

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4681
OFFERED BY MS. GABBARD OF HAWAII**

After title V, insert the following new title:

1 **TITLE VI—PRIVACY AND CIVIL**
2 **LIBERTIES OVERSIGHT**
3 **BOARD REFORMS**

4 **SEC. 601. INCLUSION OF FOREIGN INTELLIGENCE ACTIVI-**
5 **TIES IN OVERSIGHT AUTHORITY OF THE PRI-**
6 **VACY AND CIVIL LIBERTIES OVERSIGHT**
7 **BOARD.**

8 Section 1061 of the Intelligence Reform and Ter-
9 rorism Prevention Act of 2004 (42 U.S.C. 2000ee) is
10 amended by inserting “and conduct foreign intelligence ac-
11 tivities” after “terrorism” in the following provisions:

12 (1) Paragraphs (1) and (2) of subsection (c).

13 (2) Subparagraphs (A) and (B) of subsection
14 (d)(1).

15 (3) Subparagraphs (A), (B), and (C) of sub-
16 section (d)(2).

1 **SEC. 602. SUBMISSION OF WHISTLEBLOWER COMPLAINTS**
2 **TO THE PRIVACY AND CIVIL LIBERTIES**
3 **OVERSIGHT BOARD.**

4 Section 1061 of the Intelligence Reform and Ter-
5 rorism Prevention Act of 2004 (42 U.S.C. 2000ee), as
6 amended by section 601 of this Act, is further amended—

7 (1) in subsection (d), by adding at the end the
8 following new paragraph:

9 “(5) WHISTLEBLOWER COMPLAINTS.—

10 “(A) SUBMISSION TO BOARD.—An em-
11 ployee of, or contractor or detailee to, an ele-
12 ment of the intelligence community may submit
13 to the Board a complaint or information that
14 such employee, contractor, or detailee believes
15 relates to a privacy or civil liberties concern.

16 “(B) AUTHORITY OF BOARD.—The Board
17 may take such action as the Board considers
18 appropriate with respect to investigating a com-
19 plaint or information submitted under subpara-
20 graph (A) or transmitting such complaint or in-
21 formation to any other Executive agency or the
22 congressional intelligence committees.

23 “(C) RELATIONSHIP TO EXISTING LAWS.—
24 The authority under subparagraph (A) of an
25 employee, contractor, or detailee to submit to
26 the Board a complaint or information shall be

1 in addition to any other authority under an-
2 other provision of law to submit a complaint or
3 information. Any action taken under any other
4 provision of law by the recipient of a complaint
5 or information shall not preclude the Board
6 from taking action relating to the same com-
7 plaint or information.

8 “(D) RELATIONSHIP TO ACTIONS TAKEN
9 UNDER OTHER LAWS.—Nothing in this para-
10 graph shall prevent—

11 “(i) any individual from submitting a
12 complaint or information to any authorized
13 recipient of the complaint or information;
14 or

15 “(ii) the recipient of a complaint or
16 information from taking independent ac-
17 tion on the complaint or information.”;
18 and

19 (2) by adding at the end the following new sub-
20 section:

21 “(n) DEFINITIONS.—In this section, the terms ‘con-
22 gressional intelligence committees’ and ‘intelligence com-
23 munity’ have the meaning given such terms in section 3
24 of the National Security Act of 1947 (50 U.S.C. 3003).”.

1 **SEC. 603. PRIVACY AND CIVIL LIBERTIES OVERSIGHT**
2 **BOARD SUBPOENA POWER.**

3 Section 1061(g) of the Intelligence Reform and Ter-
4 rorism Prevention Act of 2004 (42 U.S.C. 2000ee(g)) is
5 amended—

6 (1) in paragraph (1)(D), by striking “submit a
7 written request to the Attorney General of the
8 United States that the Attorney General”;

9 (2) by striking paragraph (2); and

10 (3) by redesignating paragraphs (3) and (4) as
11 paragraphs (2) and (3), respectively.

12 **SEC. 604. APPOINTMENT OF STAFF OF THE PRIVACY AND**
13 **CIVIL LIBERTIES OVERSIGHT BOARD.**

14 Section 1061(j) of the Intelligence Reform and Ter-
15 rorism Prevention Act of 2004 (42 U.S.C. 2000ee(j)) is
16 amended—

17 (1) by redesignating paragraphs (2) and (3) as
18 paragraphs (3) and (4), respectively; and

19 (2) by inserting after paragraph (1) the fol-
20 lowing new paragraph:

21 “(2) APPOINTMENT IN ABSENCE OF CHAIR-
22 MAN.—If the position of chairman of the Board is
23 vacant, during the period of the vacancy the Board,
24 at the direction of the majority of the members of
25 the Board, may exercise the authority of the chair-
26 man under paragraph (1).”.

