

discharge is necessary for the national security of the United States.

SEC. 3192. ANNUAL REPORT ON SECURITY AND COUNTERINTELLIGENCE STANDARDS AT NATIONAL LABORATORIES AND OTHER DOE DEFENSE FACILITIES OF THE DEPARTMENT OF ENERGY.

(a) REPORT ON SECURITY AND COUNTERINTELLIGENCE STANDARDS AT NATIONAL LABORATORIES AND OTHER DOE DEFENSE FACILITIES.—Not later than March 1 of each year, the Secretary of Energy, acting through the Director of Counterintelligence of the Department of Energy, shall submit a report on the security and counterintelligence standards at the national laboratories, and other facilities of the Department of Energy engaged in the defense activities of the Department, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) CONTENTS OF REPORT.—The report shall be in classified form and shall contain, for each such national laboratory or facility, the following information:

(1) A description of all security measures that are in place to prevent access by unauthorized individuals to classified information of the national laboratory or facility.

(2) A certification by the Director of Counterintelligence of the Department of Energy as to whether—

(A) all security measures are in place to prevent access by unauthorized individuals to classified information of the national laboratory or facility; and

(B) such security measures comply with Presidential Decision Directives and other applicable Federal requirements relating to the safeguarding and security of classified information.

(3) For each admission of an individual under section 3190 not described in a previous report under this section, the identity of that individual, and whether the background review required by that section determined that information relevant to security exists with respect to that individual.

SEC. 3193. REPORT ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.

(a) REPORT REQUIRED.—Not later than March 1 of each year, the National Counterintelligence Policy Board shall prepare a report, in consultation with the Director of Counterintelligence of the Department of Energy, on the security vulnerabilities of the computers of the national laboratories.

(b) PREPARATION OF REPORT.—In preparing the report, the National Counterintelligence Policy Board shall establish a so-called “red team” of individuals to perform an operational evaluation of the security vulnerabilities of the computers of the national laboratories, including by direct experimentation. Such individuals shall be selected by the National Counterintelligence Policy Board from among employees of the Department of Defense, the National Security Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, and of other agencies, and may be detailed to the National Counterintelligence Policy Board from such agencies without reimbursement and without interruption or loss of civil service status or privilege.

(c) SUBMISSION OF REPORT TO SECRETARY OF ENERGY AND TO FBI DIRECTOR.—Not later than March 1 of each year, the report shall be submitted in classified and unclassified form to the Secretary of Energy and the Director of the Federal Bureau of Investigation.

(d) FORWARDING TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after the re-

port is submitted, the Secretary and the Director shall each separately forward that report, with the recommendations in classified and unclassified form of the Secretary or the Director, as applicable, in response to the findings of that report, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 3194. GOVERNMENT ACCESS TO CLASSIFIED INFORMATION ON DEPARTMENT OF ENERGY DEFENSE-RELATED COMPUTERS.

(a) PROCEDURES REQUIRED.—The Secretary of Energy shall establish procedures to govern access to classified information on DOE defense-related computers. Those procedures shall, at a minimum, provide that each employee of the Department of Energy who requires access to classified information shall be required as a condition of such access to provide to the Secretary written consent which permits access by an authorized investigative agency to any DOE defense-related computer used in the performance of the defense-related duties of such employee during the period of that employee’s access to classified information and for a period of three years thereafter.

(b) EXPECTATION OF PRIVACY IN DOE DEFENSE-RELATED COMPUTERS.—Notwithstanding any other provision of law (including any provision of law enacted by the Electronic Communications Privacy Act of 1986), no user of a DOE defense-related computer shall have any expectation of privacy in the use of that computer.

(c) DEFINITIONS.—For purposes of this section:

(1) The term “DOE defense-related computer” means a computer of the Department of Energy or a Department of Energy contractor that is used, in whole or in part, for a Department of Energy defense-related activity.

(2) The term “computer” means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to, or operating in conjunction with, such device.

(3) The term “authorized investigative agency” means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

(4) The term “classified information” means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated.

