

Calendar No. 750

118TH CONGRESS
2D SESSION

S. 5319

[Report No. 118–330]

To amend the Homeland Security Act of 2002 to direct the Under Secretary for Intelligence and Analysis of the Department of Homeland Security to conduct an annual audit of the information systems and bulk data of the Office of Intelligence and Analysis of the Department, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2024

Mr. PETERS introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend the Homeland Security Act of 2002 to direct the Under Secretary for Intelligence and Analysis of the Department of Homeland Security to conduct an annual audit of the information systems and bulk data of the Office of Intelligence and Analysis of the Department, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “DHS Intelligence and
 5 Analysis Oversight and Transparency Act”.

6 **SEC. 2. ANNUAL AUDIT OF DHS OFFICE OF INTELLIGENCE**
 7 **AND ANALYSIS INFORMATION SYSTEMS AND**
 8 **BULK DATA.**

9 (a) ~~IN GENERAL.~~—Subtitle A of title II of the Home-
 10 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-
 11 ed by adding at the end the following:

12 ~~“SEC. 210H. ANNUAL AUDIT OF INFORMATION SYSTEMS~~
 13 ~~AND BULK DATA.~~

14 ~~“(a) DEFINITION.—In this section, the term ‘appro-~~
 15 ~~priate congressional committees’ means the Committee on~~
 16 ~~Homeland Security and Governmental Affairs and the Se-~~
 17 ~~lect Committee on Intelligence of the Senate and the Com-~~
 18 ~~mittee on Homeland Security and the Permanent Select~~
 19 ~~Committee on Intelligence of the House of Representa-~~
 20 ~~tives.~~

21 ~~“(b) AUDIT.—The Under Secretary for Intelligence~~
 22 ~~and Analysis of the Department shall conduct an annual~~
 23 ~~audit of the information systems and bulk data of the Of-~~
 24 ~~fice of Intelligence and Analysis, which shall be consistent~~

1 with the intelligence oversight guidelines of the Office of
2 Intelligence and Analysis.

3 “(e) ~~REPORT.~~—Not later than 30 days after the con-
4 clusion of the audit under subsection (b), the Under Sec-
5 retary for Intelligence and Analysis of the Department
6 shall submit to the appropriate congressional committees
7 the findings and results of such audit.”.

8 (b) ~~CLERICAL AMENDMENT.~~—The table of contents
9 in section 1(b) of the Homeland Security Act of 2002
10 (Public Law 107–296; 116 Stat. 2135) is amended by in-
11 serting after the item relating to section 210G the fol-
12 lowing:

“Sec. 210H. Annual audit of information systems and bulk data.”.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “DHS Intelligence and*
15 *Analysis Oversight and Transparency Act”.*

16 **SEC. 2. ANNUAL AUDIT OF DHS OFFICE OF INTELLIGENCE**
17 **AND ANALYSIS INFORMATION SYSTEMS AND**
18 **BULK DATA.**

19 (a) *IN GENERAL.*—Subtitle A of title II of the Home-
20 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amended
21 by adding at the end the following:

22 **“SEC. 210H. ANNUAL AUDIT OF INFORMATION SYSTEMS**
23 **AND BULK DATA.**

24 “(a) *DEFINITIONS.*—In this section:

1 “(1) *APPROPRIATE CONGRESSIONAL COMMIT-*
 2 *TEES.*—*The term ‘appropriate congressional commit-*
 3 *tees’ means the Committee on Homeland Security and*
 4 *Governmental Affairs and the Select Committee on*
 5 *Intelligence of the Senate and the Committee on*
 6 *Homeland Security and the Permanent Select Com-*
 7 *mittee on Intelligence of the House of Representatives.*

8 “(2) *BULK DATA.*—*The term ‘bulk data’ means*
 9 *large quantities of data acquired without the use of*
 10 *discriminants, a significant portion of which are not*
 11 *reasonably likely to have intelligence or operational*
 12 *value.*

13 “(3) *DISCRIMINANTS.*—*The term ‘discriminants’*
 14 *means identifiers and selection terms.*

15 “(b) *AUDIT.*—*The Under Secretary for Intelligence*
 16 *and Analysis of the Department shall conduct an annual*
 17 *audit of the information systems and bulk data of the Office*
 18 *of Intelligence and Analysis, which shall be consistent with*
 19 *the intelligence oversight guidelines of the Office of Intel-*
 20 *ligence and Analysis.*

21 “(c) *REPORTS AND REVIEWS.*—

22 “(1) *REPORT TO CONGRESS.*—*Not later than 30*
 23 *days after the conclusion of the audit under sub-*
 24 *section (b), the Under Secretary for Intelligence and*
 25 *Analysis of the Department shall submit to the appro-*

1 *priate congressional committees the findings and re-*
2 *sults of such audit.*

3 *“(2) GAO REVIEW.—Not later than 4 years after*
4 *the date of enactment of the DHS Intelligence and*
5 *Analysis Oversight and Transparency Act, the Comp-*
6 *troller General of the United States shall provide the*
7 *appropriate congressional committees with a review*
8 *of the implementation of the annual audit require-*
9 *ment in subsection (b), challenges in the implementa-*
10 *tion of the requirement, and recommendations for im-*
11 *proving the audit.*

12 *“(3) NOTIFICATION.—The Under Secretary for*
13 *Intelligence and Analysis of the Department shall*
14 *provide the appropriate congressional committees*
15 *with—*

16 *“(A) a notification not later than 30 days*
17 *after the initial analysis or other intelligence use*
18 *of information in a bulk data set and the associ-*
19 *ated terms and conditions; and*

20 *“(B) an update not later than 30 days after*
21 *any changes to terms and conditions related to*
22 *the use of a bulk data set.”.*

23 *(b) CLERICAL AMENDMENT.—The table of contents in*
24 *section 1(b) of the Homeland Security Act of 2002 (Public*

- 1 *Law 107–296; 116 Stat. 2135) is amended by inserting*
- 2 *after the item relating to section 210G the following:*

“Sec. 210H. Annual audit of information systems and bulk data.”.

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