

**AMENDMENT TO H.R. 2701, AS REPORTED
OFFERED BY MR. THORNBERRY OF TEXAS**

Strike section 321 (Page 29, line 22 and all that follows through line 20 on page 34) and insert the following new section:

1 **SEC. 321. CONGRESSIONAL OVERSIGHT OF INTELLIGENCE**
2 **ACTIVITIES.**

3 (a) **GENERAL CONGRESSIONAL OVERSIGHT.**—Sec-
4 tion 501(a) of the National Security Act of 1947 (50
5 U.S.C. 413(a)) is amended by adding at the end the fol-
6 lowing new paragraph:

7 “(3) In carrying out paragraph (1), the President
8 shall provide to the congressional intelligence committees
9 all information necessary to assess the lawfulness, effec-
10 tiveness, cost, benefit, intelligence gain, budgetary author-
11 ity, and risk of an intelligence activity.”.

12 (b) **REPORTING ON ACTIVITIES OTHER THAN COV-**
13 **ERT ACTIONS.**—Section 502 of such Act (50 U.S.C. 413a)
14 is amended by adding at the end the following new sub-
15 section:

16 “(d) **DISTRIBUTION OF INFORMATION.**—

17 “(1) **REQUEST.**—Information or material pro-
18 vided in accordance with subsection (a) shall be

1 made available to each member of the congressional
2 intelligence committees, unless the President re-
3 quests that access to the information or material be
4 limited after determining that limiting such access is
5 essential to meet extraordinary circumstances affect-
6 ing vital interests of the United States. A request
7 under this paragraph and the extraordinary cir-
8 cumstances referred to in this paragraph shall be de-
9 tailed in writing to the Chair and ranking minority
10 member of the congressional intelligence committees.

11 “(2) DISTRIBUTION.—If the President submits
12 a request under paragraph (1), the Chair and rank-
13 ing minority member of each congressional intel-
14 ligence committee may jointly determine whether
15 and how to limit access to the information or mate-
16 rial within such committee. If the Chair and ranking
17 minority member of such committee are unable to
18 agree on whether or how to limit such access, access
19 to the information or material shall be limited as re-
20 quested by the President. Any information or mate-
21 rial to which access is limited shall subsequently be
22 made fully available to each member of the congres-
23 sional intelligence committees at the earliest possible
24 time and shall include a detailed statement of the
25 reasons for not providing prior access.”.

1 (c) COVERT ACTIONS.—Section 503 of the National
2 Security Act of 1947 (50 U.S.C. 413b) is amended—

3 (1) in subsection (c)—

4 (A) by striking paragraph (2) and insert-
5 ing the following new paragraph:

6 “(2)(A) A finding reported in accordance with
7 paragraph (1) shall be made available to each mem-
8 ber of the congressional intelligence committees, un-
9 less the President requests that access to the finding
10 be limited after determining that limiting such ac-
11 cess is essential to meet extraordinary circumstances
12 affecting vital interests of the United States. A re-
13 quest under this subparagraph and the extraor-
14 dinary circumstances referred to in this paragraph
15 shall be detailed in writing to the Chair and ranking
16 minority member of the congressional intelligence
17 committees.

18 “(B) If the President submits a request under
19 subparagraph (A), the Chair and ranking minority
20 member of each congressional intelligence committee
21 may jointly determine whether and how to limit ac-
22 cess to the finding within such committee. If the
23 Chair and ranking minority member of such com-
24 mittee are unable to agree on whether or how to
25 limit such access, access to the finding shall be lim-

1 ited as requested by the President. A finding to
2 which access is limited shall subsequently be made
3 fully available to each member of the congressional
4 intelligence committees at the earliest possible time
5 and shall include a detailed statement of the reasons
6 for not providing prior access.”; and

7 (B) in paragraph (4), by striking the sec-
8 ond sentence; and

9 (2) in subsection (d)—

10 (A) by striking “(d) The President” and
11 inserting “(d)(1) The President”;

12 (B) in paragraph (1), as designated by
13 subparagraph (A) of this paragraph, by striking
14 “the Members of Congress specified in sub-
15 section (c)(2)” and inserting “the Members of
16 Congress to which access to a finding is limited
17 in accordance with subsection (c)(2)”;

18 (C) by adding at the end the following new
19 paragraph:

20 “(2) For purposes of this subsection, an activity shall
21 constitute a ‘significant undertaking’ if the activity—

22 “(A) involves the potential for loss of life;

23 “(B) requires an expansion of existing authori-
24 ties, including authorities relating to research, devel-
25 opment, or operations;

1 “(C) results in the expenditure of significant
2 funds or other resources;

3 “(D) requires notification under section 504;

4 “(E) gives rise to a significant risk of disclosing
5 intelligence sources or methods; or

6 “(F) could cause serious damage to the diplo-
7 matic relations of the United States if such activity
8 were disclosed without authorization.”.