(5) The term “employee” includes any person who receives a salary or compensation of any kind from the Department of Energy, is a contractor of the Department of Energy or an employee thereof, is an unpaid consultant of the Department of Energy, or otherwise acts for or on behalf of the Department of Energy.

(d) ESTABLISHMENT OF PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall prescribe such regulations as may be necessary to implement this section.

SEC. 3195. DEFINITION OF NATIONAL LABORATORY.

For purposes of this subtitle, the term “national laboratory” means any of the following:

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

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

(3) The Sandia National Laboratories, Albuquerque, New Mexico.

(4) The Oak Ridge National Laboratories, Oak Ridge, Tennessee.

It was decided in the { Yeas 428
affirmative } Nays 0

¶61.11 [Roll No. 180]
AYES—428

Abercrombie	Cummings	Hinojosa
Ackerman	Cunningham	Hobson
Aderholt	Danner	Hoefel
Allen	Davis (FL)	Hoekstra
Andrews	Davis (IL)	Holden
Archer	Davis (VA)	Holt
Army	Deal	Hooley
Bachus	DeFazio	Horn
Baird	DeGette	Hostettler
Baker	Delahunt	Houghton
Baldacci	DeLauro	Hoyer
Baldwin	DeLay	Hulshof
Ballenger	DeMint	Hunter
Barcia	Deutsch	Hutchinson
Barr	Diaz-Balart	Hyde
Barrett (NE)	Dickey	Inslee
Barrett (WI)	Dicks	Isakson
Bartlett	Dingell	Istook
Barton	Dixon	Jackson (IL)
Bass	Doggett	Jackson-Lee
Bateman	Dooley	(TX)
Becerra	Doolittle	Jefferson
Bentsen	Doyle	Jenkins
Bereuter	Dreier	John
Berkley	Duncan	Johnson (CT)
Berman	Dunn	Johnson, E. B.
Berry	Edwards	Johnson, Sam
Biggert	Ehlers	Jones (NC)
Bilbray	Ehrlich	Jones (OH)
Bilirakis	Emerson	Kanjorski
Bishop	Engel	Kaptur
Blagojevich	English	Kasich
Bliley	Eshoo	Kelly
Blumenauer	Etheridge	Kennedy
Blunt	Evans	Kildee
Boehlert	Everett	Kilpatrick
Boehner	Ewing	Kind (WI)
Bonilla	Farr	King (NY)
Bonior	Fattah	Kingston
Bono	Filner	Kleczka
Borski	Fletcher	Klink
Boswell	Foley	Knollenberg
Boucher	Forbes	Kolbe
Boyd	Ford	Kucinich
Brady (PA)	Fossella	Kuykendall
Brady (TX)	Fowler	LaFalce
Brown (FL)	Frank (MA)	LaHood
Brown (OH)	Franks (NJ)	Lampson
Bryant	Frelinghuysen	Lantos
Burr	Frost	Largent
Burton	Galleghy	Larson
Buyer	Ganske	Latham
Callahan	Gejdenson	LaTourette
Calvert	Gekas	Lazio
Camp	Gephardt	Leach
Campbell	Gibbons	Lee
Canady	Gilchrest	Levin
Cannon	Gillmor	Lewis (CA)
Capps	Gilman	Lewis (GA)
Capuano	Gonzalez	Lewis (KY)
Cardin	Goode	Linder
Carson	Goodlatte	Lipinski
Castle	Goodling	LoBiondo
Chabot	Gordon	Lofgren
Chambliss	Goss	Lowey
Chenoweth	Graham	Lucas (KY)
Clay	Granger	Maloney (CT)
Clayton	Green (TX)	Maloney (NY)
Clement	Green (WI)	Manzullo
Clyburn	Greenwood	Markey
Coble	Gutierrez	Martinez
Coburn	Gutknecht	Mascara
Collins	Hall (OH)	Matsui
Combest	Hall (TX)	McCarthy (MO)
Condit	Hansen	McCarthy (NY)
Conyers	Hastings (FL)	McCollum
Cook	Hastings (WA)	McCrery
Cooksey	Hayes	McDermott
Costello	Hayworth	McGovern
Cox	Hefley	McInnis
Coyne	Herger	McIntosh
Cramer	Hill (IN)	McIntyre
Crane	Hill (MT)	McKeon
Crowley	Hilleary	McKinney
Cubin	Hilliard	McNulty

