

106TH CONGRESS  
1ST SESSION

# S. 887

To establish a moratorium on the Foreign Visitors Program at the Department of Energy nuclear laboratories, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 27, 1999

Mr. SHELBY introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To establish a moratorium on the Foreign Visitors Program at the Department of Energy nuclear laboratories, 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 “Department of Energy  
5 Sensitive Country Foreign Visitors Moratorium Act of  
6 1999”.

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

8       (a) MORATORIUM.—The Secretary of Energy may  
9 not admit to any facility of a national laboratory any indi-

1 vidual who is a citizen of a nation that is named on the  
2 current Department of Energy sensitive countries list.

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

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

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

1 (B) For purposes of subparagraph (A)—

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

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

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

13 **SEC. 3. BACKGROUND CHECKS ON ALL FOREIGN VISITORS**  
14 **TO NATIONAL LABORATORIES.**

15 Before an individual who is a citizen of a foreign na-  
16 tion is allowed to enter a national laboratory, the Sec-  
17 retary of Energy shall require that a security clearance  
18 investigation (known as a “background check”) be carried  
19 out on that individual.

20 **SEC. 4. DEFINITIONS.**

21 In this Act:

22 (1) The term “national laboratory” means any  
23 of the following:

24 (A) The Lawrence Livermore National  
25 Laboratory, Livermore, California.

1                   (B) The Los Alamos National Laboratory,  
2                   Los Alamos, New Mexico.

3                   (C) The Sandia National Laboratories, Al-  
4                   buquerque, New Mexico.

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

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