

U.S. Department of Energy
Washington, DC

ORDER

DOE O 142.3B

Approved: 1-15-2021
Chg 1 (LtdChg): 3-2-2022

SUBJECT: UNCLASSIFIED FOREIGN NATIONAL ACCESS PROGRAM

1. **PURPOSE.** The Department of Energy (DOE) unclassified mission focuses on the critical challenges of our time, for both the country and the world. Much of this work is performed in collaboration with the international community. At the same time, the federal government has a responsibility to protect its assets and ensure that unauthorized access to sites, information, or technologies is denied. With this in mind, this program defines the requirements for unclassified foreign national access to DOE sites, information, or technologies by establishing requirements for the following:
 - a. A risk-based review and approval process for foreign national access consistent with United States (U.S.) law; export control regulations; national and economic security; and DOE program-specific policies, requirements, and objectives.
 - b. A process for documenting and tracking access by foreign nationals to DOE sites or involving access to DOE information or technologies.
2. **CANCELLATIONS.** DOE O 142.3B, *Unclassified Foreign National Access Program*, dated 01-15-21.

Cancellation of a directive does not, by itself, modify or otherwise affect any contractual or regulatory obligation to comply with the directive. Contractor Requirements Documents (CRDs) that have been incorporated into a contract remain in effect throughout the term of the contract unless and until the contract or regulatory commitment is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.

3. **APPLICABILITY.**
 - a. **Departmental Applicability.** Except for the equivalencies/exemptions in paragraph 3.c., this Order applies to all Departmental elements.

The Administrator of the National Nuclear Security Administration (NNSA) must assure that NNSA employees comply with their responsibilities under this directive. Nothing in this directive will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Public Law (P.L.) 106-65 to establish Administration-specific policies, unless disapproved by the Secretary.
 - b. **DOE Contractors.** Except for the equivalencies/exemptions in paragraph 3.c., the CRD (Attachment 1) sets forth requirements of this Order that will apply to contracts that include the CRD. The CRD must be included in contracts involving foreign national access to DOE sites, information, or technologies.

c. Equivalencies/Exemptions for DOE O 142.3B. Equivalencies and exemptions to this Order are processed in accordance with DOE O 251.1, *Departmental Directives Program*, current version.

- (1) Equivalency. In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at Title 50 United States Code (U.S.C.) sections 2406 and 2511 and to ensure consistency through the joint Navy/DOE Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this Directive for activities under the Director's cognizance, as deemed appropriate.
- (2) Exemptions.
 - (a) Unclassified events and activities outside the U.S. or its territories.
 - (b) Dual citizens, only if one citizenship is U.S.
 - (c) Requests for access to information that is not a sensitive subject as defined by this Order, and in accordance with applicable procedures (i) is already available to the public or (ii) has been documented to be published and shared broadly within the scientific community. [NOTE: Physical access to a site will follow normal site security procedures, including the applicable requirements of this Order.]
 - (d) Requests for access to information (e.g., technical specifications, project data, research results) by foreign nationals from countries that are formally part of a specific DOE program-sponsored international collaboration project under a DOE or U.S. Government-level bilateral or multilateral international agreement (e.g., Deep Underground Neutrino Experiment at Long-Baseline Neutrino Facility, Proton Improvement Plan-II, Vera Rubin (Large Synoptic Survey Telescope) Dark Energy Search Collaboration). This applies only to information generated under these projects and agreed to be shared among the participants. [NOTE: Physical access to a site that would otherwise be within this exemption will follow normal site security procedures, including the applicable requirements of this Order.]
 - (e) Information exchanges conducted remotely by HQ program offices and supporting laboratory and contractor personnel, in direct support of DOE/NNSA nonproliferation, counterproliferation, and counterterrorism activities. [NOTE: Physical access to a site that would otherwise be within this exemption will follow normal site security procedures, including the applicable requirements of this Order.]

- (f) Public events held on or off DOE sites.
 - (g) Certain activities within General Access Areas (GAA):
 - 1 Personal visits.
 - 2 Third-party events (i.e., not related to the DOE mission) hosted at the site.
 - 3 Access by foreign national delivery, service, and vendor personnel (NOTE: Also exempt in other areas outside of a GAA if fully escorted and compliant with other relevant security requirements.).
 - 4 Foreign nationals performing construction activities.
 - (h) Foreign national emergency response and medical personnel who require access for emergencies.
 - (i) Access by foreign nationals 17 years of age or younger who are involved in non-work-related activities.
 - (j) International Atomic Energy Agency (IAEA) inspections, as defined in the “Agreement between the United States and the IAEA for the Application of Safeguards in the U.S.”
4. **REQUIREMENTS.** Foreign national requests for access to DOE sites, information, or technologies will be reviewed based on all the information provided and any potential impacts on site or program operations. A determination of access approval is required before each access request is granted and must ensure that any identified risk to the Government associated with the access granted has been appropriately evaluated and mitigated, including a review against the Science and Technology (S&T) Risk Matrix (see paragraph 4.g.). All access approvals must be made by U.S. citizens, are valid for the duration of the access request, and must be documented in the Foreign Access Central Tracking System (FACTS) no later than the first day of access.
- a. **The Curriculum Vitae (CV).** A CV must be provided for each foreign national conducting research at laboratories and entered into the FACTS database. CVs must include all employment activities, since the age of 18 years, and provide all of the foreign national’s science and technology specialties. CVs must also include the current/accurate name of all academic institutions attended, and all degree/diplomas earned. There should be no lapses in time over the past 10 years.
 - b. **Site Security Plan (SSP).** The SSP must include the requirements and procedures used to process foreign national access requests at the site. The SSP, as approved

by the Officially Designated Federal Security Authority (ODFSA), must include requirements to ensure:

- (1) appropriate documentation describing the process for application of the exemptions listed in this Order;
 - (2) appropriate delegation of approval authority to the site management official or laboratory director, and any related procedures;
 - (3) that appropriate export control and technology transfer reviews, and determinations of export license requirements, are conducted;
 - (4) that nationals of state sponsors of terrorism (SST) do not host other foreign nationals;
 - (5) coordination with designated Counterintelligence (CI) and Intelligence (IN) elements; and
 - (6) site-specific subject matter expert (SME) reviews, escort, and host requirements.
- c. Access Request. Each foreign national access request must include, at a minimum, the following items:
- (1) Country(ies) of Affiliation. If multiple affiliations exist, the requirements are applied based on the country presenting the greatest risk.
 - (2) Identification of the information or technology(ies) to be accessed, and whether considered a sensitive subject as defined by this Order.
 - (3) Identification of areas (e.g. GAA, PPA) to be accessed for all physical access requests
 - (4) Justification for the requested access, including specific activities or involvement.
 - (5) Identification of the DOE/NNSA program or sub-element and its mission advanced by the access request
 - (6) Proposed start and end date of access request which cannot exceed four years [NOTE: Access requests can only be valid for the duration of the lawful immigration status of the foreign national regardless of the length of the access request].
- d. Lawful Immigration Status, Citizenship, and Identity. Sufficient documentation of immigrant or nonimmigrant status, citizenship, and identity is required for all foreign nationals at DOE sites, facilities and laboratories to verify identity and authority to work (when applicable for the activities involved) and to ensure that

the foreign national is eligible [in lawful immigration status including those who have received Delayed Action for Childhood Arrivals (DACA) status] to be in the U.S. The lawful immigration status of foreign nationals must be valid for the duration of the access request. There is an exception for intermittent periods by foreign nationals entering the U.S. under the State Department Visa Waiver Program, temporarily for business or pleasure, or for Canadian citizens who do not require entrance visas.

