

108TH CONGRESS  
2D SESSION

# S. 2515

To establish the Inspector General for Intelligence, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 9, 2004

Ms. SNOWE introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

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## A BILL

To establish the Inspector General for Intelligence, 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 “Intelligence Commu-  
5 nity Accountability Act of 2004”.

6 **SEC. 2. INSPECTOR GENERAL FOR INTELLIGENCE.**

7 (a) ESTABLISHMENT.—(1) Title I of the National Se-  
8 curity Act of 1947 (50 U.S.C. 402 et seq.) is amended  
9 by inserting after section 118 the following new section:

1           “INSPECTOR GENERAL FOR INTELLIGENCE

2           “SEC. 119. (a) ESTABLISHMENT.—(1) There is here-  
3 by established the Office of Inspector General for Intel-  
4 ligence (in this section referred to as the ‘Office’).

5           “(2) The Office shall not be located for administra-  
6 tive or other purposes within the Central Intelligence  
7 Agency.

8           “(3) The purpose of the Office is to—

9           “(A) provide an objective and effective office,  
10 appropriately accountable to Congress, to—

11           “(i) initiate and conduct independently in-  
12 vestigations, audits, and reviews of significant  
13 failures by the intelligence community as a  
14 whole in the discharge of the intelligence, intel-  
15 ligence-related, or other national security mis-  
16 sions of the intelligence community; and

17           “(ii) identify means of improving the dis-  
18 charge of such missions by the intelligence com-  
19 munity as a whole;

20           “(B) provide a means for keeping the Director  
21 of Central Intelligence, as the head of the intel-  
22 ligence community, fully and currently informed  
23 about significant failures in the discharge of such  
24 missions, the necessity for and progress of corrective  
25 actions, and means of improving the discharge of

1 such missions by the intelligence community as a  
2 whole;

3 “(C) in the manner prescribed by this section,  
4 ensure that the congressional intelligence committees  
5 are kept similarly informed of significant failures in  
6 the discharge of such missions, the necessity for and  
7 progress of corrective actions, and means of improv-  
8 ing the discharge of such missions by the intelligence  
9 community as a whole; and

10 “(D) identify policies and practices of the intel-  
11 ligence community that may serve as a model for  
12 similar policies and practices for other departments,  
13 agencies, and elements of the United States Govern-  
14 ment.

15 “(b) APPOINTMENT; SUPERVISION; REMOVAL.—  
16 (1)(A) There shall be at the head of the Office the Inspec-  
17 tor General for Intelligence who shall be appointed by the  
18 President, by and with the advice and consent of the Sen-  
19 ate.

20 “(B) The appointment of an individual as Inspector  
21 General shall be made without regard to political affili-  
22 ation, and shall be solely on the basis of integrity, compli-  
23 ance with the security standards of the intelligence com-  
24 munity, and prior experience in matters relating to foreign  
25 intelligence.

1       “(2) The Inspector General shall report directly to  
2 and be under the general supervision of the Director of  
3 Central Intelligence, acting as the head of the intelligence  
4 community.

5       “(3) The Inspector General may be removed from of-  
6 fice only by the President. The President shall imme-  
7 diately communicate in writing to the congressional intel-  
8 ligence committees the reasons for the removal from office  
9 of an Inspector General.

10       “(c) ACTING INSPECTOR GENERAL.—(1) The Direc-  
11 tor of Central Intelligence, acting as the head of the intel-  
12 ligence community, may appoint an individual to act as  
13 the Inspector General in a circumstance as follows:

14               “(A) During a vacancy in the position of In-  
15 spector General.

16               “(B) During any period when the Inspector  
17 General is absent from duty or is for any reason un-  
18 able to perform the duties of the Inspector General.

19       “(2) An individual appointed to act as the Inspector  
20 General may not continue to so act for more than nine  
21 months after such appointment.

22       “(d) DUTIES AND RESPONSIBILITIES.—The Inspec-  
23 tor General shall—

24               “(1) investigate, audit, or review each signifi-  
25 cant failure (including an error of communication,

1 cooperation, or coordination) of the intelligence com-  
2 munity as a whole in the discharge of an intel-  
3 ligence, intelligence-related, or other national secu-  
4 rity mission of the intelligence community;

5 “(2) identify means of improving the discharge  
6 of the intelligence, intelligence-related, or other na-  
7 tional security missions of the intelligence commu-  
8 nity by the intelligence community as a whole;

9 “(3) keep the Director of Central Intelligence,  
10 as the head of the intelligence community, fully and  
11 currently informed about significant failures in the  
12 discharge of such missions, the necessity for and  
13 progress of corrective actions, and means of improv-  
14 ing the discharge of such missions by the intelligence  
15 community as a whole; and

16 “(4) identify policies and practices of the intel-  
17 ligence community that may serve as a model for  
18 similar policies and practices for other departments,  
19 agencies, and elements of the United States Govern-  
20 ment.

