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(Original Signature of Member)

113TH CONGRESS  
2ND SESSION

**H. R.** \_\_\_\_\_

To amend the Inspector General Act of 1978 to provide for the Inspector General of the National Security Agency to be appointed by the President, by and with the advice and consent of the Senate, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. COOPER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the Inspector General Act of 1978 to provide for the Inspector General of the National Security Agency to be appointed by the President, by and with the advice and consent of the Senate, 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 “NSA Internal Watch-  
5 dog Act”.

1 **SEC. 2. INSPECTOR GENERAL OF THE NATIONAL SECURITY**  
2 **AGENCY.**

3 (a) **ELEVATION OF INSPECTOR GENERAL STATUS.**—  
4 The Inspector General Act of 1978 (5 U.S.C. App.) is  
5 amended—

6 (1) in section 8G(a)(2), by striking “the Na-  
7 tional Security Agency,”; and

8 (2) in section 12—

9 (A) in paragraph (1), by inserting “the  
10 National Security Agency,” after “the Federal  
11 Emergency Management Agency,”; and

12 (B) in paragraph (2), by inserting “the  
13 National Security Agency,” after “the National  
14 Aeronautics and Space Administration,”.

15 (b) **DATE OF APPOINTMENT.**—Not later than 90  
16 days after the date of the enactment of this Act, the Presi-  
17 dent shall nominate a person for appointment, by and with  
18 the advice and consent of the Senate, as Inspector General  
19 of the National Security Agency under section 3(a) of the  
20 Inspector General Act of 1978 (5 U.S.C. App) consistent  
21 with the amendments made by subsection (a).

22 (c) **TRANSITION RULE.**—An individual serving as In-  
23 spector General of the National Security Agency on the  
24 date of the enactment of this Act pursuant to an appoint-  
25 ment made under section 8G of the Inspector General Act  
26 of 1978 (5 U.S.C. App)—

1           (1) may continue so serving until the President  
2           makes an appointment under section 3(a) of such  
3           Act with respect to the National Security Agency  
4           consistent with the amendments made by subsection  
5           (a); and

6           (2) shall, while serving under paragraph (1), re-  
7           main subject to the provisions of section 8G of such  
8           Act that, immediately before the date of the enact-  
9           ment of this Act, applied with respect to the Inspec-  
10          tor General of the National Security Agency and  
11          suffer no reduction in pay.

12 **SEC. 3. ANNUAL REVIEW OF MECHANISMS FOR REPORTING**  
13 **EMPLOYEE OR CONTRACTOR COMPLAINTS.**

14          Section 8H(g)(1) of the Inspector General Act of  
15          1978 (5 U.S.C. App.) is amended by adding at the end  
16          the following new subparagraph:

17                   “(E) In the case of the Inspector General  
18                   of the National Security Agency, a review of the  
19                   mechanisms for submitting complaints that are  
20                   available to an employee of or contractor to the  
21                   National Security Agency and any recommenda-  
22                   tions of the Inspector General for improving  
23                   such mechanisms.”.

1 **SEC. 4. SPECIAL PROVISIONS CONCERNING THE NATIONAL**  
2 **SECURITY AGENCY.**

3 The Inspector General Act of 1978 (5 U.S.C. App.)  
4 is amended by inserting after section 8J the following new  
5 section:

6 **“SEC. 8K. SPECIAL PROVISIONS CONCERNING THE NA-**  
7 **TIONAL SECURITY AGENCY.**

8 “(a) GENERAL COUNSEL TO THE INSPECTOR GEN-  
9 ERAL.—

10 “(1) IN GENERAL.—There is a General Counsel  
11 to the Inspector General of the National Security  
12 Agency, who shall be appointed by the Inspector  
13 General of the National Security Agency.

14 “(2) DUTIES.—The General Counsel to the In-  
15 spector General of the National Security Agency  
16 shall—

17 “(A) serve as the chief legal officer of the  
18 Office of the Inspector General of the National  
19 Security Agency;

20 “(B) provide legal services only to the In-  
21 spector General of the National Security Agen-  
22 cy;

23 “(C) prescribe professional rules of ethics  
24 and responsibilities for employees and officers  
25 of, and contractors to, the National Security  
26 Agency;

1           “(D) perform such functions as the Inspec-  
2           tor General may prescribe; and

3           “(E) serve at the discretion of the Inspec-  
4           tor General.

5           “(3) OFFICE OF THE GENERAL COUNSEL.—

6           There is an Office of the General Counsel to the In-  
7           spector General of the National Security Agency.  
8           The Inspector General may appoint to the Office to  
9           serve as staff of the General Counsel such legal  
10          counsel as the Inspector General considers appro-  
11          priate.

12          “(b) TESTIMONY.—

13           “(1) AUTHORITY TO COMPEL.—The Inspector  
14          General of the National Security Agency is author-  
15          ized to require by subpoena the attendance and tes-  
16          timony of former employees of the National Security  
17          Agency or contractors, former contractors, or former  
18          detailees to the National Security Agency as nec-  
19          essary in the performance of functions assigned to  
20          the Inspector General by this Act.

