



The Deputy Secretary of Energy
Washington, DC 20585

March 9, 2010

MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM: DANIEL B. PONEMAN

SUBJECT: Unclassified Foreign National Visits and Assignments

An accelerated review of Department of Energy (DOE) Order 142.3, *Unclassified Foreign Visits and Assignments Program*, is one part of a comprehensive security reform initiative underway at DOE. A working group has been created to conduct the review, with the goal of quickly gaining departmental approval for a revised directive. The review will address the national drivers for DOE foreign visits and assignments policy and will focus on balancing risk with the need for international collaboration to advance the Department's scientific and technological goals.

There are several actions that can be taken immediately, even while the accelerated review is underway, to address unnecessary administrative burdens under the current foreign visits and assignments policy. Effective immediately, the following changes to the review and approval requirements for unclassified foreign national visits and assignments to DOE, including National Nuclear Security Administration, sites will be implemented:

- Visits and assignments by sensitive country nationals to General Access Areas and Property Protection Areas (PPA) not involving access to sensitive unclassified information will no longer require completion of indices checks prior to approval by the Headquarters Program Element or field site approval authority. This relief applies to all sites, with the exception of access to PPAs at Lawrence Livermore National Laboratory (LLNL), Los Alamos National Laboratory (LANL), and Sandia National Laboratories Albuquerque, New Mexico (SNL/NM) and Livermore, California (SNL/CA)¹. This relief does apply to LLNL, LANL, SNL/NM and SNL/CA for access by sensitive country nationals to areas accessible to the general public. The designated Federal Bureau of Investigation (FBI) Agent in the Lab assigned to the LLNL, LANL, and SNL, in concert with his/her local FBI field office colleagues, has direct access to the National Automated Case Support system and can conduct on-site indices

¹ 50 U.S.C. 2652(a), enacted as part of Public Law 106-65 – October 5, 1999, National Defense Authorization Act for Fiscal Year 2000, states that a background review (indices check) must be completed prior to access to any facility of a National Laboratory by an individual who is a citizen or agent of a nation on the sensitive countries list. This provision does not preclude access to areas accessible to the general public, at LLNL, LANL, SNL/NM and SNL/CA.



indices checks on sensitive country nationals. This check can serve as a substitute and/or a complement to a formal FBI Headquarters record check, as well as satisfy the record check requirement as mandated in 50 U.S.C. 2652(a). Also, with established liaison with Intelligence Community partners and local law enforcement, additional indices checks can be accomplished to support the Foreign Visits and Assignments process.

- Visit and assignment requests involving nationals of state sponsors of terrorism will no longer require Headquarters Management Panel review. Such visits and assignments will, instead, rely on site Safeguards and Security and Counterintelligence personnel to isolate and protect national security assets consistent with site security plans. These requests will be considered by me or the cognizant Under Secretary in consultation with the Office of Counterintelligence, within the Office of Intelligence and Counterintelligence. In addition, after approval of these initial assignment requests by me or the cognizant Under Secretary, subsequent requests for those approved foreign nationals to the Headquarters Program Element or field site do not require Headquarters approval, but may be approved by the Headquarters or field site approval authority.
- Annual reviews of passport, visa, and/or other U.S. citizenship and immigration services information are no longer required for foreign national assignees. For all visits and assignments, sufficient documentation of identity, citizenship, and lawful immigration status for the duration of the visit or assignment is required.
- Visit and assignment requests for Lawful Permanent Residents of the United States who are nationals of state sponsors of terrorism do not require approval by the cognizant Under Secretary, and may be approved by the hosting Headquarters or field site approval authority. Indices checks for these requests must be completed before approval determination.

These changes will be incorporated into the revised DOE Order 142.3. Should you have any questions, you may contact Glenn S. Podonsky, Chief Health, Safety and Security Officer, at (301) 903-3777.

HEADS OF DEPARTMENTAL ELEMENTS

Dr. Kristina M. Johnson, Under Secretary of Energy
Thomas P. D'Agostino, Under Secretary for Nuclear Security
Dr. Steven E. Koonin, Under Secretary for Science
Steve Isakowitz, CF-1
Betty Nolan, CI-1
Jose "Joe" Garcia, ED-1
Catherine Zoi, EE-1
Dr. Richard G. Newell, EI-1
Dr. Ines Triay, EM-1
James J. Markowsky, FE-1
Scott Blake Harris, GC-1
Michael Kane, HC-1
Poli Marmolejos, HG-1
Gregory H. Friedman, IG-1
William Turnbull, IM-1
Edward B. Held, IN-1
David W. Geiser, LM-1
Ingrid Kolb, MA-1
Warren (Pete) Miller, NE-1
Patricia Hoffman, OE-1
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David Sandalow, PI-1
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