- e. Assignment of Approval Authority. Approvals for foreign national access must be consistent with line management accountability requirements.

(1) Headquarters Elements. Approval authority for foreign national access to HQ activities and/or offices within HQ sites/organizations is the head of the cognizant HQ departmental element. Heads of HQ departmental elements may make final approval determinations for access requests involving sensitive country nationals, non-sensitive country nationals, and nationals of SSTs who are lawful permanent residents (LPR) of the United States. The head of a HQ departmental element may reassign his or her approval as appropriate. Further reassignment of approval authority is not allowed. All reassessments of approval authority must be in writing, and a copy must be provided to the Office of Environment, Health, Safety and Security. Heads of HQ program, staff and support offices will be held accountable for all decisions made by themselves or by those to whom they reassign approval authority.

Access by foreign press to HQ sites are conducted through the Office of Public Affairs and involve official press interviews. Access by press representatives from non-sensitive countries must be documented in FACTS within two working days of access. Press representatives from sensitive countries or representing press services of sensitive countries require full pre-access reviews and approvals documented in FACTS before access.

High-level protocol access is limited to meetings between the Secretary of Energy, the Deputy Secretary, the Under Secretaries, Program Secretarial Officers (PSOs) or other senior Departmental officials, and foreign national representatives of foreign governments or organizations of foreign governments in HQ buildings. The Secretary, Deputy Secretary, Under Secretaries, and PSOs will determine which senior Departmental officials within their organizations are authorized to conduct this access. Advance approval reviews may be suspended if requested by these senior Departmental managers subject to compliance with the security plans and procedures developed for high-level protocol access to HQ sites. The duration of high-level protocol access is limited to one day.

Documentation of these visitors in FACTS is required within one working day of the access. Justification for this access must address the protocol nature of the access.

- (2) Field Sites. Approval authority and accountability for foreign national access to a Departmental site and associated information and/or technology is the head of the cognizant DOE field element for that site. The head of the cognizant field element may make final approval determinations for access requests involving sensitive country nationals, non-sensitive country nationals, and nationals of SSTs that are LPRs.

The head of the cognizant field element may delegate approval authority to the site management official or laboratory director after demonstration of adequate procedures to handle these access requests. When the site management official or laboratory official is not a U.S. citizen, the head of the cognizant DOE field element may delegate approval authority and accountability to only an individual who is a U.S. citizen. All site approval authorities must be defined in the SSP. A site management official or laboratory director may reassign approval authority to other U.S. citizen employees within their organization. Further reassignment or delegation of approval authority is not allowed. A site management official or laboratory director must reassign or delegate approval authority in writing and document this action in the SSP. Site management officials and laboratory directors are accountable for all access approval decisions made by themselves or by those to whom they have delegated or reassigned approval authority.

- f. Countries of Risk. Country of Risk foreign nationals' access to certain restricted technology or information as identified in the S&T Risk Matrix must undergo an enhanced review process as described below in paragraphs 4.f.(1)-(3). All proposed access requests in areas that are not identified as restricted in the current S&T Risk Matrix can proceed with the access request review and approval process as required by this Order.¹

Requests for access to conduct research under a User Agreement at an Office of Science, Energy Efficiency Renewable Energy, or Nuclear Energy User Facility at a non-NNSA DOE laboratory are exempt from the review requirements related to the S&T Risk Matrix discussed below. All other requirements of this Order apply to these access requests.

- (1) A request for access is reviewed by the site, in coordination with the Head of the cognizant DOE Field Element, to determine if the access request is in an area identified as restricted in the current S&T Risk Matrix before submitting the proposed access request through the standard access request review and approval process promulgated by this Order. When an access request is from a Country of Risk foreign national and in an area identified as restricted in the current S&T Risk Matrix, the cognizant DOE

¹ A new review, based on the additional S&T Risk Matrix requirements, for individuals with existing access approvals at the time of publication of this Order is not required. These individuals will be assessed against the new S&T Risk Matrix requirements at the time of their next access authorization renewal.

Field Element must agree to proceed with the enhanced review process. Absent this agreement, the proposed access request is not pursued any further.

- (2) When the Head of the cognizant DOE Field Element agrees to proceed with the enhanced review process, a justification and clear description of why the access request benefits the U.S. must be prepared. The access request must then be submitted through the appropriate PSO and CSO, with a copy provided to DOE's Federal Oversight Advisory Body (FOAB), with final approval/disapproval being provided by the cognizant Under Secretary or their designee.
- (3) Completion of specialized enhanced vetting conducted by the DOE Office of Intelligence and Counterintelligence (IN) is required prior to final approval of the access request. A copy of the request, along with the required additional information, must be submitted to the cognizant local CI office to support the review. Indices checks will be conducted as part of the specialized enhanced vetting process, therefore, it is recommended the request be submitted 45 days prior to the start date of the access request.
- (4) DOE may consider broad approvals for specific categories of these types of access requests, such as those supported under government-to-government agreements and in line with National Security Council policy guidance, to ensure existing priorities are not unduly impeded. These broad approvals will be determined by the cognizant Under Secretary or their designee in consultation with the FOAB and the cognizant DOE Program Office.

- g. Nationals of State Sponsors of Terrorism. Access requests for nationals of SSTs who are not LPRs require approval by the HQ Departmental element or site approval authority before final approval determination. Final approval authority is held by the Secretary of Energy and can only be assigned to the Deputy Secretary, Under Secretary for Nuclear Security/Administrator of the National Nuclear Security Administration, Under Secretary of Energy, or Under Secretary for Science. The Deputy Secretary or appropriate Under Secretary, in consultation with the Office of Intelligence and Counterintelligence, will make the final approval determination for these access requests. Subsequent access requests extending currently approved and on-going access to a HQ or contractor site or laboratory may be approved by the HQ Departmental element or contractor site or laboratory approval authority. For nationals of SST that are LPRs, final approval determination is at the HQ Departmental element or site approval authority level.
- h. Indices Checks. Indices checks are coordinated by the Office of Intelligence and Counterintelligence and shall be requested through the process of documenting access requests in FACTS. Indices checks are valid for a period of two years from the indices completion date, as documented in FACTS by the Office of Intelligence and Counterintelligence. If the approved access request exceeds this

two-year period, updated indices checks are automatically requested through FACTS prior to the current expiration date.

