

NSA INTERNAL WATCHDOG ACT

Section-by-Section Analysis

SECTION 1. SHORT TITLE.

The title of this bill is the “NSA Internal Watchdog Act.”

SECTION 2. INSPECTOR GENERAL OF THE NATIONAL SECURITY AGENCY.

Makes the Inspector General (IG) of the NSA a Presidentially-appointed, Senate-confirmed position. The President shall nominate an individual for appointment within 90 days. The current IG will continue to serve until an independent IG is confirmed.

SECTION 3. ANNUAL REVIEW OF MECHANISMS FOR REPORTING EMPLOYEE OR CONTRACTOR COMPLAINTS.

Requires the IG to conduct an annual review of the whistleblowing procedures available to agency employees and contractors and provide recommendations to improve such mechanisms.

SECTION 4. SPECIAL PROVISIONS CONCERNING THE NATIONAL SECURITY AGENCY.

Amends the Inspector General Act (IG Act) of 1978 to establish additional authorities and duties regarding the NSA IG.

Office of General Counsel

Establishes a statutory General Counsel, who will be the NSA IG’s chief legal officer and places appointment authority in the IG. The General Counsel will also be tasked with establishing professional rules of responsibility and ethics for employees and contractors of the NSA.

Testimonial Subpoena Authority

Empowers the NSA IG with the authority to compel a contractor or former agency employee to submit to an interview during an audit or investigation, as the law currently allows for those presently employed at NSA.

Response to a Prohibition of an Investigation for National Security Reasons

Requires the NSA IG to evaluate and send a response to the House and Senate Intelligence and Armed Services Committees for any prohibition of an audit or investigation for national security reasons. The IG will also include in its regular reports to the House and Senate Intelligence Committees a description of any prohibitions received during the period of the report.

Standard for Audits and Investigations

Establishes a standard for NSA IG audits of NSA programs that will assess “the effectiveness and use, including any improper or illegal use,” of surveillance programs. The IG is required to offer recommendations for ensuring and improving protections for civil rights and civil liberties.

Availability of Reports

Ensures NSA IG reports are available to all Members of Congress.

SECTION 5. AUDIT OF SURVEILLANCE PROGRAMS AND BACKGROUND INVESTIGATIONS.

Requires the NSA IG to prioritize a comprehensive audit, to be completed within 180 days of taking office, of NSA programs at the center of the recent revelations about the mass collection of phone and Internet data; NSA’s interaction with the FISA Court, including the accuracy of information supplied to the court and compliance with FISA court orders; and the security clearance and background investigation procedures for employees and contractors.