SEC. ___. SECURITY VETTING FOR RISKS ASSOCIATED WITH ALLEGIANCE, FOREIGN INFLUENCE, AND FOREIGN PREFERENCE.

(a) IN GENERAL.—Section 1564b of title 10, United States Code, is amended—

(1) in the heading, by striking "**foreign nationals**" and inserting "**risks associated with allegiance, foreign influence, and foreign preference**";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ", in coordination" and all that follows through "note),"; and

(ii) by striking "covered foreign individuals" and all that follows and inserting "covered individuals for risks associated with allegiance, foreign influence, or foreign preference.";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as redesignated by subparagraph (C) of this paragraph, by striking "an official" and inserting "officials"; and

(3) by striking subsections (b) and (c) and inserting the following new subsections:

"(b) OTHER USES.—In addition to using the centralized process developed under subsection (a)(1) for covered individuals, the Secretary, in coordination with the Security Executive Agent and the Suitability and Credentialing Executive Agent established pursuant to Executive Order 13467 (73 Fed. Reg. 38103; 50 U.S.C. 3161 note), may use the centralized process to support determinations for initial or continued eligibility for a national security

position, or to inform a suitability, fitness, or credentialing decision, for any individual with allegiance, foreign influence, or foreign preference risks.

"(c) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means an individual who—

"(1) is not subject to vetting required under Executive Orders 12968, 13467, or 12829, part 731 of title 5, Code of Federal Regulations, or Homeland Security Presidential Directive 12; and

"(2)(A) has, or is seeking, physical or logical access to data or information in support of research funded by the Department of Defense; or

"(B) has, or is seeking, access to Department of Defense systems, facilities, personnel, information, or operations.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 80 of title 10, United States Code, is amended by striking the item relating to section 1564b and inserting the following new item:

"1564b. Security vetting for risks associated with allegiance, foreign influence, and foreign preference.".

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would clarify populations for which the Department has authority to use the centralized screening process established under section 1564b of chapter 80 of title 10, United States Code. This proposal would provide the authority required for the Secretary of Defense to screen lawfully obtained personally identifiable information of all individuals participating in Department of Defense (DoD) funded research to determine whether such individuals pose a threat to critical technologies relevant to national security, by screening for undue foreign influence, participation in foreign talent programs, and other personnel security concerns. Currently, the Department lacks authority to screen non-DoD affiliated individuals who are participating in DoD funded research.

Budget Implications: This proposal is clarifying who, not changing who (thereby not increasing or decreasing the population); therefore the proposal has no anticipated budgetary impact.

Changes to Existing Law: This proposal would make the following changes to section 1564b of title 10, United States Code:

§1564b. Security vetting for ~~foreign nationals~~ risks associated with Allegiance, Foreign Influence, and Foreign Preference

(a) STANDARDS AND PROCESS.—(1) The Secretary of Defense~~, in coordination with the Security Executive Agent established pursuant to Executive Order 13467 (73 Fed. Reg. 38103; 50 U.S.C. 3161 note),~~ shall develop uniform and consistent standards and a centralized process for the screening and vetting of covered ~~foreign~~ individuals for risks associated with allegiance, foreign influence, or foreign preference. ~~requiring access to systems, facilities, personnel, information, or operations, of the Department of Defense,, including with respect to the background investigations of covered foreign individuals requiring access to classified information.~~

~~(2) The Secretary shall ensure that the standards developed under paragraph (1) are consistent with relevant directives of the Security Executive Agent.~~

(~~3~~2) The Secretary shall designate ~~an official~~ officials of the Department of Defense to be responsible for executing the centralized process developed under paragraph (1) and adjudicating any information discovered pursuant to such process.

(b) OTHER USES.—In addition to using the centralized process developed under subsection (a)(1) for covered ~~foreign~~ individuals, the Secretary, in coordination with the Security Executive Agent and Suitability and Credentialing Executive Agent established pursuant to Executive Order 13467 (73 Fed. Reg. 38103; 50 U.S.C. 3161 note), may use the centralized process to support determinations ~~in determining whether grant a security clearance~~ for initial or continued eligibility for a national security position, or to inform a suitability, fitness, or credentialing decision, for ~~to~~ any individual with allegiance, foreign influence, or foreign preference risks. ~~significant foreign influence or foreign preference issues, in accordance with the adjudicative guidelines under part 147 of title 32, Code of Federal Regulations, or such successor regulation.~~

~~(c) COVERED FOREIGN INDIVIDUAL DEFINED.—In this section, the term "covered foreign individual" means an individual who meets the following criteria:~~

~~(1) The individual is—~~

~~(A) a national of a foreign state;~~

~~(B) a national of the United States (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) and also a national of a foreign state; or~~

~~(C) an alien who is lawfully admitted for permanent residence (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).~~

~~(2) The individual is either—~~

~~(A) a civilian employee of the Department of Defense or a contractor of the Department; or~~

~~(B) a member of the armed forces.~~

(c) COVERED INDIVIDUAL DEFINED.—In this section, the term "covered individual" means an individual who—

(1) is not subject to vetting required under Executive Orders 12968, 13467, or 12829, part 731 of title 5, Code of Federal Regulations, or Homeland Security Presidential Directive 12; and

(2)(A) has, or is seeking, physical or logical access to data or information in support of research funded by the Department of Defense; or

(B) has, or is seeking, access to Department of Defense systems, facilities, personnel, information, or operations.