

100TH CONGRESS  
1ST SESSION

# H. R. 3603

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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 1987

Mr. PANETTA (for himself, Mr. FASCELL, Mr. BROWN of California, Mr. GRAY of Pennsylvania, Mr. DORGAN of North Dakota, Mr. SMITH of Florida, Mr. DELLUMS, Mr. PICKETT, Mr. STARK, Mr. OLIN, Mr. GONZALEZ, Mr. HUGHES, Mr. FAUNTROY, 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. TRAFICANT, 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

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## 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 Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the "CIA Accountability Act  
4       of 1987".

1 SEC. 2. (a) Title 31, United States Code, is amended by  
2 inserting after section 3523 the following new section:

3 § 3523a. Audit of Central Intelligence Agency activities

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

8 “(1) on the initiative of the Comptroller General;

9 or

10 “(2) when requested by the Chairman or the  
11 ranking minority member of the Select Committee on  
12 Intelligence of the Senate or the Permanent Select  
13 Committee on Intelligence of the House of Representa-  
14 tives.

15 “(b) Whenever the Comptroller General conducts an  
16 audit or evaluation pursuant to subsection (a), the Comptrol-  
17 ler General shall provide the results of such audit or evalua-  
18 tion only to the Select Committee on Intelligence of the  
19 Senate, the Permanent Select Committee on Intelligence of  
20 the House of Representatives, and the Director of Central  
21 Intelligence.

22 “(c) Notwithstanding any other provision of law, the  
23 Comptroller General may inspect and copy any relevant  
24 books, documents, papers, records, other information, includ-  
25 ing written or recorded information of all kinds, and property

1 which belongs to, or is in the possession or control of, the  
2 Central Intelligence Agency in order to perform audits and  
3 evaluations pursuant to subsection (a). The Comptroller Gen-  
4 eral shall also be provided access to the officers and employ-  
5 ees of the Central Intelligence Agency at such reasonable  
6 times as the Comptroller General considers necessary to  
7 carry out such audits and evaluations. Notwithstanding the  
8 preceding sentence, the Comptroller General shall not be  
9 provided access to any officer or employee of the Central  
10 Intelligence Agency if the President determines that access  
11 to any such officer or employee is not in the national interest.  
12 The President shall prepare and transmit a report to the  
13 Comptroller General and the chairman and ranking minority  
14 member of each committee referred to in subsection (a)(2) of  
15 this section setting forth his determination. The President  
16 may not delegate the making of a determination under this  
17 subsection to any officer or employee of the Executive  
18 Branch.

19       “(d)(1) After consultation with the Select Committee on  
20 Intelligence of the Senate and with the Permanent Select  
21 Committee on Intelligence of the House of Representatives,  
22 the Comptroller General shall establish procedures to protect  
23 from unauthorized disclosure all classified and other sensitive  
24 information furnished to the Comptroller General or his rep-  
25 resentatives under this section.

1       “(2) All workpapers of the Comptroller General and all  
2 records and property of the Central Intelligence Agency that  
3 the Comptroller General uses during an audit or evaluation  
4 under this section shall remain in facilities provided by the  
5 Central Intelligence Agency. Procedures established by the  
6 Comptroller General pursuant to paragraph (1) of this sub-  
7 section shall include provisions specifying the method and du-  
8 ration of any temporary removal of workpapers from facilities  
9 provided by the Central Intelligence Agency.

10       “(3) Before initiating an audit or evaluation under this  
11 section, the Comptroller General shall provide the Director  
12 of Central Intelligence with the names and other relevant  
13 information concerning each officer and employee of the Gen-  
14 eral Accounting Office who may have access to, or otherwise  
15 be provided with, classified or other sensitive information in  
16 connection with an audit or evaluation for purposes of securi-  
17 ty clearance reviews. The Director of Central Intelligence  
18 shall complete the necessary security clearance reviews on  
19 an expedited basis.

20       “(4) The Comptroller General shall provide the Director  
21 of Central Intelligence with the name of each officer and em-  
22 ployee of the General Accounting Office who has obtained a  
23 security clearance from the Central Intelligence Agency and  
24 to whom, upon proper identification, the officers, employees,

1 records, and property of the Central Intelligence Agency  
2 shall be made available in carrying out this section.

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

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

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

“3523a. Audit of Central Intelligence Agency activities.”.

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

16 (1) in the first sentence of subsection (a)(1), by  
17 striking out “The” and inserting in lieu thereof the fol-  
18 lowing: “Except with respect to audits or evaluations  
19 of the Central Intelligence Agency as provided in sec-  
20 tion 3523a of this title, the”;

21 (2) in subsection (c), by inserting “(other than ac-  
22 tivities conducted by the Central Intelligence Agency)”  
23 after “activities”;

24 (3) by amending subsection (d) to read as follows:

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

4           (4) in subsection (e), by striking out “or a finan-  
5 cial transaction under section 8(b) of the Central Intel-  
6 ligence Act of 1949 (50 U.S.C. 403j(b))”.

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

9           (1) by inserting “(other than section 3523a of title  
10 31, United States Code)” after “Government funds”;  
11 and

12           (2) by adding at the end thereof the following new  
13 sentence: “The Comptroller General shall audit ex-  
14 penditures made for objects of a confidential, extraordi-  
15 nary, or emergency nature to be accounted for solely  
16 on the certificate of the Director.”.

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

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