

[118H8664.EH]

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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Homeland Security Act of 2002 to direct the Under Secretary for Intelligence and Analysis of the Department of Homeland Security to conduct an annual audit of the information systems and bulk data of the Office of Intelligence and Analysis of the Department, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Homeland Security Act of 2002 to direct the Under Secretary for Intelligence and Analysis of the Department of Homeland Security to conduct an annual audit of the information systems and bulk data of the Office of Intelligence and Analysis of the Department, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “DHS Intelligence and
3 Analysis Oversight and Transparency Act”.

4 **SEC. 2. ANNUAL AUDIT OF DHS OFFICE OF INTELLIGENCE**
5 **AND ANALYSIS INFORMATION SYSTEMS AND**
6 **BULK DATA.**

7 (a) IN GENERAL.—Subtitle A of title II of the Home-
8 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-
9 ed by adding at the end the following:

10 **“SEC. 210H. ANNUAL AUDIT OF INFORMATION SYSTEMS**
11 **AND BULK DATA.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term ‘appropriate congressional com-
15 mittees’ means the Committee on Homeland Secu-
16 rity and Governmental Affairs and the Select Com-
17 mittee on Intelligence of the Senate and the Com-
18 mittee on Homeland Security and the Permanent
19 Select Committee on Intelligence of the House of
20 Representatives.

21 “(2) BULK DATA.—The term ‘bulk data’ means
22 large quantities of data acquired without the use of
23 discriminants, a significant portion of which are not
24 reasonably likely to have intelligence or operational
25 value.

1 “(3) DISCRIMINANTS.—The term
2 ‘discriminants’ means identifiers and selection terms.

3 “(b) ANNUAL AUDITS.—Not later than 180 days
4 after the date of the enactment of this section and annu-
5 ally thereafter, the Under Secretary for Intelligence and
6 Analysis of the Department shall conduct an audit of the
7 information systems and bulk data of the Office of Intel-
8 ligence and Analysis, which shall be consistent with the
9 intelligence oversight guidelines of the Office.

10 “(c) NOTIFICATIONS.—The Under Secretary for In-
11 telligence and Analysis of the Department shall provide
12 the appropriate congressional committees with—

13 “(1) a notification not later than 30 days after
14 the first analysis or other intelligence use by the Of-
15 fice of Intelligence and Analysis after the date of the
16 enactment of this section of any new bulk data set
17 and the associated terms and conditions; and

18 “(2) an update not later than 30 days after any
19 changes to such associated terms and conditions re-
20 lated to the use of such a bulk data set.

21 “(d) REPORTS AND REVIEW.—

22 “(1) REPORTS TO CONGRESS.—Not later than
23 30 days after the conclusion of each audit under
24 subsection (b), the Under Secretary for Intelligence
25 and Analysis of the Department shall submit to the

1 appropriate congressional committees the findings
2 and results of such audit.

3 “(2) GAO REVIEW.—Not later than four years
4 after the date of the enactment of this section, the
5 Comptroller General of the United States shall pro-
6 vide the appropriate congressional committees a re-
7 view of the implementation of the annual audit re-
8 quirement under subsection (b), challenges to the
9 implementation of such requirement, and rec-
10 ommendations for improving such audits.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 in section 1(b) of the Homeland Security Act of 2002
13 (Public Law 107–296; 116 Stat. 2135) is amended by in-
14 serting after the item relating to section 210G the fol-
15 lowing:

“Sec. 210H. Annual audit of information systems and bulk data.”.