21           “(2) REFUSAL TO OBEY.—A subpoena issued  
22          under this subsection, in the case of contumacy or  
23          refusal to obey, shall be enforceable by order of any  
24          appropriate United States district court.

1           “(3) NOTIFICATION.—The Inspector General  
2           shall notify the Attorney General 7 days before  
3           issuing any subpoena under this section.

4           “(c) PROHIBITIONS ON INVESTIGATIONS FOR NA-  
5           TIONAL SECURITY REASONS.—

6           “(1) EVALUATIONS OF PROHIBITIONS.—Not  
7           later than 7 days after the date on which the Inspec-  
8           tor General of the National Security Agency receives  
9           notice or a statement under section 8G(d)(2)(C) of  
10          the reasons the Secretary of Defense is prohibiting  
11          the Inspector General from initiating, carrying out,  
12          or completing any audit or investigation, the Inspec-  
13          tor General shall submit to the Permanent Select  
14          Committee on Intelligence and the Committee on  
15          Armed Services of the House of Representatives and  
16          the Select Committee on Intelligence and the Com-  
17          mittee on Armed Services of the Senate an evalua-  
18          tion of such notice or such statement.

19          “(2) INCLUSION IN SEMI-ANNUAL REPORT.—  
20          The Inspector General shall include in the semi-  
21          annual report prepared by the Inspector General in  
22          accordance with section 5(a) a description of the in-  
23          stances in which the Secretary of Defense prohibited  
24          the Inspector General from initiating, carrying out,

1 or completing any audit or investigation during the  
2 period covered by such report.

3 “(d) STANDARD FOR AUDITS AND INVESTIGA-  
4 TIONS.—In carrying out any audit or investigation of a  
5 surveillance or data collection program, the Inspector Gen-  
6 eral shall—

7 “(1) assess the impact of such program on civil  
8 rights and civil liberties;

9 “(2) assess the effectiveness and use, including  
10 any improper or illegal use, of such program; and

11 “(3) make any recommendations the Inspector  
12 General considers appropriate to improve the protec-  
13 tion of civil rights and civil liberties in the operation  
14 of such program.

15 “(e) AVAILABILITY OF REPORTS.—

16 “(1) AVAILABILITY.—Each report to Congress  
17 or a committee of Congress by the Inspector General  
18 shall be made available to all Members of Congress.

19 “(2) MEMBER OF CONGRESS DEFINED.—In this  
20 subsection, the term ‘Member of Congress’ means a  
21 Senator, a Member of the House of Representatives,  
22 or a Delegate or Resident Commissioner to the Con-  
23 gress.”.

1 **SEC. 5. AUDIT OF SURVEILLANCE PROGRAMS AND BACK-**  
2 **GROUND INVESTIGATIONS.**

3 (a) AUDIT.—The Inspector General of the National  
4 Security Agency appointed under section 3(a) of the In-  
5 spector General Act of 1978 (5 U.S.C. App.) consistent  
6 with the amendments made by section 2(a) of this Act  
7 shall perform a comprehensive audit of—

8 (1) the effectiveness and use, including any im-  
9 proper or illegal use, of surveillance and data collec-  
10 tion programs of the National Security Agency, in-  
11 cluding programs conducted pursuant to sections  
12 501 and 702 of the Foreign Intelligence Surveillance  
13 Act of 1978 (50 U.S.C. 1861, 1881a);

14 (2) the interactions between the National Secu-  
15 rity Agency and the court established under section  
16 103(a) of the Foreign Intelligence Surveillance Act  
17 of 1978 (50 U.S.C. 1803(a)), including the accuracy  
18 of the information provided to such court by the  
19 Agency and the compliance of the Agency with or-  
20 ders of such court; and

21 (3) the process for conducting background in-  
22 vestigations of persons for purposes of employment  
23 or potential employment by the National Security  
24 Agency or for receiving access to classified informa-  
25 tion.

1           (b) REPORT.—Not later than 180 days after the date  
2 on which the Inspector General of the National Security  
3 Agency is appointed under section 3(a) of the Inspector  
4 General Act of 1978 (5 U.S.C. App.) consistent with the  
5 amendments made by section 2(a) of this Act, the Inspec-  
6 tor General of the National Security Agency shall submit  
7 to the Permanent Select Committee on Intelligence of the  
8 House of Representatives and the Select Committee on In-  
9 telligence of the Senate a report containing the results of  
10 the audit conducted under subsection (a).

11           (c) RULE OF CONSTRUCTION.—Nothing in this sub-  
12 section shall be construed to alter the responsibility of the  
13 Inspector General of the National Security Agency to con-  
14 duct audits or investigations of the surveillance programs  
15 of the National Security Agency and the background in-  
16 vestigation process for employment or access to classified  
17 information on an ongoing basis in accordance with the  
18 Inspector General Act of 1978 (5 U.S.C. App.).