



The Secretary of Energy

Washington, DC 20585

July 14, 1999

MEMORANDUM TO: HEADS OF DEPARTMENTAL ELEMENTS AND
CONTRACTOR ORGANIZATIONS

FROM: BILL RICHARDSON /s/
SECRETARY OF ENERGY

SUBJECT: UNCLASSIFIED FOREIGN VISITS AND ASSIGNMENTS

Today, I approved the attached directives formally implementing changes to the DOE policy and procedures for unclassified visits and assignments by foreign nationals to our facilities.

These changes incorporate recommendations included in Presidential Decision Directive 61 and the recent Counterintelligence Implementation Plan, and are part of the ongoing reforms the Department is making to our national security procedures. I have previously directed many of these changes at our most sensitive facilities. These directives formalize the changes, provides additional clarification, and extends their applicability to other facilities. Key changes include:

- Rescinding the previous directive (DOE 1240.2B) and all exemptions and waivers to that directive.
- Establishing the authority of the Secretary of Energy as the single official to grant exemptions and waivers, and to approve visits and assignments by foreign nationals from countries identified by the State Department as terrorist nations.
- Delegating approval authority and accountability for foreign visits and assignments to the DOE or DOE contractor site managers.
- Requiring the involvement of local counterintelligence, security, and export control officials in the approval process
- Clarifying information collection and reporting requirements.

Implementing these changes are important to the security reforms we are making and I expect your immediate attention to these directives. Authority for exclusions or modifications to these requirements is my responsibility, and attached to this memo is the list of those laboratories, that, due to the nature of their activities, are currently exempt. Information and copies of the lists of sensitive countries and sensitive subjects referred to in the directives, are available from the Nuclear Transfer and Supplier Policy Division, NN-43, Telephone (202) 586-2331, FAX (202) 586-1348.

I expect there to be additional changes and improvement to these directives. These changes will result from current activities involving the establishment of the new Office of Security and Emergency Operations and changes being made in the information reporting system to make it fully support our reporting and tracking needs. I expect all affected offices to be fully involved in developing these changes.

I do want to take this opportunity to clarify an important point. While U.S. national security is a top priority, I am also concerned that Asian Pacific Americans as a group are finding their loyalty and patriotism questioned in the wake of recent espionage allegations. This behavior is unacceptable and will not be tolerated. These new requirements make it clear that “foreign nationals” does not include any U.S. citizen regardless of their heritage.

Attachments

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Attachment -- List of DOE facilities exempt from the requirements of DOE N 142.1

The Secretary of Energy has determined that the requirements of DOE N 142.1 do not apply to the following facilities because these facilities do not perform classified work. However, the requirements of DOE N 142.1 do apply to visits and assignments hosted by individuals holding security clearances at these facilities.

Ames Laboratory

Fermi National Accelerator Facility

Lawrence Berkeley National Laboratory

National Renewable Energy Laboratory

Princeton Plasma Physics Laboratory

Stanford Linear Accelerator Facility

Thomas Jefferson National Accelerator Laboratory

Approved: 7-14-99

SUBJECT: UNCLASSIFIED FOREIGN VISITS AND ASSIGNMENTS

International cooperation and collaboration is an important element in the effective planning and implementation of many Department of Energy (DOE) programs. DOE and its international partners benefit from the exchange of information that results from a managed process of unclassified visits and assignments by foreign nationals. These visits and assignments must be conducted in a manner consistent with U.S. and DOE national security policies, requirements, and objectives including export control laws and regulations.

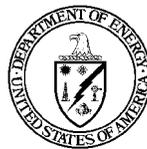
POLICY

- (1) Unclassified foreign visits and assignments are to be used to advance the program objectives of DOE consistent with U.S. foreign and nonproliferation policy, international energy policy and agreements, and national security policy and objectives.
- (2) Awareness of information being developed abroad, obtained through unclassified visits and assignments, is to be used to support DOE's mission responsibilities. Unclassified foreign visits and assignments are to be structured to facilitate reciprocity in exchanges between DOE and science and technology programs in other countries and to prevent unauthorized transfer of sensitive information.
- (3) Protecting counterintelligence interests, security interests, and sensitive subject information and technologies in a manner consistent with program requirements, including compliance with export control laws and regulations, is a responsibility of all DOE and DOE contractor employees.
- (4) DOE and DOE contractor personnel or facilities and counterintelligence and security interests must not be compromised as a result of a visit or assignment. Sensitive subject information and technology is not to be accessed by foreign nationals without proper authorization.
- (5) Responsibility for approving unclassified visits and assignments at DOE field and contractor sites (including DOE laboratories) will be assigned to the DOE or contractor site manager/laboratory director who will be accountable for approval decisions and for implementing an approval process consistent with DOE Policy and requirements. Responsibility for approving visits and assignments at DOE Headquarters will be assigned to the Secretarial Officer of the sponsoring organization.

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- (6) Information on unclassified foreign visits and assignments will be collected and maintained by each organization and provided to appropriate DOE organizations. Records on indices checks, security plans, biographical and personal identification data, purpose for the visit or assignment, certification of DOE mission advancement, and host reports will be maintained.
- (7) DOE will maintain current lists of sensitive countries and sensitive subjects to be used in support of the approval process.
- (8) All close and continuing contact with foreign national visitors and assignees from sensitive countries is to be reported to DOE counterintelligence officials in conformance with DOE and national security policy.
- (9) DOE will maintain a thorough inspection and oversight process for visits and assignments to DOE facilities.



BILL RICHARDSON
Secretary of Energy