- (1) The following access requests require completed indices checks prior to the start of the foreign national's access:
 - (a) All access requests by nationals of SSTs.
 - (b) All access requests to a physical security area more restrictive than a Property Protection Area (PPA).
 - (c) All access requests by all sensitive country nationals to the NNSA national laboratories sites, information or technologies.²
 - (d) All access requests for sensitive subjects. [NOTE: The indices check for access requests by non-sensitive nationals for sensitive subjects at sites with no classified work can be completed after access is granted.]
- (2) Access requests for sensitive country nationals to non-sensitive subjects require indices checks, but they do not have to be completed prior to the start of the foreign national access.
- (3) Indices checks are not required for non-sensitive country national's access to non-sensitive subjects in a PPA or less restrictive areas.

For access requests that require completion of indices checks prior to the start of foreign national access, the request must be documented in FACTS in sufficient time to complete the indices checks. It is recommended that the request be entered into FACTS at least 45 days prior to the start date of the request to ensure adequate time for completion of indices checks. If there is insufficient time to complete indices checks before the first day of access, the approval authority may request a counterintelligence consultation in lieu of completion of the indices checks. For requests involving nationals of SSTs or Country of Risk foreign national access to restricted technology or information as identified in the S&T Risk Matrix, counterintelligence consultations may not be utilized until 60 days after requests are documented in FACTS. Counterintelligence consultations may not be employed as a standard alternative to indices checks.

If there are valid indices checks for the foreign national documented in FACTS, the indices checks will be considered completed upon documentation of the

² 50 U.S.C. 2652(a), as amended by Public Law 112-239 – January 2, 2013, National Defense Authorization Act for Fiscal Year 2012, states that a background review (indices check) must be completed prior to access to any facility of a national security 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 Lawrence Livermore National Laboratory; Los Alamos National Laboratory; and Sandia National Laboratories in Albuquerque, New Mexico, and Livermore, California.

request in FACTS using the existing FACTS biographical record for that foreign national.

- i. **Documentation**. FACTS is the Department's official national database on unclassified foreign national access requests. Access to FACTS is limited to U.S. citizens. All required information regarding access requests that require documentation, as detailed in this Order, must be entered in FACTS.
 - (1) Closeout Information. Information documenting the final status of access requests must be entered into FACTS within 15 days after the last day of access. This information includes the closeout status, closeout comments, and actual start and end dates for access that has taken place. Closeout statuses include: Completed, Canceled Before or After Approval, Denied, or No Show.
 - (2) SME reviews, when conducted in compliance with SSP requirements, must be documented in FACTS.

5. **RESPONSIBILITIES**.

- a. **Secretary of Energy**.
 - (1) Establishes DOE policies, procedures, and requirements for foreign national access to DOE sites, information or technologies.
 - (2) Assigns access approval authority to the Deputy Secretary and Under Secretaries for requests for access by nationals of SSTs, consistent with the policies and requirements of this Order.
- b. **Under Secretaries**.
 - (1) Approve/disapprove foreign national access requests based on the current S&T Risk Matrix or delegate this authority per paragraph 4.f.(2).
 - (2) Determine when a broad approval applies to foreign national access requests as discussed in section 4.f.
- c. **Under Secretary for Science**.
 - (1) Maintains and updates, as needed, the definition of sensitive subjects for the purposes of this Order, in consultation with the Under Secretary of Energy and with the concurrence of the Under Secretary for Nuclear Security.
 - (2) Convenes a working group consisting of representation from each of the Cognizant Secretarial Officers that will coordinate the maintenance of the definition of sensitive subjects for the purposes of this Order and conduct an annual review of the definition.

- d. DOE Federal Oversight Advisory Body (FOAB). Receives a copy of foreign national access requests that require an enhanced review process based on the current S&T Risk Matrix.
- e. Cognizant Secretarial Officers (CSOs).
 - (1) Ensure that facilities under their cognizance have implemented this Order.
 - (2) Notify contracting officers of affected site/facility management contractors to incorporate the CRD of this Order into their contracts.
 - (3) Ensure that procurement requests for new non-site/non-facility management contracts require inclusion of the CRD to this Order in the resulting contracts, if appropriate.
 - (4) Ensure systematic review of field and local site approvals for which the CSO has responsibility to ensure that program-specific guidance is followed, corrective action is taken as appropriate, and line management responsibilities associated with the presence of foreign nationals are met.
 - (5) Review and concur/non-concur on foreign national access requests based on the current S&T Risk Matrix.
 - (6) Participate in the maintenance and annual review of the sensitive subject definition.
- f. Program Secretarial Officers (PSOs). Review and concur/non-concur on foreign national access requests based on the current S&T Risk Matrix.
- g. Heads of Headquarters Departmental Elements.
 - (1) Review procurement requests for new non-site/non-facility management contracts and, if appropriate, ensure that the CRD of this Directive is included in the contracts.
 - (2) Serve as foreign national access requests approval authorities for Headquarters activities and/or offices within their organizations, and reassignment approval authority to other U.S. citizen employees, as appropriate.
 - (3) Develop and implement operating procedures for approving foreign national access to Headquarters program and contractor personnel, sites, information and organizations in compliance with the requirements of this Order.
 - (4) Designate points of contact (POCs) for foreign national access, and provide contact information to the Office of Environment, Health, Safety and Security.

- (5) Provide guidance to Headquarters program managers and field elements regarding foreign national access to potentially sensitive subjects, technologies, and information in unclassified program activities.
- (6) Ensure a systematic and effective process to provide managers, planners, and hosts with appropriate guidance regarding technologies and information that could lead into sensitive or export controlled areas, and to ensure that sensitive or export controlled technologies and information are properly identified.
- (7) Direct contracting officers in their organizations to incorporate the CRD to this Order into all contracts that may involve foreign national access.
- (8) Determine if proposed Headquarters foreign national access requests require an enhanced review process based on the current S&T Risk Matrix and submit such requests as appropriate.

h. Heads of Field Elements.

