **SEC. 16. DISPOSITION OF RECORDS.**

8 At the conclusion of the existence of the Select Com-
9 mittee, all records of the Select Committee shall be trans-
10 ferred to other committees, or stored by the Clerk of the
11 House, as directed by the Select Committee, consistent
12 with applicable rules and law concerning classified infor-
13 mation.

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