Meehan	Rahall	Stearns
Meek (FL)	Ramstad	Stenholm
Meeks (NY)	Rangel	Strickland
Menendez	Regula	Stump
Metcalfe	Reyes	Stupak
Mica	Reynolds	Sununu
Millender-	Riley	Sweeney
McDonald	Rivers	Talent
Miller (FL)	Rodriguez	Tancredo
Miller, Gary	Roemer	Tanner
Miller, George	Rogan	Tauscher
Minge	Rogers	Tauzin
Mink	Rohrabacher	Taylor (MS)
Moakley	Ros-Lehtinen	Taylor (NC)
Mollohan	Rothman	Terry
Moore	Roukema	Thomas
Moran (KS)	Roybal-Allard	Thompson (CA)
Moran (VA)	Royce	Thompson (MS)
Morella	Rush	Thornberry
Murtha	Ryan (WI)	Thune
Myrick	Ryun (KS)	Thurman
Nadler	Sabo	Tiahrt
Napolitano	Salmon	Tierney
Neal	Sanchez	Toomey
Nethercutt	Sanders	Towns
Ney	Sandlin	Trafcant
Northup	Sanford	Turner
Norwood	Sawyer	Udall (CO)
Nussle	Saxton	Udall (NM)
Oberstar	Scarborough	Upton
Obey	Schaffer	Velazquez
Oliver	Schakowsky	Vento
Ortiz	Scott	Visclosky
Ose	Sensenbrenner	Vitter
Owens	Serrano	Walden
Oxley	Sessions	Walsh
Packard	Shadegg	Wamp
Pallone	Shaw	Watkins
Pascrell	Shays	Watt (NC)
Pastor	Sherman	Watts (OK)
Paul	Sherwood	Waxman
Payne	Shimkus	Weiner
Pease	Shows	Weldon (FL)
Pelosi	Shuster	Weldon (PA)
Peterson (MN)	Simpson	Weller
Peterson (PA)	Sisisky	Wexler
Petri	Skeen	Weygand
Phelps	Skelton	Whitfield
Pickering	Slaughter	Wicker
Pickett	Smith (MI)	Wilson
Pitts	Smith (NJ)	Wise
Pombo	Smith (TX)	Wolf
Pomeroy	Smith (WA)	Woolsey
Porter	Snyder	Wu
Portman	Souder	Wynn
Price (NC)	Spence	Young (AK)
Pryce (OH)	Spratt	Young (FL)
Quinn	Stabenow	
Radanovich	Stark	

NOT VOTING—6

Brown (CA)	Lucas (OK)	McHugh
Hinchee	Luther	Waters

So the amendment was agreed to. The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

When Mr. NETHERCUTT, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶61.12 TRANSPORTATION APPROPRIATIONS FY 2000

Mr. WOLF submitted a privileged report (Rept. No. 106-180) on the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶61.13 DEFENSE AUTHORIZATION—FY 2000 AND 2001

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to House Resolution 200 and rule XVIII, declared the House resolved into the Committee of

the Whole House on the state of the Union for the further consideration of the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes.

Mr. NETHERCUTT, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶61.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. RYUN of Kansas:

At the end of title XXXI (page 453, after line 15), insert the following new subtitle:

Subtitle F—Department of Energy Foreign Visitors Program Moratorium

SEC. 3181. SHORT TITLE.

This subtitle may be cited as the “Department of Energy Foreign Visitors Program Moratorium Act”.

SEC. 3182. MORATORIUM ON FOREIGN VISITORS PROGRAM.

(a) MORATORIUM.—Until otherwise provided by law, the Secretary of Energy may not, during the foreign visitors moratorium period, admit to any facility of a national laboratory any individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list.