- (1) Review procurement requests for new non-site/non-facility management contracts and, if appropriate, ensure that the requirements of the CRD of this Order are included in the contracts.
- (2) Serve as approval authorities for foreign national access requests to the DOE field element, and reassign approval authority to other U.S. citizen employees, as appropriate.
- (3) Serve as the approval authority for foreign national access to sites under their cognizance, and delegate, where appropriate, such approval authority to site management officials and laboratory directors under their cognizance.
- (4) Designate POCs for foreign national access and provide contact information to the Office of Environment, Health, Safety and Security.
- (5) Incorporate all CSO guidance into local management processes for approving foreign national access to field element sites, information, and organizations.
- (6) In coordination with the hosting site, determine if proposed foreign national access requests require an enhanced review process based on the current S&T Risk Matrix and, where appropriate, submit such requests.

i. Heads of Hosting Sites.

- (1) Consistent with the assignment of approval authority through the line management chain, serve as approval authorities for foreign national access activities and programs at their sites.
- (2) Implement the foreign national access activities consistent with guidance and direction from the appropriate DOE element with direct responsibility for program performance.
- (3) Designate POCs for foreign national access activities, and provide contact information to the Office of Environment, Health, Safety and Security.
- (4) Ensure that guidance is issued and followed, corrective actions are implemented as appropriate, and responsibilities associated with the presence of foreign nationals are met.
- (5) Ensure systematic, effective processes to provide managers, planners, and hosts with appropriate guidance regarding technologies and information that could lead into sensitive or export controlled areas, and to ensure that sensitive or export controlled technologies and information are identified.

j. Hosts for Foreign National Access. DOE Federal representatives are responsible for the activities associated with the successful accomplishment of foreign national access. For a foreign national to host another foreign national, the host must first be a DOE employee. Nationals of SSTs may not host other foreign nationals. The host must be identified to the foreign national as his/her POC, and has the following responsibilities:

- (1) Ensure compliance with all requirements for access approval and conduct, including complete and accurate information for FACTS documentation, compliance with SSP and sponsorship requirements, and notification to workers regarding these requirements as appropriate.
- (2) Serve as the individual responsible for the conduct and activities of the foreign nationals for which he/she is identified as host.
- (3) Report suspicious activities in accordance with reporting requirements.
- (4) Provide the following information to the foreign nationals for whom they have been identified as hosts:
 - (a) The terms and conditions of access approval, including restrictions and requirements to notify the host of changes in name, immigrant/nonimmigrant status, and other information as required.

- (b) The requirement to notify the responsible host of any civil or criminal issues that could affect their status in association with DOE.
- (c) That failure to provide appropriate documentation when required or providing fraudulent documentation will result in suspension of access approval, removal from the site, and possible cancellation of future access.

k. Escorts.

- (1) Ensure that foreign nationals working or traveling within a site are escorted when required, as identified by the SSP, to ensure that there is no unauthorized access.
- (2) Comply with all requirements for escorts as identified in the SSP.

l. Director, Office of Environment, Health, Safety and Security.

- (1) Develops the policy baseline and incorporates operational requirements into DOE-wide guidance for foreign national access activities.
- (2) Establishes and chairs foreign national access working groups as required.
- (3) Ensures that HQ program, staff, and Secretarial Office policy requirements for foreign national access approvals are incorporated into the foreign national access policy.
- (4) Defines, develops, and manages FACTS capabilities to provide operational and analytical support and accountability.
- (5) Develops and implements user training for FACTS.
- (6) Provides policy and technical assistance and support to Headquarters and field elements.
- (7) Develops and coordinates testimony, internal and external reporting, and responses to requests for information regarding the DOE foreign national access activities.
- (8) Develops security policy for the foreign national access approval process consistent with U.S. and DOE national security policies and objectives.
- (9) Provides information on the requirements of foreign national access policy for inclusion in the Security Survey Program.

- m. Director, Office of Intelligence and Counterintelligence.
 - (1) Supports the unclassified foreign national access approval process by analyzing and coordinating issues of field intelligence with other Federal agencies, and provides general and specific advice on potential risks associated with foreign national access requests to DOE elements.
 - (2) Coordinates with the Office of Defense Nuclear Nonproliferation on the maintenance of the sensitive country list related to nonproliferation and technology transfer.
 - (3) As appropriate, consults with the Heads of Field Elements and other cognizant Departmental Elements on the review of a foreign national access request that requires an enhanced review process based on the current S&T Risk Matrix.
- n. Deputy Director, Office of Counterintelligence, Office of Intelligence and Counterintelligence.
 - (1) Identifies counterintelligence requirements applicable to the management of unclassified access approval for foreign nationals to DOE sites, information or technologies.
 - (2) Provides advice to Headquarters approval authorities and supports field counterintelligence officers with guidance on foreign national access issues.
 - (3) Ensures that local capability and expertise are available to provide effective counterintelligence advice to local approval authorities regarding access approval requests.
 - (4) Coordinates the external indices checks process with the appropriate U.S. Government agencies.
 - (5) Documents and maintains DOE-wide information on requests for and completion of indices checks.
 - (6) Develops requirements and processes for specialized enhanced vetting for the review of certain foreign national access requests based on the current S&T Risk Matrix.
 - (7) Advises the Secretary, Deputy Secretary, and Under Secretaries regarding access requests involving nationals of countries identified as SSTs, as requested.

- o. Headquarters and Field Counterintelligence Officers.
 - (1) Review requests for foreign national access approval for CI and counterterrorism implications.
 - (2) At the request of the hosting site, provide CI consultations to the approval authority, or to his or her assignee(s), to evaluate foreign national access in the absence of completed indices checks required prior to access, and document consultations in FACTS.
 - (3) Conduct briefings and debriefings of hosts, sponsors, and escorts of foreign nationals.
- p. Deputy Administrator, Defense Nuclear Nonproliferation.
 - (1) Analyzes and develops policy guidance for the foreign national access approval process in the areas of export control, technology transfer, and nonproliferation.
 - (2) Provides advice and guidance to DOE elements on export controls, technology transfer, and nonproliferation issues related to potential and actual foreign national access approvals.
 - (3) Performs specific subject matter export control, technology transfer, and nonproliferation reviews of foreign national access requests, as requested, and ensures that these reviews are documented in FACTS.
- q. Assistant Secretary for Policy and International Affairs. As the DOE point of contact with the Department of State in international organizations, provides advice and information to the Office of Health, Safety and Security concerning the policies and procedures promulgated in this Order.
- r. General Counsel. Provides review and advice on all legal issues relating to approval of unclassified foreign national access to DOE facilities and information.
- s. NNSA Office of General Counsel. Provides review and advice on all legal issues relating to approval of unclassified foreign national access to NNSA facilities and information.
- t. Chief Information Officer (CIO). Drafts policy for issuance by the Secretary of Energy or Deputy Secretary regarding protective measures required for foreign national cyber security access approval, whether onsite or by remote access.
- u. Deputy Administrator for Naval Reactors. In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at Title 50 United States Code (U.S.C.) sections 2406 and 2511, and to ensure consistency through the joint Navy/DOE organization of the Naval Nuclear Propulsion Program, implements and oversees requirements and practices pertaining to this Directive

for activities under the Deputy Administrator's cognizance, as deemed appropriate.

