



OFFICE OF INSPECTOR GENERAL

U.S. Department of Energy

# AUDIT REPORT

DOE-OIG-20-22

December 2019

**FOLLOWUP ON THE DEPARTMENT OF  
ENERGY'S UNCLASSIFIED FOREIGN  
VISITS AND ASSIGNMENTS PROGRAM**



**Department of Energy**  
Washington, DC 20585

December 30, 2019

MEMORANDUM FOR THE SECRETARY

A handwritten signature in cursive script, appearing to read "Teri L. Donaldson".

FROM: Teri L. Donaldson  
Inspector General

SUBJECT: INFORMATION: Audit Report on "Followup on the Department of Energy's Unclassified Foreign Visits and Assignments Program"

BACKGROUND

As a leader in advancing science and technology, the Department of Energy values the contributions of international collaborations. As a result, the Department offers foreign nationals access to its sites, staff, and information in a broad range of unclassified work. During fiscal years 2014 through 2016, there were approximately 55,000 foreign nationals involved in visits and assignments at Department sites, of which approximately 20,000 were from countries identified as sensitive or state sponsors of terrorism. Department sites are responsible for implementing the Department's Unclassified Foreign Visits and Assignments Program guidance established by the Department's Office of Environment, Health, Safety and Security. The Department uses the Foreign Access Central Tracking System (FACTS) as the official national database of information on unclassified foreign visits and assignments. The information contained in FACTS is used to determine if foreign nationals are qualified to participate in activities and to ensure that unauthorized access to sites, information, technologies, and equipment is denied.

Our December 2002 and March 2008 reports on *The Department's Unclassified Foreign Visits and Assignments Program* (DOE/IG-0579, December 2002 and DOE/IG-0791, March 2008) collectively found that the Department had not ensured that: (1) all foreign nationals had current passports and visas, (2) some foreign nationals from sensitive countries had official approval and background checks or counterintelligence consultations completed before gaining site access, (3) sufficient information was being provided to FACTS, and (4) hosts implemented protective measures. Because of prior weaknesses and the importance of limiting unauthorized access to the Department's sites, programs, information, and technologies, we initiated this followup audit to determine whether the Department was effectively managing the Unclassified Foreign Visits and Assignments Program.

RESULTS OF AUDIT

Since our prior audits, the Department had taken steps that were designed to ensure that hosts were meeting established responsibilities, completed visits and assignments were closed in

FACTS, site access was terminated when no longer needed, and required foreign nationals' information was accurate and complete in FACTS. In addition, program offices directed sites to develop corrective actions to address the recommendations, and FACTS was modified to provide checks of the immigration status and identification information of foreign nationals against the visit and assignment end dates.

Although the Department had taken corrective actions as a result of our 2002 and 2008 reports, we found that problems with the management of unclassified foreign visits and assignments continued to exist. We applied the Department's graded approach, as directed in Department Order 142.3A Chg1, *Unclassified Foreign Visits and Assignments Program*, to our review of 534 visits and assignments by foreign nationals at 4 sites and found that the Department did not always follow established requirements designed to prevent foreign nationals from gaining unauthorized access to the Department's resources. Specifically, we found:

- 398 visits and assignments had inaccurate and/or incomplete information in FACTS. The Department uses this information to ensure unauthorized access to sites, information, technologies, and equipment is denied. Additionally, the information in FACTS is shared with the Federal Bureau of Investigation's Terrorist Tracking Task Force.
- 36 required indices checks were either not performed at all or not completed prior to decisions to grant foreign nationals access to Department sites. Indices checks are conducted by the Department's Office of Intelligence and Counterintelligence to determine whether information exists on a particular foreign national. Information obtained in indices checks can be used to assist in the decision to approve or deny access to Department sites.
- 2 foreign nationals did not appear to have lawful immigration status for the duration of their visits based on the information maintained at the sites.
- 79 foreign visits and assignments either were not, or may not have been, properly approved by Department personnel. Approval determinations ensure that any identified risks to the Department have been appropriately evaluated and mitigated.
- 34 required specific security plans were not developed at 1 of the sites. This site required a plan for each visit and assignment, when certain criteria are met, that is tailored to each foreign national and used by the hosts to ensure that Department security interests are protected during the visit and assignment.

