

Update on DOE Policies affecting Foreign Nationals

to the

RHIC & AGS Users' Executive Committee

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Overview

- DOE Order 142.X
 - Unclassified Foreign Visits & Assignments Program
- DOE Order 205.2
 - Foreign National Access to DOE Cyber Systems
- H1-B Visas
- Conclusions

DRAFT Order 142.X

Unclassified Foreign Visits & Assignments Program

- September 11, 2003: Draft Order released
- September 17, 2003: Comments to Rev Com
- February 4, 2004: Task Groups set-up
- February 10, 2004: Red-line strike-out of 142.X released
- February 12, 2004: Task Group meeting in DC
- February 13, 2004: BNL sends e-mail concurrence with reservations
- February 19, 2004: Final opportunity to respond to red-line strike-out version in Rev Com
- March 1, 2004: Anticipated release of final order

Red-line Version 142.X

- Onerous issues in the draft order have been addressed
- Some problematic issues remain

Open to the Public Events

- 142.X: Any location that requires a foreign national to pass an access control point is *NOT* a location that is open-to-the-public.
- Red-line: Events, activities, or locations that are *determined to be open to the general public by the hosting site approval authority*, in coordination with subject matter experts in security, technical security, and operations security, export control, technology transfer, counterintelligence, and intelligence are exempt from this Order.
- Red-line: Public Areas.... Open information is that which is not protected by statute and would be considered releasable to the general public. Meeting in public areas involving open information may occur *without documentation in FACTS*.

Host Requirements & Remote Users

- Host

- 142.X: Directly responsible for the day-to-day activities associated with the successful...
- Red-line: The wording day-to-day has been removed.
- 142.X: Required host reports
- Red-line: Host reports disappear, but close-out reports are still necessary

- Remote Users

- Red-line: For the purpose of this Order, remote cyber access is *NOT CONSIDERED A VISIT OR ASSIGNMENT* and must be in accordance with the requirements of cyber security, the Chief Information Officer, and export control.

Addition of the Wording Facilities (Red-line)

- Indices Checks. All UFVAs involving nationals of state sponsors or terrorism, sensitive country nationals, sensitive subjects, or security areas other than laboratories **OR FACILITIES** that perform no classified work at which no classified materials are stored or PPAs requires indices checks...
- Specific Security Plans. A security plan is required to address specific site security concerns relating to foreign national visits or assignments. Specific security plans are required for access by foreign nationals to areas other than laboratories **OR FACILITIES** that perform no classified work and at which no classified materials are stored or property protection areas (PPAs), for access to information on the Sensitive Subjects List, or for foreign national affiliation with a sensitive country (with the exception of laboratories **OR FACILITIES** that perform no classified work and at which no classified materials are stored).

Indices & PRAs

(Red-line)

- Indices checks
 - Indices checks for sensitive country assignments and visits involving sensitive subjects are required but DO NOT have to be completed before access is granted.
- PRAs
 - Lawful Permanent Residents of the United States will require green card and photo ID.

Problematic Issues

(Red-line)

- Annual Reviews. Passport, visa, and/or other INS information that has been validated must be documented in FACTS and reviewed annually for non-sensitive and semi-annual reviews of sensitive country foreign national guests. ***BNL can't comply with annual reviews.***
- Nonimmigrant Visitors & Assignees. Order currently reads, "Expiration dates on passport and visa must match or exceed the expiration date of the nonimmigrant status." ***This statement is incorrect.***

DOE Order 205.2

Foreign National Access to DOE Cyber Systems

- November 1999: DOE Order 205.2 released. BNL is not in compliance
- Imminent: New Cyber Security Order
- August 2004: Counterintelligence audit
- October 2004: Cyber Security Audit

DOE Order 205.2 Issues

- Current Order 205.2 references DOE 142.1
- BNL must identify computer accounts with individuals
- remote users must be in the guest data base
- RCF is target
- ~300 unidentified accounts at RCF

H1B Visas

DOOR SHUTS ON VISA APPLICANTS The federal government will not accept more applications for a visa program that provides skilled foreign labor to United States companies, the office of Citizenship and Immigration Services said. Less than five months into the fiscal year there are already enough applications to fill all 65,000 slots for H1-B visas.

Conclusion

- Substantial effort is required in the following areas
 - Nightly feed to FACTS
 - New web pages will be required
 - Modifications required to guest data base
 - Classify areas at BNL as “open”
 - Rewrite operating procedures
 - New procedures required for issuance of cyber accounts
 - Personnel training required