

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1738

To further the protection of constitutional rights in connection with the  
conduct of Federal counterterrorism activities.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1995

Mr. SKAGGS (for himself and Mr. SCHIFF) introduced the following bill; which  
was referred to the Committee on Government Reform and Oversight,  
and in addition to the Committee on the Judiciary, for a period to be  
subsequently determined by the Speaker, in each case for consideration  
of such provisions as fall within the jurisdiction of the committee  
concerned

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## A BILL

To further the protection of constitutional rights in connec-  
tion with the conduct of Federal counterterrorism  
activities.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Constitutional Rights  
5 Oversight Act”.

1 **SEC. 2. ESTABLISHMENT OF OFFICE OF INSPECTOR GEN-**  
2 **ERAL FOR FEDERAL COUNTERTERRORISM**  
3 **ACTIVITIES.**

4 (a) ESTABLISHMENT AS INDEPENDENT AGENCY.—  
5 There is established as an independent agency in the exec-  
6 utive branch of the Government an agency which shall be  
7 known as the “Office of the Inspector General for  
8 Counterterrorism Activities”.

9 (b) PURPOSE.—The purpose of the Office shall be to  
10 assure that counterterrorism activities of Federal agencies  
11 are carried out in a manner fully consistent with the re-  
12 quirements of the Constitution and in particular with the  
13 constitutional rights of individuals or groups of individuals  
14 who may be the subject of such counterterrorism activities  
15 or who are members of a group that may be the subject  
16 of such counterterrorism activities.

17 (c) RULE OF CONSTRUCTION.—This Act shall be con-  
18 strued to ensure the fullest protection of constitutional  
19 rights.

20 **SEC. 3. INSPECTOR GENERAL FOR COUNTERTERRORISM**  
21 **ACTIVITIES.**

22 (a) IN GENERAL.—The Office shall be under the di-  
23 rection and control of the Inspector General for  
24 Counterterrorism Activities.

25 (b) APPOINTMENT.—The Inspector General shall be  
26 appointed by the President, by and with the advice and

1 consent of the Senate, and shall report solely to the Presi-  
2 dent. The term of the Inspector General shall be 6 years.

3 (c) GENERAL FUNCTIONS.—The Inspector General  
4 shall—

5 (1) protect against abuses of constitutional  
6 rights and civil liberties in the conduct of Federal  
7 counterterrorism activities, as provided in this Act;  
8 and

9 (2) with respect to counterterrorism agencies,  
10 perform all functions that are performed under the  
11 Inspector General Act of 1978 (5 U.S.C. App.) with  
12 respect to establishments by Inspectors General of  
13 establishments, without regard to section 8E of that  
14 Act.

15 (d) POWERS.—For the purpose of performing any  
16 function authorized under this Act, the Inspector General  
17 may exercise any power that is available under the Inspec-  
18 tor General Act of 1978 to an Inspector General of an  
19 establishment, except that section 8E of that Act does not  
20 apply to the Inspector General.

21 **SEC. 4. FUNCTIONS RELATING TO PROTECTION OF CON-**  
22 **STITUTIONAL RIGHTS.**

23 (a) DOCUMENTS RELATED TO SURVEILLANCE AND  
24 OTHER ACTIVITIES.—Each Federal official submitting to  
25 a court or another official any request for authorization

1 for a search, wiretap, or other surveillance activity to be  
2 conducted for counterterrorism purposes or for deporta-  
3 tion of any individual for reasons related to  
4 counterterrorism purposes shall as soon as practicable  
5 provide to the Inspector General a copy of the request to-  
6 gether with all documents submitted to such court or offi-  
7 cial in support of such request.

8 (b) ACTIONS TO PROTECT CONSTITUTIONAL  
9 RIGHTS.—The Inspector General may provide to any  
10 court or another official receiving a request under sub-  
11 section (a) a response to such request and may propose  
12 that such court or official take such action in response  
13 to such request as the Inspector General finds appropriate  
14 in order to assure the protection of the constitutional  
15 rights of any person likely to be affected by the granting  
16 of such request.

17 (c) PUBLIC INVOLVEMENT.—(1) The Inspector Gen-  
18 eral shall provide for receipt and review of suggestions or  
19 complaints regarding the consistency with constitutional  
20 requirements of the conduct of counterterrorism activities  
21 by Federal agencies.

22 (2) The Inspector General may refer any suggestion  
23 or complaint described in paragraph (1) to the appropriate  
24 Federal agency or agencies. Any agency to which such a  
25 suggestion or complaint is referred shall provide the In-

1 spector General with a full and timely response to such  
2 suggestion or complaint.

3 (d) REPORTS.—(1) The Inspector General shall sub-  
4 mit to the Congress and the President annual reports re-  
5 viewing compliance by counterterrorism agencies with pro-  
6 tection of constitutional rights. The Inspector General  
7 shall also submit such special reports as the Inspector con-  
8 siders appropriate to promote full protection of constitu-  
9 tional rights with respect to counterterrorism activities of  
10 Federal agencies.

11 (2) The Inspector General shall submit, with any re-  
12 port under this subsection that contains classified infor-  
13 mation, an unclassified summary.

14 **SEC. 5. RELATIONSHIP TO LAWS REQUIRING SECURITY**  
15 **CLEARANCE.**

16 This Act shall not be considered or construed to af-  
17 fect any Federal law that requires the Inspector General  
18 or any personnel of the Office to obtain security clearance.  
19 The President shall take all steps necessary to assure that  
20 the Inspector General and any personnel of the Office are  
21 authorized, in accordance with those laws, to obtain all  
22 information appropriate for full implementation of this  
23 Act and the protection of constitutional rights.

1 **SEC. 6. REFERENCES TO HEAD OF ESTABLISHMENT IN IN-**  
2 **SPECTOR GENERAL ACT OF 1978.**

3 For purposes of sections 2 and 3(a), a reference in  
4 the Inspector General Act of 1978 to the head of an estab-  
5 lishment shall be treated as a reference to the President.

6 **SEC. 7. DEFINITIONS.**

7 In this Act:

8 (1) The term “counterterrorism agency” means  
9 any Federal agency involved in counterterrorism ac-  
10 tivities.

11 (2) The term “establishment” has the meaning  
12 given that term in section 11 of the Inspector Gen-  
13 eral Act of 1978.

14 (3) Except to the extent the context indicates  
15 otherwise, the term “Inspector General” means the  
16 Inspector General for Counterterrorism Activities  
17 appointed under this Act.

18 (4) The term “Office” means the Office of the  
19 Inspector General for Counterterrorism Activities es-  
20 tablished by this Act.

21 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

22 There are hereby authorized to be appropriated such  
23 sums as may be necessary to carry out the purposes of  
24 this Act.

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