1 **SEC. 605. PRIVACY AND CIVIL LIBERTIES OVERSIGHT**
2 **BOARD.**

3 (a) IN GENERAL.—Section 1061 of the Intelligence
4 Reform and Terrorism Prevention Act of 2004 (42 U.S.C.
5 2000ee), as amended by sections 601 and 602 of this Act,
6 is further amended—

7 (1) in subsection (h)—

8 (A) in paragraph (1), by inserting “full-
9 time” after “4 additional”; and

10 (B) in paragraph (4)(B), by striking “, ex-
11 cept that” and all that follows through the end
12 and inserting a period;

13 (2) in subsection (i)(1)—

14 (A) in subparagraph (A), by striking “level
15 III of the Executive Schedule under section
16 5314” and inserting “level II of the Executive
17 Schedule under section 5313”; and

18 (B) in subparagraph (B), by striking “level
19 IV of the Executive Schedule” and all that fol-
20 lows through the end and inserting “level III of
21 the Executive Schedule under section 5314 of
22 title 5, United States Code.”; and

23 (3) in subsection (j)(1), by striking “level V of
24 the Executive Schedule under section 5316” and in-
25 serting “level IV of the Executive Schedule under
26 section 5315”.

1 (b) EFFECTIVE DATE; APPLICABILITY.—

2 (1) IN GENERAL.—The amendments made by
3 subsection (a) shall—

4 (A) take effect on the date of enactment of
5 this Act; and

6 (B) except as provided in paragraph (2),
7 apply to any appointment to a position as a
8 member of the Privacy and Civil Liberties Over-
9 sight Board made on or after the date of the
10 enactment of this Act.

11 (2) EXCEPTIONS.—

12 (A) COMPENSATION CHANGES.—The
13 amendments made by paragraphs (2)(A) and
14 (3) of subsection (a) shall take effect on the
15 first day of the first pay period beginning after
16 the date of the enactment of this Act.

17 (B) ELECTION TO SERVE FULL TIME BY
18 INCUMBENTS.—

19 (i) IN GENERAL.—An individual serv-
20 ing as a member of the Privacy and Civil
21 Liberties Oversight Board on the date of
22 the enactment of this Act, including a
23 member continuing to serve as a member
24 under section 1061(h)(4)(B) of the Intel-
25 ligence Reform and Terrorism Prevention

1 Act of 2004 (42 U.S.C. 2000ee(h)(4)(B)),
2 (in this subparagraph referred to as a
3 “current member”) may make an election
4 to—

5 (I) serve as a member of the Pri-
6 vacy and Civil Liberties Oversight
7 Board on a full-time basis and in ac-
8 cordance with section 1061 of the In-
9 telligence Reform and Terrorism Pre-
10 vention Act of 2004 (42 U.S.C.
11 2000ee), as amended by this Act; or

12 (II) serve as a member of the
13 Privacy and Civil Liberties Oversight
14 Board on a part-time basis in accord-
15 ance with such section 1061, as in ef-
16 fect on the day before the date of en-
17 actment of this Act, including the lim-
18 itation on service after the expiration
19 of the term of the member under sub-
20 section (h)(4)(B) of such section, as
21 in effect on the day before the date of
22 the enactment of this Act.

23 (ii) ELECTION TO SERVE FULL
24 TIME.—A current member making an elec-
25 tion under clause (i)(I) shall begin serving

1 as a member of the Privacy and Civil Lib-
2 erties Oversight Board on a full-time basis
3 on the first day of the first pay period be-
4 ginning not less than 60 days after the
5 date on which the current member makes
6 the election.

7 **SEC. 606. PROVISION OF INFORMATION ABOUT GOVERN-**
8 **MENT ACTIVITIES UNDER THE FOREIGN IN-**
9 **TELLIGENCE SURVEILLANCE ACT OF 1978 TO**
10 **THE PRIVACY AND CIVIL LIBERTIES OVER-**
11 **SIGHT BOARD.**

12 The Attorney General should fully inform the Privacy
13 and Civil Liberties Oversight Board about any activities
14 carried out by the Government under the Foreign Intel-
15 ligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.),
16 including by providing to the Board—

17 (1) copies of each detailed report submitted to
18 a committee of Congress under such Act; and

19 (2) copies of each decision, order, and opinion
20 of the Foreign Intelligence Surveillance Court or the
21 Foreign Intelligence Surveillance Court of Review re-
22 quired to be included in the report under section
23 601(a) of such Act (50 U.S.C. 1871(a)).

