

111TH CONGRESS
1ST SESSION

H. R. 4261

To amend the National Security Act of 1947 to provide additional procedures for congressional oversight.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2009

Mr. THORNBERRY introduced the following bill; which was referred to the Select Committee on Intelligence (Permanent Select), and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the National Security Act of 1947 to provide additional procedures for congressional oversight.

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. CONGRESSIONAL OVERSIGHT OF INTEL-**
4 **LIGENCE ACTIVITIES.**

5 (a) GENERAL CONGRESSIONAL OVERSIGHT.—Sec-
6 tion 501(a) of the National Security Act of 1947 (50
7 U.S.C. 413(a)) is amended by adding at the end the fol-
8 lowing new paragraph:

1 “(3) In carrying out paragraph (1), the President
2 shall provide to the congressional intelligence committees
3 all information necessary to assess the lawfulness, effec-
4 tiveness, cost, benefit, intelligence gain, budgetary author-
5 ity, and risk of an intelligence activity.”.

6 (b) REPORTING ON ACTIVITIES OTHER THAN COV-
7 ERT ACTIONS.—Section 502 of such Act (50 U.S.C. 413a)
8 is amended by adding at the end the following new sub-
9 section:

10 “(d) DISTRIBUTION OF INFORMATION.—

11 “(1) REQUEST.—Information or material pro-
12 vided in accordance with subsection (a) shall be
13 made available to each member of the congressional
14 intelligence committees, unless the President re-
15 quests that access to the information or material be
16 limited after determining that limiting such access is
17 essential to meet extraordinary circumstances affect-
18 ing vital interests of the United States. A request
19 under this paragraph and the extraordinary cir-
20 cumstances referred to in this paragraph shall be de-
21 tailed in writing to the Chair and ranking minority
22 member of the congressional intelligence committees.

23 “(2) DISTRIBUTION.—If the President submits
24 a request under paragraph (1), the Chair and rank-
25 ing minority member of each congressional intel-

1 ligence committee may jointly determine whether
2 and how to limit access to the information or mate-
3 rial within such committee. If the Chair and ranking
4 minority member of such committee are unable to
5 agree on whether or how to limit such access, access
6 to the information or material shall be limited as re-
7 quested by the President. Any information or mate-
8 rial to which access is limited shall subsequently be
9 made fully available to each member of the congres-
10 sional intelligence committees at the earliest possible
11 time and shall include a detailed statement of the
12 reasons for not providing prior access.”.

13 (c) COVERT ACTIONS.—Section 503 of the National
14 Security Act of 1947 (50 U.S.C. 413b) is amended—

15 (1) in subsection (c)—

16 (A) by striking paragraph (2) and insert-
17 ing the following new paragraph:

18 “(2)(A) A finding reported in accordance with
19 paragraph (1) shall be made available to each mem-
20 ber of the congressional intelligence committees, un-
21 less the President requests that access to the finding
22 be limited after determining that limiting such ac-
23 cess is essential to meet extraordinary circumstances
24 affecting vital interests of the United States. A re-
25 quest under this subparagraph and the extraor-

dinary circumstances referred to in this paragraph shall be detailed in writing to the Chair and ranking minority member of the congressional intelligence committees.

“(B) If the President submits a request under subparagraph (A), the Chair and ranking minority member of each congressional intelligence committee may jointly determine whether and how to limit access to the finding within such committee. If the Chair and ranking minority member of such committee are unable to agree on whether or how to limit such access, access to the finding shall be limited as requested by the President. A finding to which access is limited shall subsequently be made fully available to each member of the congressional intelligence committees at the earliest possible time and shall include a detailed statement of the reasons for not providing prior access.”; and

(B) in paragraph (4), by striking the second sentence; and

(2) in subsection (d)—

(A) by striking “(d) The President” and inserting “(d)(1) The President”;

(B) in paragraph (1), as designated by subparagraph (A) of this paragraph, by striking

1 “the Members of Congress specified in sub-
2 section (c)(2)” and inserting “the Members of
3 Congress to which access to a finding is limited
4 in accordance with subsection (c)(2)”; and

5 (C) by adding at the end the following new
6 paragraph:

7 “(2) For purposes of this subsection, an activity shall
8 constitute a ‘significant undertaking’ if the activity—

9 “(A) involves the potential for loss of life;

10 “(B) requires an expansion of existing authori-
11 ties, including authorities relating to research, devel-
12 opment, or operations;

13 “(C) results in the expenditure of significant
14 funds or other resources;

15 “(D) requires notification under section 504;

16 “(E) gives rise to a significant risk of disclosing
17 intelligence sources or methods; or

18 “(F) could cause serious damage to the diplo-
19 matic relations of the United States if such activity
20 were disclosed without authorization.”.

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