IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 1987

Mr. Panetta, for himself, Mr. Fasceil, Mr. Brown of California, Mr. Gray of Pennsylvania, Mr. Dorgan of North Dakota, Mr. Smith of Florida, Mr. Delahie, Mr. Pickett, Mr. Stark, Mr. Olin, Mr. Gonzalez, Mr. Hughes, Mr. Fauntry, Mr. Pease, Mr. Ford of Michigan, Mrs. Boxer, Ms. Kaptur, Mr. DeFazio, Mr. Conyers, Mr. Bates, Mr. Evans, Mr. Kildee, Mr. Owens of Utah, Mr. Traxler, Mr. Studds, Mr. Edwards of California, Mr. Trapican, Mr. Eckart, Mr. Clarke, Mr. Martinez, Mr. Waxman, Mr. Kolter, Mr. Hawkins, and Mr. Torres) introduced the following bill, which was referred jointly to the Committees on Government Operations and the Permanent Select Committee on Intelligence

A BILL

To clarify and restate the Comptroller General's authority to audit the financial transactions and evaluate the programs and activities of the Central Intelligence Agency, and for other purposes.

1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2. That this Act may be cited as the "CIA Accountability Act of 1987".
SEC. 2. (a) Title 31, United States Code, is amended by inserting after section 3523 the following new section:

§ 3523a. Audit of Central Intelligence Agency activities

"(a) Notwithstanding any other provision of law, the Comptroller General shall audit the financial transactions and shall evaluate the programs and activities of the Central Intelligence Agency—

"(1) on the initiative of the Comptroller General;

or

"(2) when requested by the Chairman or the ranking minority member of the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives.

"(b) Whenever the Comptroller General conducts an audit or evaluation pursuant to subsection (a), the Comptroller General shall provide the results of such audit or evaluation only to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Director of Central Intelligence.

"(c) Notwithstanding any other provision of law, the Comptroller General may inspect and copy any relevant books, documents, papers, records, other information, including written or recorded information of all kinds, and property
which belongs to, or is in the possession or control of, the
Central Intelligence Agency in order to perform audits and
evaluations pursuant to subsection (a). The Comptroller Gen-
eral shall also be provided access to the officers and employ-
ees of the Central Intelligence Agency at such reasonable
times as the Comptroller General considers necessary to
carry out such audits and evaluations. Notwithstanding the
preceding sentence, the Comptroller General shall not be
provided access to any officer or employee of the Central
Intelligence Agency if the President determines that access
to any such officer or employee is not in the national interest.
The President shall prepare and transmit a report to the
Comptroller General and the chairman and ranking minority
member of each committee referred to in subsection (a)(2) of
this section setting forth his determination. The President
may not delegate the making of a determination under this
subsection to any officer or employee of the Executive
Branch.

“(d)(1) After consultation with the Select Committee on
Intelligence of the Senate and with the Permanent Select
Committee on Intelligence of the House of Representatives,
the Comptroller General shall establish procedures to protect
from unauthorized disclosure all classified and other sensitive
information furnished to the Comptroller General or his rep-
resentatives under this section.
“(3) All workpapers of the Comptroller General and all records and property of the Central Intelligence Agency that the Comptroller General uses during an audit or evaluation under this section shall remain in facilities provided by the Central Intelligence Agency. Procedures established by the Comptroller General pursuant to paragraph (1) of this subsection shall include provisions specifying the method and duration of any temporary removal of workpapers from facilities provided by the Central Intelligence Agency.

“(3) Before initiating an audit or evaluation under this section, the Comptroller General shall provide the Director of Central Intelligence with the names and other relevant information concerning each officer and employee of the General Accounting Office who may have access to, or otherwise be provided with, classified or other sensitive information in connection with an audit or evaluation for purposes of security clearance reviews. The Director of Central Intelligence shall complete the necessary security clearance reviews on an expedited basis.

“(4) The Comptroller General shall provide the Director of Central Intelligence with the name of each officer and employee of the General Accounting Office who has obtained a security clearance from the Central Intelligence Agency and to whom, upon proper identification, the officers, employees,
records, and property of the Central Intelligence Agency
shall be made available in carrying out this section.

"(e) This section may be superseded only by a law en-
acted after the date of enactment of this section specifically
repealing or amending this section.

"(f) The authority provided in this section is in addition
to the authority that the Comptroller General has to investi-
gate, audit, and evaluate the financial transactions, pro-
grams, and activities of any other establishment or agency of
the Government of the United States."

(b) The table of sections for chapter 35 of title 31,
United States Code, is amended by inserting after the item
relating to section 3523 the following new item:

"3528a. Audit of Central Intelligence Agency activities."

SEC. 3. (a) Section 3524 of title 31, United States
Code, is amended—

(1) in the first sentence of subsection (a)(1), by
striking out "The" and inserting in lieu thereof the fol-
lowing: "Except with respect to audits or evaluations
of the Central Intelligence Agency as provided in sec-
section 3528a of this title, the";

(2) in subsection (c), by inserting "(other than ac-
tivities conducted by the Central Intelligence Agency)"
after "activities";

(3) by amending subsection (d) to read as follows:
“(d) This section does not apply to expenditures under section 102, 103, 105(d) (1), (3), or (5), or 106(b) (2) or (3) of title 3.”; and

(4) in subsection (e), by striking out “or a financial transaction under section 8(b) of the Central Intelligence Act of 1949 (50 U.S.C. 403j(b))”.

(b) Section 8(b) of the Central Intelligence Act of 1949 is amended—

(1) by inserting “(other than section 3523a of title 31, United States Code)” after “Government funds”;

and

(2) by adding at the end thereof the following new sentence: “The Comptroller General shall audit expenditures made for objects of a confidential, extraordinary, or emergency nature to be accounted for solely on the certificate of the Director.”.

(c) Section 716(d)(1)(A), title 31, United States Code, is amended by inserting “(other than activities conducted by the Central Intelligence Agency)” after “activities” the first place it appears.