

AMENDMENT TO H.R. _____
OFFERED BY M____. _____

At the appropriate place in the bill, insert the following new section:

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

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 National Security Agency,”; and
7

8 (2) in section 12—

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

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

15 (b) **DATE OF APPOINTMENT.—**Not later than 90
16 days after the date of the enactment of this Act, the President shall nominate a person for appointment, by and with
17 the advice and consent of the Senate, as Inspector General
18 of the National Security Agency under section 3(a) of the
19

1 Inspector General Act of 1978 (5 U.S.C. App.) consistent
2 with the amendments made by subsection (a).

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

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

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

19 (d) SPECIAL PROVISIONS CONCERNING THE NA-
20 TIONAL SECURITY AGENCY.—The Inspector General Act
21 of 1978 (5 U.S.C. App.) is amended by inserting after
22 section 8J the following new section:

1 **“SEC. 8K. SPECIAL PROVISIONS CONCERNING THE NA-**
2 **TIONAL SECURITY AGENCY.**

3 “(a) GENERAL COUNSEL TO THE INSPECTOR GEN-
4 ERAL.—

5 “(1) IN GENERAL.—There is a General Counsel
6 to the Inspector General of the National Security
7 Agency, who shall be appointed by the Inspector
8 General of the National Security Agency.

9 “(2) DUTIES.—The General Counsel to the In-
10 spector General of the National Security Agency
11 shall—

12 “(A) serve as the chief legal officer of the
13 Office of the Inspector General of the National
14 Security Agency;

15 “(B) provide legal services only to the In-
16 spector General of the National Security Agen-
17 cy;

18 “(C) prescribe professional rules of ethics
19 and responsibilities for employees and officers
20 of, and contractors to, the National Security
21 Agency;

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

24 “(E) serve at the discretion of the Inspec-
25 tor General.

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

2 There is an Office of the General Counsel to the In-
3 specter General of the National Security Agency.

4 The Inspector General may appoint to the Office to
5 serve as staff of the General Counsel such legal
6 counsel as the Inspector General considers appro-
7 priate.

8 “(b) TESTIMONY.—

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

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

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

24 “(c) PROHIBITIONS ON INVESTIGATIONS FOR NA-
25 TIONAL SECURITY REASONS.—

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

14 “(2) INCLUSION IN SEMI-ANNUAL REPORT.—
15 The Inspector General shall include in the semi-
16 annual report prepared by the Inspector General in
17 accordance with section 5(a) a description of the in-
18 stances in which the Secretary of Defense prohibited
19 the Inspector General from initiating, carrying out,
20 or completing any audit or investigation during the
21 period covered by such report.”.

