

118TH CONGRESS
1ST SESSION

S. 2289

To direct the Director of the Information Security Oversight Office to assess foreign influence in the National Industrial Security Program and to develop a single, integrated strategy to better identify and mitigate such foreign influence, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2023

Mr. PETERS (for himself and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To direct the Director of the Information Security Oversight Office to assess foreign influence in the National Industrial Security Program and to develop a single, integrated strategy to better identify and mitigate such foreign influence, 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 “Mitigating Foreign In-
5 fluence in Classified Government Contracts”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means—

4 (A) the Committee on Homeland Security
5 and Governmental Affairs, the Committee on
6 Armed Services, and the Select Committee on
7 Intelligence of the Senate; and

8 (B) the Committee on Oversight and Ac-
9 countability, the Committee on Armed Services,
10 and the Permanent Select Committee on Intel-
11 ligence of the House of Representatives.

12 (2) COGNIZANT SECURITY AGENCIES; ENTITY;
13 FOREIGN INTEREST.— The terms “cognizant secu-
14 rity agencies”, “entity”, and “foreign interest” have
15 the meanings given those term in section 2004.4 of
16 title 32, Code of Federal Regulations.

17 (3) DIRECTOR.—The term “Director” means
18 the Director of the Information Security Oversight
19 Office.

20 (4) NISPPAC.—The term “NISPPAC” means
21 the National Industrial Security Program Policy Ad-
22 visory Committee established by Executive Order
23 12829 (50 U.S.C. 3161 note; relating to national in-
24 dustrial security program).

1 **SEC. 3. ASSESSMENT OF FOREIGN INFLUENCE IN NA-**
2 **TIONAL INDUSTRIAL SECURITY PROGRAM.**

3 (a) IN GENERAL.—The Director shall convene and
4 direct NISPPAC to complete and submit, not later than
5 1 year after the date of the enactment of this Act, to the
6 Director an assessment of foreign influence in the Na-
7 tional Industrial Security Program.

8 (b) ELEMENTS.—The assessment required by sub-
9 section (a) shall include the following:

10 (1) A definition of foreign influence that fo-
11 cuses on contractual agreements or other non-owner-
12 ship means that may allow foreign interests unau-
13 thorized access to classified information or to ad-
14 versely affect performance of a contract or agree-
15 ment requiring access to classified information.

16 (2) An assessment of the extent of the threat
17 of foreign influence in the National Industrial Secu-
18 rity Program.

19 (3) A description of the challenges in identi-
20 fying foreign influence.

21 (4) A list of the criteria and factors that should
22 be considered to identify foreign influence requiring
23 mitigation.

24 (5) An identification of the methods, if any,
25 currently used to mitigate foreign influence.

1 (6) An assessment of the effectiveness and limi-
2 tations of such mitigations, and recommendations
3 for new mitigation methods.

4 (7) An assessment of whether processes to iden-
5 tify and mitigate foreign influence are consistent
6 across cognizant security agencies.

7 (8) An identification of the tools available to as-
8 sist entities identify and avoid foreign influence that
9 would require mitigation, and recommendations for
10 tools needed.

11 (c) SUBMISSION TO CONGRESS.—Not later than 1
12 year after the date of the enactment of this Act, the Direc-
13 tor shall submit to the appropriate congressional commit-
14 tees the assessment completed under subsection (a).

15 **SEC. 4. STRATEGY TO IDENTIFY AND MITIGATE FOREIGN**
16 **INFLUENCE IN NATIONAL INDUSTRIAL SECU-**
17 **RITY PROGRAM.**

18 (a) IN GENERAL.—Not later than 540 days after the
19 date of the enactment of this Act, the Director, in con-
20 sultation with the cognizant security agencies, shall sub-
21 mit to the appropriate committees of Congress a strategy,
22 to be known as the “National Strategy to Mitigate For-
23 eign Influence in the National Industrial Security Pro-
24 gram”, to improve the ability of the Federal Government
25 and entities to identify and mitigate foreign influence.

1 (b) ELEMENTS.—The strategy required by subsection
2 (a) shall include the following:

3 (1) Processes to identify foreign influence re-
4 quiring mitigation, including entity submission of
5 standard forms and government security reviews.

6 (2) Methods to mitigate foreign influence.

7 (3) Practices to ensure processes to identify for-
8 eign influence and methods to mitigate foreign influ-
9 ence are consistent across cognizant security agen-
10 cies.

11 (4) Tools, including best practices, to assist en-
12 tities in recognizing the risk of foreign influence and
13 implementing methods to mitigate foreign influence.

14 (5) Proposed updates to parts 117 and 2004 of
15 title 32, Code of Federal Regulations.

16 (6) Recommendations for legislation as the Di-
17 rector considers appropriate.

18 (c) IMPLEMENTATION.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date on which the strategy required under sub-
21 section (a) is submitted to the appropriate commit-
22 tees of Congress, the Director, in collaboration with
23 the cognizant security agencies, shall commence im-
24 plementation of the strategy.

1 (2) REPORT.—Not later than 1 year after the
2 date on which the Director commences implementa-
3 tion of the strategy required by subsection (a) in ac-
4 cordance with paragraph (1), the Director shall sub-
5 mit to the appropriate committees of Congress a re-
6 port describing the efforts of the cognizant security
7 agencies to implement the strategy and the progress
8 of such efforts.

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