21 “(e) AUTHORITIES.—(1) Except as otherwise pro-  
22 vided in this section, the Inspector General shall have such  
23 powers and authorities under the Inspector General Act  
24 of 1978 (5 U.S.C. App.) as are required for the discharge

1 of the duties and responsibilities of the Inspector General  
2 under subsection (d).

3 “(2) The Inspector General shall have direct and  
4 prompt access to the Director of Central Intelligence, act-  
5 ing as the head of the intelligence community, when nec-  
6 essary for any purpose pertaining to the performance of  
7 the duties of the Inspector General.

8 “(3)(A) The Inspector General may, in consultation  
9 with the head of the element of the intelligence community  
10 concerned, conduct such inspections of the element of the  
11 intelligence community as the Inspector General considers  
12 appropriate for the performance of the duties of the In-  
13 spector General.

14 “(B) In conducting an inspection under subpara-  
15 graph (A), the Inspector General may, after notice to the  
16 head of the element of the intelligence community con-  
17 cerned, enter into any place occupied by the element of  
18 the intelligence community at such time or times as the  
19 Inspector General considers appropriate.

20 “(4)(A) The Inspector General shall have access to  
21 any employee or any contractor employee of an element  
22 of the intelligence community whose testimony is needed  
23 for the performance of the duties of the Inspector General.

24 “(B) The Inspector General shall have direct access  
25 to all records, reports, audits, reviews, documents, papers,

1 recommendations, or other material which relate to the  
2 programs and operations with respect to which the Inspec-  
3 tor General has responsibilities under this section.

4 “(C) Failure on the part of any employee or con-  
5 tractor to cooperate with the Inspector General shall be  
6 grounds for appropriate administrative actions by the  
7 head of the element of the intelligence community con-  
8 cerned, including loss of employment or the termination  
9 of an existing contractual relationship.

10 “(5) The Inspector General shall have authority to  
11 administer to or take from any person an oath, affirma-  
12 tion, or affidavit, whenever necessary in the performance  
13 of the duties of the Inspector General, which oath affirma-  
14 tion, or affidavit when administered or taken by or before  
15 an employee of the Office designated by the Inspector  
16 General shall have the same force and effect as if adminis-  
17 tered or taken by or before an officer having a seal.

18 “(6)(A) Except as provided in subparagraph (B), the  
19 Inspector General may require by subpoena the production  
20 of all information, documents, reports, answers, records,  
21 accounts, papers, and other data and documentary evi-  
22 dence necessary in the performance of the duties and re-  
23 sponsibilities of the Inspector General.

24 “(B) In the case of a department or agency of the  
25 United States Government, the Inspector General shall ob-

1 tain information, documents, reports, answers, records,  
2 accounts, papers, and other data and evidence for the pur-  
3 pose specified in subparagraph (A) using procedures other  
4 than by subpoenas.

5 “(C) The Inspector General may not issue a subpoena  
6 for or on behalf of any other element or component of the  
7 intelligence community.

8 “(D) In the case of contumacy or refusal to obey a  
9 subpoena issued under this paragraph, the subpoena shall  
10 be enforceable by order of any appropriate district court  
11 of the United States.

12 “(f) INITIATION OF INVESTIGATIONS.—The Inspector  
13 General may commence an investigation as follows:

14 “(1) Upon the initiative of the Inspector Gen-  
15 eral.

16 “(2) Upon the request of the President.

17 “(3) Upon the request of the Director of Cen-  
18 tral Intelligence.

19 “(4) Upon the request of the head of another  
20 element of the intelligence community.

21 “(5) Upon the request of an Inspector General  
22 of an element of the intelligence community.

23 “(6) Upon the request of a congressional intel-  
24 ligence committee, the Committee on Armed Services

1 of the Senate, or the Committee on Armed Services  
2 of the House of Representatives.

3 “(7) Upon the request of a Member of Con-  
4 gress.

5 “(g) COOPERATION OF INTELLIGENCE COMMUNITY  
6 INSPECTORS GENERAL.—(1) Each Inspector General of  
7 an element of the intelligence community shall cooperate  
8 fully with the Inspector General for Intelligence in the per-  
9 formance by the Inspector General for Intelligence of the  
10 duties and responsibilities of the Inspector General for In-  
11 telligence under this section.

12 “(2) The Inspector General for Intelligence shall co-  
13 operate fully with each Inspector General of an element  
14 of the intelligence community in the performance by the  
15 Inspector General of such element of the intelligence com-  
16 munity of the duties and responsibilities of the Inspector  
17 General of such element of the intelligence community  
18 under law.