In addition, we noted that site security plans at three of the four sites we visited did not always include all required elements. These plans must be based on in-depth analyses of considerations unique to the site and the assets and interests to be protected.

Unlike issues identified in prior years, these situations occurred because site officials were unclear of Unclassified Foreign Visits and Assignments Program requirements and expectations. Specifically, site officials stated that Department Order 142.3A Chg1, *Unclassified Foreign Visits and Assignments Program*, did not provide clear guidance, causing personnel at sites and

program offices to not fully understand expectations. Additionally, site officials cited the lack of training on requirements. In addition, even though site personnel indicated that periodic reviews of FACTS were conducted, we determined that they were not effectively reviewing FACTS for accuracy and completeness. Finally, at one site, officials were not enforcing approval requirements.

Although nothing came to our attention to indicate that there was unauthorized access at the sites we visited, the risk of potential unauthorized access increases in the future if the issues identified in this report are not addressed. Given that our audit disclosed that previously identified issues had not been resolved, we made recommendations designed to improve the Department's management of unclassified foreign visits and assignments.

### MANAGEMENT RESPONSE

Management within the offices we reviewed concurred with the report's recommendations and indicated that corrective actions had been initiated or were planned to address the issues identified in the report. Additionally, although the Office of Environment, Health, Safety and Security does not plan to establish a requirement for FACTS training, it proposed alternative actions to include making FACTS users aware of the FACTS User Manual and updated information through system and email notifications. We found that these action plans were fully responsive to our recommendations.

One office attributed the majority of our findings to have occurred because FACTS only identified certain key fields as required. However, the office indicated it is now treating all FACTS fields as required and reminding staff to re-check data for accuracy prior to final submission, including approvals. This office noted that actions planned by the Office of Environment, Health, Safety and Security, including modifying the FACTS language for clarity, will ensure sustainability of the corrective action. After considering its management response, we initially believed the office's corrective action plans did not fully address our recommendations. However, the office provided further clarification during the exit conference by stating that it will review any new guidance issued by the Office of Environment, Health, Safety and Security and consider additional changes as needed.

cc: Chief of Staff

# **FOLLOWUP ON THE DEPARTMENT OF ENERGY'S UNCLASSIFIED FOREIGN VISITS AND ASSIGNMENTS PROGRAM**

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# **FOLLOWUP ON THE DEPARTMENT OF ENERGY'S UNCLASSIFIED FOREIGN VISITS AND ASSIGNMENTS PROGRAM**

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## **BACKGROUND**

The Department of Energy's Unclassified Foreign Visits and Assignments Program is designed to provide foreign nationals unclassified access to Department sites, information, technologies, and equipment. Department Order 142.3A Chg1, *Unclassified Foreign Visits and Assignments Program*, establishes the requirement that foreign national access requests are to be reviewed to ensure that unauthorized access is denied. Further, foreign national access to Department sites, controlled or protected information, technologies, or equipment is required to be documented and tracked in the Foreign Access Central Tracking System (FACTS). As part of the Unclassified Foreign Visits and Assignments Program, the Department's Office of Environment, Health, Safety and Security is responsible for developing policy and incorporating operational requirements into Department-wide guidance, managing FACTS to include the development of user training, and providing technical assistance and support to Headquarters and field elements. Lead Program Secretarial Officers and the Administrator for the National Nuclear Security Administration (NNSA) are to ensure that sites under their cognizance have implemented Department Order 142.3A Chg1. The Order requires the Department, including the NNSA, to follow a graded approach for reviewing and approving access by foreign nationals to Department sites, programs, information, and technologies based on subject, location, and length of time of the requested access, as well as the country affiliation(s) of the individual to be granted access.

Additionally, approval authority for foreign visits and assignments flows from the Secretary of Energy, through the Deputy Secretary or Under Secretaries, to Program Secretarial Officers, to heads of Department field elements, and to the contractor site management officials or laboratory directors. The approval authority may be reassigned, in writing, to another United States citizen employee. The Deputy Secretary or appropriate Under Secretary, in consultation with the Department's Office of Intelligence and Counterintelligence, will make the final approval determination for access requests of nationals of state sponsors of terrorism who are not lawful permanent residents.