- v. Contracting Officers.
 - (1) After notification by the appropriate program official, incorporate the CRD of this Order into affected existing contracts via the laws, regulations, and DOE Directives clauses of the contracts.
 - (2) Assist originators of procurement requests who want to incorporate the CRD of this Directive in new non-site/non-facility management contracts, as appropriate.
 - (3) Provide notification of DOE's determination related to access requests associated with the S&T Risk Matrix.
- 6. INVOKED STANDARDS. This Order does not invoke any DOE technical standards or industry standards as required methods. Note: DOE O 251.1D, Appendix J provides a definition for "invoked technical standard."
- 7. REFERENCES. Find DOE directives online at www.directives.doe.gov.
 - a. Title 10, Code of Federal Regulations, Nuclear Regulatory Commission, *Export and Import of Nuclear Equipment and Material*, Part 110.
 - b. Title 10, Code of Federal Regulations, Energy, Chapter III, *Assistance to Foreign Energy Activities*, Part 810.
 - c. Title 15, Code of Federal Regulations, Commerce and Foreign Trade, *Export Administration Regulations*, Parts 730-744.
 - d. Title 22, Code of Federal Regulations, Chapter I, Department of State, *International Traffic in Arms Regulations*, Parts 120-130.
 - e. Presidential Decision Directive 61, *Energy Department Counterintelligence (U)*, dated February, 1999. This document is classified (Confidential). For distribution, contact Jennifer Emanuelson, 301-903-3071, jennifer.emmanuelson@hq.doe.gov.
 - f. Homeland Security Presidential Directive-2, *Combating Terrorism Through Immigration Policies*, dated October 29, 2001.
 - g. National Security Decision Directive 189, *National Policy on the Transfer of Scientific, Technical and Engineering Information*, dated September 21, 1985.
 - h. *National Security Presidential Memorandum on Securing United States Government-Supported Research and Development*, dated January 14, 2021.

- i. DOE P 485.1, *Foreign Engagements with DOE National Laboratories*, current version.
 - j. DOE O 142.2, *Voluntary Offer Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency*, current version.
 - k. DOE O 251.1, *Departmental Directives Program*, current version.
 - l. DOE O 470.4, *Safeguards and Security Program*, current version.
 - m. DOE O 470.6, *Technical Security Program*, current version.
 - n. DOE O 473.1, *Physical Protection Program*, current version.
 - o. DOE O 473.2, *Protective Force Operations*, current version.
 - p. DOE O 475.1, *Counterintelligence Program*, current version.
8. **DEFINITIONS**. Terms used for the purpose of this Order are defined in Attachment 2.
9. **CONTACT**. Questions concerning this Order should be addressed to the Office of Environment, Health, Safety and Security at 301-903-5108.

BY ORDER OF THE SECRETARY OF ENERGY:



DAVID M. TURK
Deputy Secretary

ATTACHMENT 1
CONTRACTOR REQUIREMENTS DOCUMENT
DOE O 142.3B, UNCLASSIFIED FOREIGN NATIONAL ACCESS PROGRAM

This Contractor Requirements Document (CRD) and Attachment 2 (Definitions) establish requirements and provide information for Department of Energy (DOE) and National Nuclear Security Administration (NNSA) contractors, whose contracts involve foreign national access to DOE/NNSA-owned or leased sites, information, or technologies.

Regardless of the performer of the work, the contractor is responsible for complying with the requirements of this CRD. The contractor is responsible for flowing down the requirements of this CRD to subcontractors at any tier to the extent necessary to ensure the contractor's compliance with the requirements.

1. **PURPOSE.** The DOE/NNSA unclassified mission focuses on the critical challenges of our time, for both the country and the world. Much of this work is performed in collaboration with the international community. At the same time, the federal government has a responsibility to protect its assets and ensure that unauthorized access to sites, information, or technologies is denied. With this in mind, this program defines the requirements for unclassified foreign national access to DOE/NNSA sites, information, or technologies by establishing requirements for the following:
 - a. A risk-based review and approval process for foreign national access consistent with United States (U.S.) law; export control regulations; national and economic security; and DOE program-specific policies, requirements, and objectives.
 - b. A process for documenting and tracking access by foreign nationals to DOE sites or involving access to DOE information, or technologies.
2. **EXEMPTIONS.**
 - a. Unclassified events and activities outside the U.S. or its territories.
 - b. Dual citizens, only if one citizenship is U.S.
 - c. Requests for access to information that is not a sensitive subject as defined by this Order and in accordance with applicable procedures (i) is already available to the public or (ii) has been documented to be published and shared broadly within the scientific community. [NOTE: Physical access to a site will follow normal site security procedures, including the applicable requirements of this Order.]
 - d. Requests for access to information (e.g., technical specifications, project data, research results) by foreign nationals from countries that are formally part of a specific DOE program-sponsored international collaboration project under a DOE or U.S. Government-level bilateral or multilateral international agreement (e.g., Deep Underground Neutrino Experiment at Long-Baseline Neutrino Facility , Proton Improvement Plan-II, Vera Rubin (Large Synoptic Survey Telescope) Dark Energy Search Collaboration). This applies only to information generated

under these projects and agreed to be shared among the participants. [NOTE: Physical access to a site that would otherwise be within this exemption will follow normal site security procedures, including the applicable requirements of this Order.]

- e. Information exchanges conducted remotely by HQ program offices and supporting laboratory and contractor personnel, in direct support of DOE/NNSA nonproliferation, counterproliferation, and counterterrorism activities. [NOTE: Physical access to a site that would otherwise be within this exemption will follow normal site security procedures, including the applicable requirements of this Order.]
 - f. Public events held on or off DOE sites.
 - g. Certain activities within General Access Areas (GAA):
 - (1) Personal visits.
 - (2) Third-party events (i.e., not related to the DOE mission) hosted at the site.
 - (3) Access by foreign national delivery, service, and vendor personnel (Note: Also exempt in other areas outside of GAA if fully escorted and compliant with other relevant security requirements.).
 - (4) Foreign nationals performing construction activities.
 - h. Foreign national emergency response and medical personnel who require access for emergencies.
 - i. Access by foreign nationals 17 years of age or younger who are involved in non-work-related activities.
 - j. International Atomic Energy Agency (IAEA) inspections, as defined in the “Agreement between the United States and the IAEA for the Application of Safeguards in the United States.”
3. **REQUIREMENTS.** Foreign national access requests to DOE sites, information, or technologies will be reviewed based on all the information provided and any potential impacts on site or program operations. A determination of access approval is required before each access request is granted and must ensure that any identified risk to the Government associated with the access granted has been appropriately evaluated and mitigated, including a review against the Science and Technology (S&T) Risk Matrix (see paragraph 3.g.). All access approvals must be made by U.S. citizens, are valid for the duration of access request, and must be documented in the Foreign Access Central Tracking System (FACTS) no later than the first day of access.
- a. **The Curriculum Vitae (CV).** A CV must be provided for each foreign national conducting research at laboratories and entered into the FACTS database. CVs

must include all employment activities, since the age of 18 years, and provide all of the foreign national's science and technology specialties. CVs must also include the current/accurate name of all academic institutions attended, and all degree/diplomas earned. There should be no lapses in time over the past 10 years.

