

106TH CONGRESS  
1ST SESSION

# H. R. 1348

To establish a moratorium on the Foreign Visitors Program at the Department of Energy nuclear laboratories and to require the establishment of a counterintelligence program at each of those laboratories.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1999

Mr. RYUN of Kansas (for himself and Mr. TAYLOR of Mississippi) introduced the following bill; which was referred to the Committee on Armed Services

---

## A BILL

To establish a moratorium on the Foreign Visitors Program at the Department of Energy nuclear laboratories and to require the establishment of a counterintelligence program at each of those laboratories.

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 “Department of Energy  
5 Foreign Visitors Program Moratorium Act of 1999”.

6       **SEC. 2. MORATORIUM ON FOREIGN VISITORS PROGRAM.**

7       (a) MORATORIUM.—Until otherwise provided by law,  
8 the Secretary of Energy may not admit to any facility of

1 a national laboratory any individual who is a citizen of  
2 a nation that is named on the current Department of En-  
3 ergy sensitive countries list.

4 (b) WAIVER AUTHORITY.—(1) The Secretary of En-  
5 ergy may waive the prohibition in subsection (a) on a case-  
6 by-case basis with respect to specific individuals whose ad-  
7 mission to a national laboratory is determined by the Sec-  
8 retary to be necessary for the national security of the  
9 United States.

10 (2) Before any such waiver takes effect, the Secretary  
11 shall submit to the Committee on Armed Services of the  
12 Senate and Committee on Armed Services of the House  
13 of Representatives a report in writing providing notice of  
14 the proposed waiver. The report shall identify each indi-  
15 vidual for whom such a waiver is proposed and, with re-  
16 spect to each such individual, provide a detailed justifica-  
17 tion for the waiver and the Secretary's certification that  
18 the admission of that individual to a national laboratory  
19 is necessary for the national security of the United States.

20 (3)(A) A waiver under paragraph (1) may not take  
21 effect until a period of 10 days of continuous session of  
22 Congress has expired after the date of the submission of  
23 the report under paragraph (2) providing notice of that  
24 waiver.

25 (B) For purposes of subparagraph (B)—

1 (i) the continuity of a session of Congress is  
2 broken only by an adjournment of the Congress sine  
3 die; and

4 (ii) there shall be excluded from the computa-  
5 tion of the 10-day period specified in that subpara-  
6 graph Saturdays, Sundays, legal public holidays, and  
7 any day on which either House of Congress is not  
8 in session because of adjournment of more than  
9 three days to a day certain.

10 (4) The authority of the Secretary under paragraph  
11 (1) may not be delegated.

12 **SEC. 3. COUNTERINTELLIGENCE PROGRAM.**

13 (a) ESTABLISHMENT AT EACH LABORATORY.—The  
14 Secretary of Energy shall establish a counterintelligence  
15 program at each of the national laboratories. The counter-  
16 intelligence program at each such laboratory shall have a  
17 full-time staff assigned to counterintelligence functions at  
18 that laboratory, including such personnel from other agen-  
19 cies as may be approved by the Secretary. The counter-  
20 intelligence program at each such laboratories shall be  
21 under the direction of, and shall report to, the Director  
22 of the Office of Counterintelligence of the Department of  
23 Energy.

24 (b) INVESTIGATION OF PAST SECURITY  
25 BREACHES.—The Secretary shall require that the coun-

1 terintelligence program at each laboratory include a spe-  
2 cific plan to investigate any breaches of security discovered  
3 after the date of the enactment of this Act that occurred  
4 at that laboratory before the establishment of that pro-  
5 gram at that laboratory.

6 (c) **REQUIRED BACKGROUND CHECKS ON ALL FOR-**  
7 **EIGN VISITORS.**—Before an individual who is a citizen of  
8 a foreign nation is allowed to enter a national laboratory,  
9 the Secretary shall require that a security clearance inves-  
10 tigation (known as a “background check”) be carried out  
11 on that individual.

12 **SEC. 4. REPORT TO CONGRESS.**

13 The Secretary of Energy shall submit to the Com-  
14 mittee on Armed Services of the Senate and Committee  
15 on Armed Services of the House of Representatives a re-  
16 port on the status of counterintelligence activities at each  
17 of the national laboratories. The report shall be submitted  
18 not earlier than the end of the six-month period beginning  
19 on the date of the enactment of this Act and shall include  
20 the recommendation of the Secretary as to whether section  
21 2 of this Act should be repealed.

22 **SEC. 5. DEFINITIONS.**

23 For purposes of this Act:

24 (1) The term “national laboratory” means any  
25 of the following:

1                   (A) The Lawrence Livermore National  
2                   Laboratory, Livermore, California.

3                   (B) The Los Alamos National Laboratory,  
4                   Los Alamos, New Mexico.

5                   (C) The Sandia National Laboratories, Al-  
6                   buquerque, New Mexico.

7                   (2) The term “sensitive countries list” means  
8                   the list prescribed by the Secretary of Energy known  
9                   as the Department of Energy List of Sensitive  
10                  Countries.

○