

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 5319

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PETERS

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE.**
- 4 This Act may be cited as the “DHS Intelligence and
- 5 Analysis Oversight and Transparency Act”.

1 **SEC. 2. ANNUAL AUDIT OF DHS OFFICE OF INTELLIGENCE**
2 **AND ANALYSIS INFORMATION SYSTEMS AND**
3 **BULK DATA.**

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

7 **“SEC. 210H. ANNUAL AUDIT OF INFORMATION SYSTEMS**
8 **AND BULK DATA.**

9 “(a) DEFINITIONS.—In this section:

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

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

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

25 “(b) AUDIT.—The Under Secretary for Intelligence
26 and Analysis of the Department shall conduct an annual

1 audit of the information systems and bulk data of the Of-
2 fice of Intelligence and Analysis, which shall be consistent
3 with the intelligence oversight guidelines of the Office of
4 Intelligence and Analysis.

5 “(c) REPORTS AND REVIEWS.—

6 “(1) REPORT TO CONGRESS.—Not later than
7 30 days after the conclusion of the audit under sub-
8 section (b), the Under Secretary for Intelligence and
9 Analysis of the Department shall submit to the ap-
10 propriate congressional committees the findings and
11 results of such audit.

12 “(2) GAO REVIEW.—Not later than 4 years
13 after the date of enactment of the DHS Intelligence
14 and Analysis Oversight and Transparency Act, the
15 Comptroller General of the United States shall pro-
16 vide the appropriate congressional committees with a
17 review of the implementation of the annual audit re-
18 quirement in subsection (b), challenges in the imple-
19 mentation of the requirement, and recommendations
20 for improving the audit.

21 “(3) NOTIFICATION.—The Under Secretary for
22 Intelligence and Analysis of the Department shall
23 provide the appropriate congressional committees
24 with—

1 “(A) a notification not later than 30 days
2 after the initial analysis or other intelligence
3 use of information in a bulk data set and the
4 associated terms and conditions; and

5 “(B) an update not later than 30 days
6 after any changes to terms and conditions re-
7 lated to the use of a bulk data set.”.

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

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