- b. Site Security Plan (SSP). The SSP must include the requirements and procedures used to process foreign national access requests at the site. The SSP, as approved by the Officially Designated Federal Security Authority (ODFSA), must include requirements to ensure:
- (1) appropriate documentation describing the process for application of the exemptions listed in this Order;
 - (2) appropriate delegation of approval authority to the site management official or laboratory director, and any related procedures;
 - (3) that appropriate export control and technology transfer reviews, and determinations of export license requirements, are conducted;
 - (4) that nationals of state sponsors of terrorism (SSTs) do not host other foreign nationals;
 - (5) coordination with designated counterintelligence (CI) and intelligence (IN) elements; and
 - (6) site-specific subject matter expert (SME) reviews, escort, and host requirements.
- c. Access Request. Each foreign national access request must include, at a minimum, the following items:
- (1) Country(ies) of affiliation. If multiple affiliations exist, the requirements are applied based on the country presenting the greatest risk.
 - (2) Identification of the information or technology(ies) to be accessed, and whether considered a sensitive subject as defined by this Order.
 - (3) Identification of areas (e.g. GAA, PPA) to be accessed for all physical access requests.
 - (4) Justification for the requested access, including specific activities or involvement.
 - (5) Identification of the DOE/NNSA program or sub-element and its mission advanced by the access.

- (6) Proposed start and end date of access request which cannot exceed four years (NOTE: Access requests can only be valid for the duration of the lawful immigration status of the foreign national regardless of the length of the access request).
- d. Lawful Immigration Status, Citizenship, and Identity. Sufficient documentation of immigrant or nonimmigrant status, citizenship, and identity is required for all foreign nationals at DOE sites, facilities and laboratories to verify identity and authority to work (when applicable for the activities involved) and to ensure that the foreign national is eligible (in lawful immigration status including those who have received Delayed Action for Childhood Arrivals (DACA) status) to be in the U.S. The lawful immigration status of foreign nationals must be valid for the duration of the access request. There is an exception for intermittent periods by foreign nationals entering the U.S. under the State Department Visa Waiver Program, temporarily for business or pleasure, or for Canadian citizens who do not require entrance visas.
- e. Assignment of Approval Authority. Approvals for foreign national access must be consistent with line management accountability requirements.
- Field Sites. Approval authority and accountability for foreign national access to a Departmental site and associated information or technology is the head of the cognizant field element for that site. The Head of the cognizant field element may make final approval determinations for access requests involving sensitive country nationals, non-sensitive country nationals, and nationals of SSTs that are lawful permanent residents (LPRs). The head of the cognizant field element may delegate approval authority to the site management official or laboratory director after demonstration of adequate procedures to handle these access requests. When the site management official or laboratory official is not a U.S. citizen, the head of the cognizant DOE field element may delegate approval authority and accountability to a suitable individual. All site or facility approval authorities must be defined in the SSP.
- A site management official or laboratory director may reassign approval authority to other U.S. citizen employees within their organization. Further reassignment or delegation of approval authority is not allowed. A site management official or laboratory director must reassign or delegate approval authority in writing and document this action in the SSP. Site management officials and laboratory directors are accountable for all access approval decisions made by themselves or by those to whom they have delegated or reassigned approval authority.
- f. Countries of Risk. Country of Risk foreign nationals access to certain restricted technology or information as identified in the Science and Technology (S&T) Risk Matrix must undergo an enhanced review process as described below in paragraphs (1)-(3). All proposed access requests in areas not identified as

restricted in the S&T Risk Matrix can proceed with the access review and approval process as required by this Order.¹

Requests for access to conduct research under a User Agreement at an Office of Science, Energy Efficiency Renewable Energy, or Nuclear Energy User Facility at a non-NNSA DOE laboratory are exempt from the review requirements related to the S&T Risk Matrix discussed below. All other requirements of this Order apply to these access requests.

- (1) A request for access is reviewed by the site, in coordination with the Head of the cognizant DOE Field Element, to determine if the access request is in an area identified as restricted in the current S&T Risk Matrix before submitting the proposed access request through the standard access request review and approval process promulgated by this Order. When an access request is from a Country of Risk foreign national and in an area identified as restricted in the current S&T Risk Matrix, the cognizant DOE Field Element must agree to proceed with the enhanced review process. Absent this agreement the proposed access request is not pursued any further.
- (2) When the Head of the cognizant DOE Field Element agrees to proceed with the enhanced review process, a justification and clear description of why the access request benefits the U.S. must be prepared. The access request must then be submitted through the appropriate PSO and CSO, with a copy provided to DOE's Federal Oversight Advisory Body (FOAB), with final approval/disapproval being provided by the cognizant Under Secretary or their designee.
- (3) Completion of specialized enhanced vetting conducted by the DOE Office of Intelligence and Counterintelligence (IN) is required prior to final approval of the access request. A copy of the request, along with the required additional information, must be submitted to the cognizant local CI office to support the review. Indices checks will be conducted as part of the specialized enhanced vetting process, therefore, it is recommended the request be submitted 45 days prior to the start date of the access request.
- (4) DOE may consider broad approvals for specific categories of these types of access requests, such as those supported under government-to-government agreements and in line with National Security Council policy guidance, to ensure existing priorities are not unduly impeded. These broad approvals will be determined by the cognizant Under Secretary or

¹ A new review, based on the additional S&T Risk Matrix requirements, for individuals with existing access approvals at the time of publication of this Order is not required. These individuals will be assessed against the new S&T Risk Matrix requirements at the time of their next access authorization renewal.

their designee in consultation with the FOAB and the cognizant DOE Program Office.

