

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2063

To amend the National Security Act of 1947 to provide for improved coordination of national counterintelligence policy, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MAY 3 (legislative day, MAY 2), 1994

Mr. GORTON introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

---

## A BILL

To amend the National Security Act of 1947 to provide for improved coordination of national counterintelligence policy, 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       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Counterintel-  
5       ligence Reform Act”.

6       **SEC. 2. AMENDMENT OF THE NATIONAL SECURITY ACT OF**  
7                               **1947.**

8       The National Security Act of 1947 (50 U.S.C. et  
9       seq.) is amended by adding at the end the following new  
10      title:

1                   “TITLE VIII—NATIONAL  
2                   COUNTERINTELLIGENCE PROGRAM

3   **“SEC. 801. DEFINITIONS.**

4           “As used in this title:

5                   “(1) BOARD.—The term ‘Board’ means the  
6           National Counterintelligence Review Board estab-  
7           lished in section 804.

8                   “(2) CENTER.—The term ‘Center’ means the  
9           National Counterintelligence Center established in  
10          section 803.

11                   “(3) COUNTERINTELLIGENCE.—The term  
12          ‘counterintelligence’ means information gathered and  
13          activities conducted to protect against espionage,  
14          other intelligence activities, sabotage, or assassina-  
15          tions conducted by or on behalf of foreign govern-  
16          ments, foreign organizations, or foreign persons, or  
17          international terrorist activities.

18   **“SEC. 802. PURPOSE.**

19           “‘The purpose of this title is to establish a national  
20   policy and program framework to ensure an integrated  
21   and coordinated effort to counteract espionage against the  
22   United States.

23   **“SEC. 803. NATIONAL COUNTERINTELLIGENCE CENTER.**

24           “(a) ESTABLISHMENT.—There is established the  
25   National Counterintelligence Center.

1       “(b) COMPOSITION.—(1) The Center shall be headed  
2 by a Director and Deputy Director and shall be comprised  
3 of staff from—

4               “(A) the Central Intelligence Agency;

5               “(B) the Federal Bureau of Investigation; and

6               “(C) the Department of Defense.

7       “(2) The head of each agency described in paragraph  
8 (1) shall make available such resources, including, by de-  
9 tail or otherwise, such personnel, as may be necessary to  
10 meet the needs of the Center.

11       “(c) ROTATION OF DIRECTOR AND DEPUTY DIREC-  
12 TOR.—The Director of Central Intelligence and the Direc-  
13 tor of the Federal Bureau of Investigation shall enter into  
14 an arrangement for the rotation, on a periodic basis, of  
15 the Director and Deputy Director positions of the Center  
16 between officials of the Central Intelligence Agency and  
17 of the Bureau.

18       “(d) FUNCTIONS.—The Center shall—

19               “(1) administer a focused and coordinated na-  
20 tional program to analyze and counteract foreign in-  
21 telligence efforts against the United States (which  
22 may be known as the ‘National Counterintelligence  
23 Program’);

24               “(2) develop a government-wide foreign coun-  
25 terintelligence policy under the direction and review

1 of the National Counterintelligence Review Board  
2 and approve the allocation of resources to deal with  
3 the foreign intelligence threat;

4 “(3) prepare and maintain an integrated and  
5 coordinated listing by country and subject of coun-  
6 terintelligence threats directed against the United  
7 States; and

8 “(4) provide staff and other support services to  
9 the National Counterintelligence Review Board.

10 “(e) IMPLEMENTATION.—In carrying out the func-  
11 tions described in subsection (d), the Center shall consider  
12 foreign intelligence threats against the United States do-  
13 mesticallly as well as against United States installations,  
14 personnel, and information abroad.

15 **“SEC. 804. NATIONAL COUNTERINTELLIGENCE REVIEW**  
16 **BOARD.**

17 “(a) ESTABLISHMENT.—There is established an  
18 interagency review board to be known as the National  
19 Counterintelligence Review Board. The Board shall report  
20 to the President through the National Security Council.

21 “(b) COMPOSITION.—The Board shall consist of 4  
22 members, as follows:

23 “(1) The Attorney General, who shall serve as  
24 Chair.

25 “(2) The Secretary of Defense.

1           “(3) The Director of Central Intelligence.

2           “(4) The Director of the Federal Bureau of  
3 Investigation.

4           “(c) FUNCTIONS.—The Board shall—

5           “(1) review and approve United States counter-  
6 intelligence policies developed and recommended by  
7 the Center;

8           “(2) review and approve United States counter-  
9 intelligence programs administered by the Center;

10           “(3) serve as a forum for the resolution of  
11 interagency disputes arising from decisions made by  
12 the Center with respect to the criminal prosecution,  
13 exploitation for intelligence purposes, or other dis-  
14 position of counterintelligence cases; and

15           “(4) review and approve the national counter-  
16 intelligence threat list described in section 803(d)(3).

17 **“SEC. 805. RULE OF CONSTRUCTION.**

18           “Nothing in this title alters or affects the responsibil-  
19 ity of any department, agency, or other entity of the  
20 United States to continue its counterintelligence activities  
21 to protect information, equipment, operations, and  
22 personnel.”.

○