The Office of Inspector General previously completed reviews of the Unclassified Foreign Visits and Assignments Program in December 2002 and March 2008. Specifically, our audit on *The Department's Unclassified Foreign Visits and Assignments Program* (DOE/IG-0579, December 2002) found that the Department had not ensured that all foreign nationals had current passports and visas, some foreign nationals from sensitive countries were granted site access prior to official approval, and neither of the two laboratories reviewed provided sufficient information in FACTS. Further, our special report on the *Department's Unclassified Foreign Visits and Assignments Program* (DOE/IG-0791, March 2008) noted that weaknesses in hosting and tracking foreign visits and assignments diminished program effectiveness, in addition to insufficient information in FACTS, which had also been identified in the December 2002 report.

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## DETAILS OF FINDINGS

Since our prior audits, the Department had taken steps that were designed to ensure that hosts were meeting established responsibilities, completed visits and assignments were closed in FACTS, site access was terminated when no longer needed, and required foreign nationals' information was accurate and complete in FACTS. In addition, program offices directed sites to develop corrective actions to address the recommendations, and FACTS was modified to provide checks of the immigration status and identification information of foreign nationals against the visit and assignment end dates.

Despite corrective actions taken, we noted that weaknesses continued to exist within the Unclassified Foreign Visits and Assignments Program. Specifically, we applied the Department's graded approach, as directed in Department Order 142.3A Chg1, to our review of 534 visits and assignments by foreign nationals at 4 sites, including 3 Department laboratories and 1 Headquarters program office, and found that the Department did not always follow established requirements designed to prevent foreign nationals from gaining unauthorized access to the Department's resources. For example, we noted issues with the accuracy and completeness of FACTS, indices checks being performed, validity of the foreign nationals' immigration statuses, Departmental approvals of visits and assignments, and development of one site's required specific security plans. We also noted that site security plans at three of the four sites included in our audit did not contain all required elements.

### **FACTS Accuracy and Completeness**

The Department uses information contained in FACTS to document and track foreign national visits and assignments; to determine whether the foreign nationals are qualified to participate in Department activities; and to ensure that unauthorized access to sites, information, technologies, and equipment is denied. Further, under a data-sharing agreement, the information is shared with the Federal Bureau of Investigation's Terrorist Tracking Task Force. Department Order 142.3A Chg1 requires sufficient documentation of immigrant or nonimmigrant status, citizenship, and identity of all foreign nationals that participate in visits and assignments to Department sites. This documentation must verify foreign nationals' identities, authority to work, and eligibility to be in the United States. Additionally, all foreign national access to Department and contractor managed sites, programs, information, and technologies for unclassified purposes must be approved, and those approval determinations must be documented in FACTS. We received feedback that Department Order 142.3A Chg1 did not provide clear guidance, and in response, we confirmed with the Unclassified Foreign Visits and Assignments Program official that Headquarters' expectation is for FACTS to include information on approvals that shows all subject matter expert reviews, including the reviewers' names and the approval dates.

We found that FACTS continued to contain inaccurate and incomplete information on foreign nationals who had conducted visits and assignments despite the corrective actions taken by the Department on our previous recommendations. Specifically, 398 of the 534 (75 percent) visits

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and assignments we reviewed had inaccurate and/or incomplete information in FACTS, the Department's official database. In many cases, discrepancies existed with multiple information fields in FACTS for the 398 visits and assignments.

<b>Table: Inaccurate/Incomplete Information in FACTS</b>		
<b>Site</b>	<b>Sample Size</b>	<b>Visits/Assignments with Issues</b>
1	137	136
2	137	56
3	134	107
4	126	99
<b>Total</b>	<b>534</b>	<b>398</b>

Overall, for the 398 visits and assignments that we identified as having issues, we found files that contained multiple issues resulting in 522 distinct discrepancies where information was inaccurate and/or incomplete in several data fields within FACTS. Particularly, we found issues with information in the status field, which should specify visa type and status expiration date; the identification field, which should specify passport expiration date, passport number, and countries of citizenship; and the approval field, which should contain a record of valid visit approvals. Specifically, we found:

- 287 instances where status fields were inaccurate and/or incomplete;
- 95 instances where identification fields were inaccurate and/or incomplete; and
- 140 instances where approval fields were inaccurate and/or incomplete.