- g. Nationals of State Sponsors of Terrorism. Access requests for nationals of SSTs who are not LPRs require approval by the site approval authority before final approval determination. Final approval authority is held by the Secretary of Energy and can only be assigned to the Deputy Secretary, Under Secretary for Nuclear Security/Administrator of the National Nuclear Security Administration, Under Secretary of Energy, or Under Secretary for Science. The Deputy Secretary or appropriate Under Secretary, in consultation with the Office of Intelligence and Counterintelligence, will make the final approval determination for these access requests. Subsequent access requests extending currently approved and on-going access to a contractor site or laboratory may be approved by the contractor site or laboratory approval authority. For nationals of SSTs that are LPRs, final approval determination is at the site approval authority level.
- h. Indices Checks. Indices checks are coordinated by the Office of Intelligence and Counterintelligence and must be requested through the process of documenting access requests in FACTS. Indices checks are valid for a period of two years from the completion date, as documented in FACTS by the Office of Intelligence and Counterintelligence. If the approved access request exceeds this two-year period, updated indices checks are automatically requested through FACTS prior to the current expiration date.
 - (1) The following access requests require completed indices checks prior to the start of the foreign national access:
 - (a) All access requests by nationals of SSTs.
 - (b) All access requests to a physical security area more restrictive than a Property Protection Area (PPA).
 - (c) All access requests by all sensitive country nationals to the NNSA national laboratories sites, information, or technologies.²
 - (d) All access requests for sensitive subjects. [NOTE: The indices check for access requests by non-sensitive nationals for sensitive subjects at sites with no classified work can be completed after access is granted.]

² 50 U.S.C. 2652(a), as amended by Public Law 112-239 – January 2, 2013, National Defense Authorization Act for Fiscal Year 2012, states that a background review (indices check) must be completed prior to access to any facility of a national security 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 Lawrence Livermore National Laboratory; Los Alamos National Laboratory; and Sandia National Laboratories in Albuquerque, New Mexico, and Livermore, California.

- (2) Access requests for sensitive country nationals to non-sensitive subjects require indices checks, but they do not have to be completed prior to the start of the foreign national's access.
- (3) Indices checks are not required for non-sensitive country national's access to non-sensitive subjects in a PPA or less restrictive areas.

For access requests that require indices checks prior to the start of foreign national access, the request for indices checks must be documented in FACTS in sufficient time to complete the indices checks. It is recommended that the request be entered into FACTS 45 days prior to the start date of the request to ensure adequate time for completion of indices checks. For access requests that require indices checks to be completed before access is granted and there is insufficient time to complete indices checks before the first day of access, the approval authority may request a CI consultation in lieu of completion of the indices checks. For requests involving nationals of SSTs or Country of Risk foreign national access to restricted technology or information as identified in the S&T Risk Matrix, CI consultations may not be utilized until 60 days after requests are documented in FACTS. CI consultations may not be employed as a standard alternative to indices checks.

If there are valid indices checks for the foreign national documented in FACTS, the indices checks will be considered completed upon documentation of the request in FACTS using the existing FACTS biographical record for that foreign national.

- i. **Documentation.** FACTS is the Department's official national database on unclassified foreign national access requests. Access to FACTS is limited to U.S. citizens. All required information regarding access requests that require documentation, as detailed in this Order, must be entered in FACTS.
 - (1) Closeout Information. Information documenting the final status of access requests must be entered into FACTS within 15 days after the last day of access. This information includes the closeout status, closeout comments, and actual start and end dates for access that has taken place. Closeout statuses include: Completed, Canceled Before or After Approval, Denied, or No Show.
 - (2) SME reviews, when conducted in compliance with SSP requirements, must be documented in FACTS.

4. **RESPONSIBILITIES.**

- a. **Heads of Hosting Sites.** Hosting sites may include contractor operated field sites and national laboratories.
 - (1) Consistent with an authorized assignment of authority, serve as the approval authority for foreign national access requests within their organizations.

- (2) Implement the foreign national access activities consistent with guidance and direction from the head of the DOE field element with direct responsibility for program performance.
 - (3) Designate points of contact (POCs) for foreign national access activities, and provide contact information to the cognizant DOE field element and Cognizant Secretarial Officer (CSO), and to the Office of Health, Safety and Security.
 - (4) Ensure that guidance is issued and followed, corrective actions are implemented as appropriate, and responsibilities associated with the presence of foreign nationals are met.
 - (5) Ensure a systematic, effective process to provide managers, planners and hosts with appropriate guidance and insight regarding all technologies and information that could lead into sensitive or export controlled areas, and to ensure that sensitive or export controlled technologies and information are identified.
 - (6) In coordination with the cognizant field element, determine if proposed foreign national access requests require an enhanced review process based on the current S&T Risk Matrix and, where appropriate, submit such requests.
- b. Hosts of Foreign Nationals. The contractor hosting a foreign national is responsible for the activities associated with the successful accomplishment of the activity.
- (1) The contractor must ensure that foreign nationals hosting other foreign nationals are DOE contractor employees.
 - (2) The contractor must ensure that nationals of SSTs do not host other foreign nationals.
 - (3) The contractor is responsible for the conduct and activities of the foreign nationals for whom they are identified as the host.
 - (4) The contractor must ensure that the host is identified to the foreign national as his/her POC, and that the following requirements are met:
 - (5) The contractor must ensure compliance with all requirements for access approval and conduct, including timely, complete, and accurate information for FACTS, compliance with SSP requirements, program sponsorship, and notification to workers regarding requirements as appropriate.
 - (6) The contractor must ensure that suspicious activities are reported in accordance with local reporting requirements.

- (7) The contractor must provide the following information to the foreign nationals the contractor is responsible for hosting:
- (a) The terms and conditions of access approval, including restrictions and requirements to notify the host of changes in name, immigrant/nonimmigrant status, and other information as required.
 - (b) The requirement to notify the responsible host of any civil or criminal problems that could affect their status and association with DOE.
 - (c) That the failure to provide appropriate documentation when required, or providing fraudulent documentation will result in suspension of access approval, removal from the site, and possible cancellation of future access.
- c. Escorts of Foreign Nationals.
- (1) The contractor is responsible for ensuring that foreign nationals working or traveling within a site are escorted, when required, as identified by the SSP, to ensure there is no unauthorized access.
 - (2) The contractor must also ensure compliance with all requirements for escorts identified in the SSP.

5. DEFINITIONS. Terms used for the purpose of this Order are defined in Attachment 2.

ATTACHMENT 2. DEFINITIONS

This Attachment provides information applicable to contracts in which the CRD (Attachment 1 to DOE O 142.3B) is inserted.