(b) WAIVER AUTHORITY.—(1) The Secretary of Energy may waive the prohibition in subsection (a) on a monthly basis with respect to specific individuals whose admission to a national laboratory is determined by the Secretary to be necessary for the national security of the United States.

(2) On a monthly basis, but not later than the 15th day of each month, the Secretary shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report in writing providing notice of the waivers made in the previous month. The report shall identify each individual for whom such a waiver was made and, with respect to each such individual, provide a detailed justification for the waiver and the Secretary’s certification that the admission of that individual to a national laboratory is necessary for the national security of the United States.

(3) The authority of the Secretary under paragraph (1) may be delegated only to the Deputy Secretary of Energy or an Assistant Secretary of Energy.

(c) FOREIGN VISITORS MORATORIUM PERIOD.—For purposes of this section, the term “foreign visitors moratorium period” means the period beginning on the date of the enactment of this Act and ending on the later of the following:

(1) The date that is 2 years after the date of the enactment of this Act.

(2) The date that is 90 days after the date on which the Secretary of Energy, after consultation with the Director of the Federal Bureau of Investigation, submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a certification in writing by the Secretary of each of the following:

(A) That the counterintelligence program required by section 3183 is fully implemented, and fully operating, at each of the national laboratories.

(B) That such counterintelligence program complies with the requirements of Presidential Decision Directive number 61.

(C) That the Secretary is in compliance with the provisions of subsection (b).

SEC. 3183. COUNTERINTELLIGENCE PROGRAM.

(a) ESTABLISHMENT AT EACH LABORATORY.—The Secretary of Energy shall establish a counterintelligence program at each of the national laboratories. The counterintelligence program at each such laboratory shall have a full-time staff assigned to counterintelligence functions at that laboratory, including such personnel from other agencies as may be approved by the Secretary. The counterintelligence program at each such laboratory shall be under the direction of, and shall report to, the Director of the Office of Counterintelligence of the Department of Energy.

(b) INVESTIGATION OF PAST SECURITY BREACHES.—The Secretary shall require that the counterintelligence program at each laboratory include a specific plan pursuant to which the Director of the Office of Counterintelligence of the Department of Energy shall—

(1) investigate any breaches of security discovered after the date of the enactment of this Act that occurred at that laboratory before the establishment of the counterintelligence program at that laboratory; and

(2) study the extent to which a breach of security may have occurred before the establishment of the counterintelligence program at that laboratory with respect to a classified project at that laboratory by the admittance to that laboratory, for purposes of a nonclassified project, of a citizen of a foreign nation.

(c) REQUIRED CHECKS ON ALL NON-CLEARED INDIVIDUALS.—(1) The Secretary, acting through the Director of the Office of Counterintelligence of the Department of Energy, shall ensure the following:

(A) That before any non-cleared individual is allowed to enter any facility of a national laboratory, a security investigation known as an “indices check” is carried out with respect to that individual.

(B) That before any non-cleared individual is allowed to enter a classified facility of a national laboratory or to work for more than 15 days in any 30-day period in any facility of a national laboratory, a security investigation known as a “background check” is carried out with respect to that individual.

(2) NON-CLEARED INDIVIDUAL.—For purposes of paragraph (1), a non-cleared individual is any of the following:

(A) An individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list.

(B) An individual who has not been investigated by the United States, or by a foreign nation with which the United States has an appropriate reciprocity agreement, in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level designated as “Secret”.

SEC. 3184. EXCEPTION TO MORATORIUM FOR CERTAIN GRANDFATHERED INDIVIDUALS.

(a) GRANDFATHERED INDIVIDUALS.—Notwithstanding section 3182(a), the Secretary may, during the foreign visitors moratorium period described section 3182(c), admit to a facility of a national laboratory an individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list, for a period of not more than 3 months for the purposes of transitional work, if—

(1) that individual was regularly admitted to that facility before that period for purposes of a project or series of projects;

(2) the continued admittance of that individual to that facility during that period is important to that project or series of projects; and