The inaccurate information in FACTS with 3 visits and assignments involving foreign nationals of state sponsors of terrorism<sup>1</sup> and 84 visits and assignments involving foreign nationals from sensitive countries<sup>2</sup> is particularly concerning. Additionally, we found that Site 1 did not document the approvers' names for 134 visits and assignments in FACTS even though it is required by Department policy. Site 1 officials indicated that they corrected each record in FACTS and will include the approvers' names in FACTS moving forward.

## **Indices Checks**

We applied the Department's graded approach, as directed in Department Order 142.3A Chg1, to the 534 visits and assignments, and identified 268 visits and assignments that required indices checks. However, 36 of these required indices checks at 2 of the sites either had not been performed or had not been completed prior to the access approval determinations being made. Specifically, at Site 4, 11 foreign nationals did not have the required indices checks performed, 22 indices checks were completed after approval determinations were made, and 2 indices checks expired during the visit or assignment. Further, at Site 3, indices checks for one foreign national were not completed until after the approval date.

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<sup>1</sup> State sponsors of terrorism are countries determined by the Secretary of State to have repeatedly provided support for acts of international terrorism.

<sup>2</sup> Sensitive countries are identified for reasons related to national security, nuclear nonproliferation, or terrorist support and are maintained by the Office of Defense Nuclear Nonproliferation.



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Indices checks are procedures to determine whether information exists on a particular foreign national. Information obtained in indices checks can assist in the decision to approve or deny access to Department sites. Indices checks are conducted by the Office of Intelligence and Counterintelligence. Per Department Order 142.3A Chg1, indices checks are required in some instances based on the individual's nationality, whether sensitive subjects will be discussed, or if access to specific areas at the sites is necessary (i.e., security areas other than general access areas or property protection areas). For example, if a foreign national from a sensitive country will visit a property protection area where sensitive information will be discussed, then indices checks are required to be completed before the approval determination.

### **Foreign Nationals' Status**

Our review of 534 visits and assignments identified 2 foreign nationals whose status expired while on site. These individuals did not appear to have lawful immigration status for the entire duration of their visits, based on the information maintained by the sites. Status is the period of time the visitor is authorized to be in the United States and determines what type of work, if any, in which the foreign national can participate. Department Order 142.3A Chg1 requires the immigration status to be valid for the duration of the visit or assignment. On top of providing the Department assurances that the foreign national is eligible to be in the United States, status information could be crucial information used by the Office of Intelligence and Counterintelligence to conduct indices checks. While we did not determine that these individuals should have been removed from the site, we did determine that the required information was not available.

### **Visit and Assignment Approvals**

We found that 79 of the 534 visits and assignments we reviewed either were not or may not have been properly approved. Specifically, at Site 3 and Site 4, we found 50 visits and assignments where the approvals were made by personnel not listed on the approval delegation memoranda. In addition, at Site 4, we found two instances where the approval memoranda did not have a signature from an approver and one instance where the approval memorandum could not be located. Finally, at Site 4, we identified 26 instances where the signed approval memoranda did not include the approver's name and title; therefore, we could not determine whether these instances were properly approved, and the site could also not confirm the validity of the signatures. While the majority of the visits and assignments were approved, approval was given by individuals who did not have authority or by individuals not recognized by the site. As such, there is an increased risk that these visits and assignments may not have gone through the proper process and, therefore, access should not have been granted.

Department Order 142.3A Chg1 states that all foreign national access to Department programs, information, and technologies for unclassified purposes must be approved by either the Secretary

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of Energy or an assigned approval authority. Foreign national access approval requests must take into account all information from the review process and evaluate potential impacts on operations, ensure that any identified risk associated with the access granted has been appropriately evaluated and mitigated, and ensure that legal and policy related terms and conditions associated with the proposed visit and assignment are met before approval.