1. **Access Request**. Seeking permission to enter a DOE site and/or use DOE information or technologies. This includes remote access to DOE information or technology.
2. **Approval Authority**. The individual who has been assigned the responsibility and accountability to approve requests for access by foreign nationals to a DOE site, program, information, or technology.
2. **Cognizant Secretarial Officer (CSO)**. Headquarters Assistant Secretaries, Deputy Administrator, and Directors responsible for oversight or institutional management of DOE/NNSA facilities.
3. **Contractor**. This term, for the purposes of this Order, means an entity that has a contract with DOE/NNSA that incorporates the CRD or its requirements.
4. **Country of Risk**. Any foreign country determined to be of risk, following consideration of, but not limited to, the Office of the Director of National Intelligence World Wide Threat Assessment and The National Counterintelligence Strategy of the United States of America, by the Under Secretary for Science in consultation with the Under Secretary of Energy; the Under Secretary for Nuclear Security; and the Office of Intelligence and Counterintelligence.
5. **Curriculum Vitae (CV)**. CV is a detailed document highlighting professional and academic history. A CV must include any education/employment history. There should be no lapses in time. CVs include extensive information on academic background, including teaching experience, degrees, research, awards, publications, presentations, and other achievements. In the absence of a CV, a resume may be used.
6. **Dual Citizen**. An individual who is a citizen of more than one country.
7. **Foreign National**. A person without U.S. citizenship or nationality (may include a stateless person).
8. **General Access Area**. A type of security area established to allow access to certain areas with minimum security requirements as determined by the cognizant security authority. These designated areas are accessible to all personnel including the public.
9. **Heads of Departmental Elements**. Heads of Departmental Elements include DOE's Under Secretaries, Assistant Secretaries, the NNSA Administrator, Program Office Directors, Power Marketing Administrators, or equivalent DOE officials, or any other official(s) the Head of Departmental Element designates to carry out his or her responsibilities under this Order.

10. **Heads of Field Elements/Field Office Managers.** Officials who direct activities of DOE/NNSA field or site offices and field organizations reporting directly to Headquarters and serve as line management, site-level mission integrators, and as the authorizing officials for activities at the site on behalf of the Administrator.
11. **Host.** The DOE or DOE contractor employee responsible for the activities associated with foreign national access.
12. **Indices Checks.** A procedure whereby a request is made to appropriate U.S. Government agencies to determine whether information exists on a particular foreign national. Indices checks are valid for a period of 2 years from the indices completion date, as documented in the Foreign Access Central Tracking System by the Office of Intelligence and Counterintelligence.
13. **Information.** DOE information of a programmatic, scientific or technical nature, regardless of format or medium on which it is recorded, created, or possessed by the Government or a Contractor.
14. **Lawful Permanent Resident (LPR).** A foreign national who has the right to reside permanently and work in the United States. An LPR may also be known as a permanent resident alien or Green Card holder.
15. **National of a Country of Risk.** A foreign national who was born in, is a citizen of, is employed by, or represents a government, company institution or other organization based in a country identified as a Country of Risk.
16. **National of a State Sponsor of Terrorism.** A foreign national who was born in, is a citizen of, is employed by, or represents a government, company, institution, or other organization based in a country on the Department of State list of State Sponsors of Terrorism.
17. **National Security.** The national defense and foreign relations of the United States.
18. **Non-Sensitive Country National.** A foreign national who was born in, is a citizen of, is employed by, or represents a government, company, organization, or institution that is located in a country not on the sensitive country list and not a state sponsor of terrorism as identified by the Department of State.
19. **Personal Visit.** A Personal Visit does not include access to DOE or Contractor information or technology. Examples may include lunches with friends or relatives, retirement celebrations, or other social events.
20. **Program Secretarial Officer (PSO).** Headquarters Assistant Secretaries, Deputy Administrator, and Directors who have management responsibility for program planning, budgeting, and execution of DOE/NNSA mission program activities.
21. **Public Event.** Public events are those that include only information that is not protected by statute, regulation, or DOE policy, and is determined to be releasable to the general

public, are held in locations that are accessible to the general public, and are available for attendance by the general public.

22. **Property Protection Area**. A type of security area having defined boundaries and access controls for the protection of Departmental property.
23. **Research**. Systematic investigation, including research, development, testing, and evaluation designed to develop, expand or contribute to general knowledge.
24. **Science and Technology Risk Matrix (S&T Risk Matrix)**. Critical emerging research and technologies that require protection which do not otherwise have control mechanisms (e.g., classified information, International Traffic in Arms Regulations, export controls). The S&T Risk Matrix is intended to highlight areas of emerging and potential concern associated with economic and/or intellectual competitiveness and not to overlap or supersede existing controls associated with national security or commerce restrictions.
25. **Sensitive Country List**. A list of countries to which particular consideration is given for policy reasons during the DOE internal review and approval process for access by foreign nationals. Countries may appear on the list for national security, nuclear nonproliferation, or terrorism support reasons.
26. **Sensitive Country National**. A foreign national who was born in, is a citizen of, or is employed by a government, employer, institution or organization of a sensitive country.
27. **Sensitive Subjects**. Unclassified subjects and topics identified (i) as subject to Federal regulations governing export control, (ii) as research areas determined to be restricted in the current S&T Risk Matrix, and/or (iii) as Critical Energy Infrastructure Information (CEII), Unclassified Controlled Nuclear Information (UCNI), or Information Systems Vulnerability Information within the Controlled Unclassified Information (CUI) Registry.
28. **Site**. A geographical area where one or more facilities are located, or DOE-controlled land area including DOE-owned facilities (e.g., the Oak Ridge National Laboratory, the Nevada National Security Site, the Hanford Site, Idaho National laboratory, the Pantex Plant).
29. **Specialized Enhanced Vetting**. Vetting conducted by the Office of Intelligence and Counterintelligence based on the individual's background required to support the S&T Risk Matrix enhanced review process and approval determination. The S&T Risk Matrix approval request, including the completed supplemental questionnaire, is utilized to perform an enhanced background check with Intelligence Community partners.
30. **State Sponsors of Terrorism**. Countries that have been identified by the Department of State as sponsors of groups and/or activities which support terrorism or terrorist activities and are on the list of state sponsors of terrorism.
31. **Subject Matter Expert**. An individual who is knowledgeable about the professional standards, requirements, and practices used within the discipline he/she represents (i.e., security, export control, technology transfer, counterintelligence, or intelligence).

32. Technology. Technology is derived from basic or applied research, development, engineering, technological demonstration, economic and social research, or scientific inquiry into phenomena or technology applications. It includes the use and application of scientific equipment, may be recorded or spoken, may be represented in a medium for storage of communication, and may be contained in computer software with scientific and technical applications.
33. Third-Party Events. Activities that a DOE site hosts that are not directly in support of the DOE mission; does not include information that is protected by statute, regulation, or DOE policy and is determined to be releasable to the general public.