

111TH CONGRESS  
1ST SESSION

# H. R. 4261

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

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## 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

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## 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 congress-  
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-

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

5               “(B) If the President submits a request under  
6       subparagraph (A), the Chair and ranking minority  
7       member of each congressional intelligence committee  
8       may jointly determine whether and how to limit ac-  
9       cess to the finding within such committee. If the  
10      Chair and ranking minority member of such com-  
11      mittee are unable to agree on whether or how to  
12      limit such access, access to the finding shall be lim-  
13      ited as requested by the President. A finding to  
14      which access is limited shall subsequently be made  
15      fully available to each member of the congressional  
16      intelligence committees at the earliest possible time  
17      and shall include a detailed statement of the reasons  
18      for not providing prior access.”; and

19               (B) in paragraph (4), by striking the sec-  
20      ond sentence; and

21               (2) in subsection (d)—

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

24               (B) in paragraph (1), as designated by  
25      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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