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DoD Eases Security Rules For Foreign Workers

By [Rob Sanchez](#)

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The [Department of Defense](#) (DoD) is making revolutionary changes to the security guidelines for [foreigners working](#) on high-security contracts. At risk: national security—and American workers.

Soon, rules will be loosened for [foreign scientists and engineers](#). As a result, foreigners won't have to meet many of the [security requirements](#) that have been in place for decades.

These radical procedural changes are implemented administratively by bureaucrats who [operate outside of the public eye](#) and beyond the purview of Congress.

If the DOD has its way, contractors and foreign national students working on U.S. government research and development projects won't have to wear security badges and will no longer be governed in segregated work areas.

These changes began when universities and defense industries concluded that existing security regulations are a burden to their self-interested operations.

In 2005, organizations such as the Association of American Universities (AAU), Institute of Electronic and Electrical Engineering (IEEE-USA), the American Association for the Advancement of Science (AAAS), and the Semiconductor Industry Association (SIA) [teamed up to lobby the Pentagon](#) for reduced security requirements for foreign students and workers.

Military policy makers heard the lobbyists' write-in-in campaign ([DFARS Case 2004-D010](#)) loud and clear. The Pentagon was more than happy to appease.

In addition to the write-ins, the AAU and the SIA embarked on a public relations campaign using spokesmen like [Barry Toiv, who told newspapers](#) that tighter security restrictions for foreign workers would hurt the economy and hinder the ability of universities to do research.

AAU lobbyists complained that DoD security requirements would cost universities millions of dollars to inventory sensitive equipment, determine students' birthplaces, and

study which foreigners were using which machines.

A recent *Boston Globe* article "[Defense Dept. won't segregate foreign staffers](#)" from Bloomberg News,[August 16, 2006] reported that under the new regulations, foreign workers cannot be segregated on the basis of national origin.

Tobin L. Smith, a senior federal relations officer for the Association of American Universities, argued that [a person's country of birth](#) often gives no clue to [his allegiance](#). Diversity-think from leftist universities has similarly taken root in the DoD, which apparently now recognizes no difference between nuclear scientists from Britain and nuclear scientists from Iran!

Government documents substantiate the *Globe* article and reveal our sacrificed security—all rationalized by political correctness.

Buried on page 46437 in a voluminous document of proposed rules in the Federal Register, called the [Defense Federal Acquisition Regulation Supplement \(DFARS\)](#) the DoD makes its case for not separating workers based on national origin. It washes their hands by completely *lifting* the requirement for segregated work areas.

Foreign workers benefiting from these rule changes run the gamut from researchers to engineers.

These are very desirable high-level jobs once performed by U.S. citizens.

DFARS' justification for the use of foreign workers on military research projects: the U.S. will not be able to maintain military superiority without the use of foreign expertise. This is the old "[dumb-lazy-American](#)" versus the "[smart-hard-working-foreigner](#)" argument.

Not surprisingly, DoD avoids mention of its prime motivation for using imported scientists and engineers: foreigners are cheaper.

Other changes the DoD proposes would turn the heads of anyone who has ever worked on government [research and engineering](#) projects.

In DFARS, DoD makes a stunning admission that it can no longer determine which documents should be classified, and which ones shouldn't. Therefore it will defer to the lowest common denominator by allowing foreign workers to have access to *all* documents!

("... the Department does not have adequate processes to identify unclassified export-controlled information or technology, nor to prevent unauthorized disclosure to foreign nationals by its contractors." Page 46435).

DoD concludes that maintaining security is just too much of a burden on military

contractors because it isn't cost effective. Apparently, government bureaucrats now have a new mission: to remove expensive hindrances—even at the risk of compromising our national security.

Their mania for reducing costs to contractors also led them to eliminate training programs to educate personnel about operating in a secure environment.

Perhaps they figure that training is no longer necessary because there is so little security anyway!

Important! Since this is a proposed Federal Regulation, you can comment on it to the Department. I emailed the department of defense and got this reply:

You can send our own comments on the policy proposal no later than October 13, 2006, by going to the Regulations.gov portal. At that website you can click an icon to send a comment and there is another for reading comments. You can also send an e-mail but be sure to (include "DFARS Case 2004-D010" in the subject line). The portal page also gives options for fax, mail, or hand delivering. Last year DFARS answered all of the comments so your input will definitely be considered. [\[Details here.\]](#)

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before October 13, 2006, to be considered in the formation of the final rule.

Comments like this are actually effective. Remember the "[Know Your Customer](#)" program in 1999? This kind of publicity sank it.

Significantly, throughout DFARS, there are references to two other documents—the [International Traffic in Arms Regulations \(ITAR\)](#) and the "[Export Regulations Administration](#)" (EAR). ITAR and EAR are generated by the State Department and the Department of Commerce. Their impact on DFARS is significant and far-reaching.

For example, on page 46435 of DFARS the DoD assures contactors that they will no longer have to spend money on security badges even if the employees are foreign nationals. DoD ducks more stringent enforcement of security by passing the buck to the State and Commerce Departments:

"...the proposed rule has been changed to eliminate separate DoD requirements on export control compliance programs, and instead includes references to the Department of State for the ITAR and the Department of Commerce for the EAR. The Department of State and the Department of Commerce [instead of the DoD] have responsibility for overseeing compliance with ITAR and EAR requirements."

Two pages later, DFARS once again defers to ITAR and EAR's definition of who foreign

workers are and what they do. ITAR's Section 120.16 has a particularly disturbing reference to "**natural person**":

§ 120.16 Foreign person.

Foreign persons means any natural person who is not a lawful permanent resident ... or who is not a protected individual ...It also means any foreign corporation, business association, partnership, trust, society or any other entity or group that is not incorporated or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of foreign governments (e.g. diplomatic missions).

In a similar fashion, the "[Export Regulations Administration](#)" (EAR) uses the term "**natural person**" in many places.

"**Natural person**" is a term of art invented by the [World Trade Organization \(WTO\)](#)—covering the "[Movement of natural persons](#)". This means all international workers—especially those defined in various trade agreements such as the [General Agreement on Trade in Services \(GATS\)](#) and the [North American Free Trade Agreement \(NAFTA\)](#). These trade agreements contain [embedded visas](#) such as H-1B, L-1, TN, and J-1 that the DoD and other branches of our government are anxious to employ in greater numbers.

It's not happenstance that the DoD adopting terms such as "**natural person**". Using the language of the "**New World Order**" is an important indicator that our government is integrating internal policies with the [World Trade Organization \(WTO\)](#) to a much higher degree than most people imagine.

DOD bureaucrats are using administrative procedures to transition the Pentagon into compliance with WTO trade policies. In this new paradigm, the State Department and the Department of Commerce will set security mandates for the Pentagon.

Tying our national defense policies to international trade agreements will insure that our national security will take a back seat to the desire to design military systems at low cost with high profits.

Allowing changes of this magnitude without Congressional and public oversight will have profound effects on our sovereignty—and safety.

Why haven't you read more about this in the MSM?

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