

REVISED #164

AMENDMENT TO H.R. 5136, AS REPORTED

OFFERED BY MS. ESTRO ¹/₂ HOLT, THOMPSON (CA), SCHAKOWSKI,
BERMAN, TIERNEY

At the end of subtitle C of title IX, add the following

new section:

1 SEC. 923. AUDITS OF INTELLIGENCE COMMUNITY BY GOV-

2 ERNMENT ACCOUNTABILITY OFFICE.

3 (a) AUDITS.—Title V of the National Security Act
4 of 1947 (50 U.S.C. 413 et seq.) is amended by adding
5 at the end the following new section:

6 “AUDITS OF INTELLIGENCE COMMUNITY BY
7 GOVERNMENT ACCOUNTABILITY OFFICE

8 “SEC. 508. (a) IN GENERAL.—Except as provided in
9 subsection (b), the Director of National Intelligence shall
10 ensure that personnel of the Government Accountability
11 Office designated by the Comptroller General are provided
12 with access to all information in the possession of an ele-
13 ment of the intelligence community that the Comptroller
14 General determines is necessary for such personnel to con-
15 duct an analysis, evaluation, or investigation of a program
16 or activity of an element of the intelligence community
17 that is requested by one of the congressional intelligence
18 committees.

1 “(b) AUDITS OF PROGRAMS INVOLVING SOURCES
2 AND METHODS.—(1) If the Director of National Intel-
3 ligence determines that a portion of an analysis, evalua-
4 tion, or investigation to be conducted by the Comptroller
5 General that is requested by a committee of Congress with
6 jurisdiction over the subject of such analysis, evaluation,
7 or investigation involves a matter that is subject to the
8 reporting requirements of section 503 or intelligence
9 sources or methods, such portion may be redacted from
10 such analysis, evaluation, or investigation and provided ex-
11 clusively to the congressional intelligence committees.

12 “(2) If the Director of National Intelligence redacts
13 a portion of an analysis, evaluation, or investigation under
14 paragraph (1), the Director shall inform the committee
15 of Congress that requested such analysis, evaluation, or
16 investigation of the redaction.

17 “(c) NOTICE OF ANALYSIS, EVALUATION, OR INVES-
18 TIGATION AND PROCEDURES.—Not later than 15 days be-
19 fore initiating an analysis, evaluation, or investigation of
20 an element of the intelligence community, the Comptroller
21 General shall submit to the congressional intelligence com-
22 mittees a notice that includes—

23 “(1) a description of the analysis, evaluation, or
24 investigation to occur and the purposes of such anal-
25 ysis, evaluation, or investigation;

1 “(2) the names of the personnel who will con-
2 duct such analysis, evaluation, or investigation and
3 the level of security clearance possessed by such per-
4 sonnel; and

5 “(3) the procedures to be used in the course of
6 such analysis, evaluation, or investigation for exam-
7 ining classified information, including a description
8 of all facilities and materials that will be used.

9 “(d) DISCUSSION OF PROCEDURES.—(1) Prior to ini-
10 tiating an analysis, evaluation, or investigation of an ele-
11 ment of the intelligence community, the Comptroller Gen-
12 eral, in consultation with the congressional intelligence
13 committees, shall discuss with the Director of National In-
14 telligence the procedures for conducting such analysis,
15 evaluation, or investigation.

16 “(2) Not later than five days after the discussion re-
17 ferred to in paragraph (1), the Director of National Intel-
18 ligence may submit to the Comptroller General a written
19 comment suggesting any changes or modifications to the
20 procedures referred to in paragraph (1).

21 “(e) CONFIDENTIALITY.—The Comptroller General
22 shall maintain the same level of confidentiality for a record
23 made available during the course of an analysis, evalua-
24 tion, or investigation involving sources or methods as is
25 required of the head of the element of the intelligence com-

1 munity from which such record is obtained. An officer or
2 employee of the Government Accountability Office shall be
3 subject to the same statutory penalties for unauthorized
4 disclosure or use of a record as an officer or employee
5 of the element of the intelligence community that provided
6 the Comptroller General or such officer or employee of the
7 Government Accountability Office with access to such
8 record.

9 “(f) WORKPAPERS.—All workpapers of the Comp-
10 troller General and all records and property of any ele-
11 ment of the intelligence community that the Comptroller
12 General uses during the course of an analysis, evaluation,
13 or investigation involving sources or methods shall remain
14 in facilities provided by the element of the intelligence
15 community providing such records and property.

16 “(g) PROVISION OF SUPPLIES.—The head of each
17 element of the intelligence community that is a subject of
18 an analysis, evaluation, or investigation by the Comp-
19 troller General involving sources or methods shall provide
20 the Comptroller General with suitable and secure offices
21 and furniture, telephones, and access to copying facilities,
22 for purposes of such analysis, evaluation, or investigation.

23 “(h) PROCEDURES FOR PROTECTION OF INFORMA-
24 TION.—The Comptroller General, in consultation with the
25 congressional intelligence committees, shall establish pro-

cedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General in the course of conducting an analysis, evaluation, or investigation involving sources and methods.

“(i) SUBMISSION OF NAMES OF PERSONNEL CONDUCTING ANALYSIS, EVALUATION, OR INVESTIGATION.—Prior to initiating an analysis, evaluation, or investigation involving sources and methods, the Comptroller General shall provide the Director of National Intelligence and the head of each element of the intelligence community that is a subject of such analysis, evaluation, or investigation with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, the head of such element shall make available records and information during the course of such analysis, evaluation, or investigation.

“(j) COOPERATION.—The head of each element of the intelligence community that is a subject of an analysis, evaluation, or investigation shall cooperate fully with the Comptroller General and provide timely responses to requests by the Comptroller General for documentation and information made pursuant to this section.

1 “(k) RULE OF CONSTRUCTION.—Except as provided
2 in subsection (b), nothing in this section or any other pro-
3 vision of law shall be construed to restrict or limit the au-
4 thority of the Comptroller General to audit, evaluate, or
5 obtain access to the records of an element of the intel-
6 ligence community absent specific statutory language re-
7 stricting or limiting such audits, evaluations, or access to
8 records.”.