19 “(3) The cooperation of the Inspector General of an  
20 element of the intelligence community with the Inspector  
21 General for Intelligence under paragraph (1) may not be  
22 construed to modify or affect the duties and responsibil-  
23 ities of the duties and responsibilities of the Inspector  
24 General for Intelligence with respect to the intelligence  
25 community as a whole under this section or the duties and

1 responsibilities of the Inspector General of such element  
2 of the intelligence community with respect to such element  
3 of the intelligence community under law.

4 “(h) REPORTS.—(1)(A) The Inspector General may  
5 make to the President, the Director of Central Intel-  
6 ligence, or the head of any element of the intelligence com-  
7 munity any report on an investigation conducted by the  
8 Inspector General that the Inspector General considers ap-  
9 propriate.

10 “(B) A report on an investigation under subpara-  
11 graph (A) may include such recommendations for correc-  
12 tive or disciplinary action as the Inspector General con-  
13 siders appropriate as a result of the investigation.

14 “(2)(A) In accordance with section 535 of title 28,  
15 United States Code, the Inspector General shall submit  
16 to the Attorney General a report on any information, alle-  
17 gation, or complaint received by the Inspector General re-  
18 lating to a violation of Federal criminal law that involves  
19 a program or operation of an element of the intelligence  
20 community, consistent with such guidelines as may be  
21 issued by the Attorney General pursuant to subsection  
22 (b)(2) of such section.

23 “(B) The Inspector General shall submit to the Di-  
24 rector of Central Intelligence, acting as the head of the

1 intelligence community, a copy of each report submitted  
2 to the Attorney General under subparagraph (A).

3 “(3) Not later than January 31 and July 31 each  
4 year, the Inspector General shall submit to the congress-  
5 sional intelligence committees a report on the activities of  
6 the Inspector General and the Office during the preceding  
7 six months. Each report shall include, for the six-month  
8 period covered by such report—

9 “(A) a description of each significant investiga-  
10 tion commenced by the Inspector General, including  
11 the progress made in such investigation;

12 “(B) a summary of the other investigations  
13 commenced or conducted by the Inspector General;  
14 and

15 “(C) in the case of any investigation concluded  
16 by the Inspector General, a description of the find-  
17 ings of the Inspector General as a result of such in-  
18 vestigation, including whether the Inspector General  
19 made a recommendation for corrective or discipli-  
20 nary action under paragraph (1)(B), or submitted to  
21 the Attorney General a report on a violation of Fed-  
22 eral criminal law under paragraph (2)(A), as a re-  
23 sult of such investigation.

1       “(4) Each report submitted to the congressional in-  
2 telligence committees under paragraph (3) shall be sub-  
3 mitted in both classified and unclassified form.

4       “(5) The head of any element of the intelligence com-  
5 munity may submit to the congressional intelligence com-  
6 mittees a report on any matter in a report under para-  
7 graph (3) that relates to such element of the intelligence  
8 community.

9       “(i) SUPPORT.—(1) The Inspector General shall have  
10 a staff of personnel with such expertise and experience as  
11 the Inspector General considers appropriate to carry out  
12 the duties of the Inspector General under this section.

13       “(2) The staff of the Inspector General under para-  
14 graph (1) shall possess security clearances appropriate for  
15 the work of the Inspector General.

16       “(3) The Director of Central Intelligence, acting as  
17 the head of the intelligence community, shall provide the  
18 Inspector General with appropriate and adequate office  
19 space, together with such equipment, office supplies, main-  
20 tenance services, and communications facilities and serv-  
21 ices as may be necessary for the operation of the Office.

22       “(4)(A) Subject to the concurrence of the Director,  
23 the Inspector General may request from any department  
24 or agency of the United States Government such informa-

1 tion or assistance as may be necessary for carrying out  
 2 the duties of the Inspector General under this section.

3 “(B) Upon request of the Inspector General for infor-  
 4 mation or assistance under subparagraph (A), the head  
 5 of the department or agency concerned shall, insofar as  
 6 is practicable and not in contravention of any existing  
 7 statutory restriction or regulation of such department or  
 8 agency, furnish such information or assistance to the In-  
 9 spector General.

10 “(j) SEPARATE BUDGET ACCOUNT.—Beginning with  
 11 fiscal year 2006 and in accordance with procedures to be  
 12 issued by the Director of Central Intelligence in consulta-  
 13 tion with the congressional intelligence committees, the  
 14 Director shall include in the National Foreign Intelligence  
 15 Program budget a separate account for the Office of In-  
 16 spector General for Intelligence.”.

17 (2) The table of contents for the National Security  
 18 Act of 1947 is amended by inserting after the item relat-  
 19 ing to section 118 the following new item:

“Sec. 119. Inspector General for Intelligence.”.

20 (b) EXECUTIVE SCHEDULE LEVEL IV.—Section  
 21 5315 of title 5, United States Code, is amended by insert-  
 22 ing after the item relating to the Inspector General of the  
 23 Central Intelligence Agency the following new item:

24 “Inspector General for Intelligence.”.