### **Specific Security Plans**

During our review of 534 visits and assignments, we identified 34 foreign nationals at Site 4 that required specific security plans in accordance with the Master Plan<sup>3</sup>. However, no specific security plans had been developed for these 34 foreign nationals. A specific security plan is required when a foreign national visits from a sensitive country, regardless of whether the visit is to a Department or offsite location. A specific security plan is also required when a foreign national visits Limited Areas or Sensitive Compartmented Information Facilities. Of the 34 foreign nationals without a specific security plan, 33 were from a sensitive country and/or attended offsite conferences, and the other 1 visited Limited Areas or Sensitive Compartmented Information Facilities.

The Office of Physical Protection, the Office of Intelligence and Counterintelligence, and the Office of International Travel and Exchange Visitor Program jointly maintain the Master Plan, which is guidance that indicates when a foreign national's specific security plan is required. The Master Plan establishes requirements for specific security plans that must be tailored to each foreign national and are required to be developed by the program offices for each visit and assignment based on applicable criteria. The specific criteria includes security areas to be accessed, determination of whether sensitive subjects will be shared, and affiliation with sensitive countries or countries identified as state sponsors of terrorism. These security plans are valid for the duration of the visit and assignment (unless changes to the visit and assignment occur) and are used by the hosts to ensure that Department security interests are protected during the visit and assignment.

### **Site Security Plans**

Three of the four site security plans we reviewed did not include all required elements, as specified in Department Order 142.3A Chg1. Specifically, Department Order 142.3A Chg1 required site security plans to ensure:

- National security assets are protected;
- Appropriate export control and technology transfer reviews, and determinations of export license requirements, are conducted;
- Coordination with site counterintelligence and intelligence (when there is a field intelligence element onsite) elements;
- Nationals of state sponsors of terrorism do not host other foreign nationals; and
- Subject matter expert reviews are documented in FACTS.

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<sup>3</sup> Chapter 6 of the Master Plan is applicable to all Headquarters program offices and is used to inform employees, contractors, and visitors of the security procedures in place at Department Headquarters for all foreign nationals.

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However, we found that the site security plans at Site 1, Site 2, and Site 3 did not include the requirement for subject matter expert reviews to be included in FACTS. Additionally, Site 2's site security plan did not include the requirement that foreign nationals of state sponsors of terrorism cannot host other foreign nationals, nor did it contain information regarding host and escort requirements. Finally, at Site 3, the site security plan we reviewed did not ensure that appropriate export control and technology transfer reviews, and determinations of export license requirements, were conducted. After our review, officials at Site 1, Site 2, and Site 3 indicated that their site security plans had been or would be updated to include the required elements. Therefore, no further actions are needed.

## **Contributing Factors**

The issues we identified pertaining to the accuracy and completeness of FACTS, indices checks being performed, validity of the foreign nationals' immigration statuses, and Departmental approvals of visits and assignments occurred because site officials were unclear of Unclassified Foreign Visits and Assignments Program requirements and expectations. Unlike issues identified in prior years, site officials, including contractors, indicated that Department Order 142.3A Chg1 did not provide clear guidance. For example, while Department Order 142.3A Chg1 states that all required unclassified foreign visits and assignments information must be entered into FACTS, personnel at all four sites were not aware that the status and identification fields were required to be completed for every foreign national. When we requested clarification from an Unclassified Foreign Visits and Assignments Program official, we were told that the requirement is to complete the Status Information and the Identification Information fields in FACTS and to include approvers' names and dates within the Approval Details in FACTS. However, personnel from the sites stated that Department Order 142.3A Chg1 was not clear, and as a result, they were not aware of the requirements to complete the Status Information, Identification Information, and Approval Detail fields in FACTS, as those expectations had not been disseminated.

Additionally, even though site personnel indicated that periodic reviews of FACTS were conducted, we determined that they were not effectively reviewing FACTS for accuracy and completeness. The ineffective reviews occurred, in part, because the Order was not clear on the expectations for information to be included in FACTS, as previously described. Therefore, reviewers did not identify missing or inaccurate information because they were not fully aware of the requirements or expectations. Additionally, we found that there were other contributing factors at each site. For example, Site 1's local system did not accurately transmit information into FACTS. One official at Site 2 indicated that the information in FACTS had not been reviewed because FACTS training had not been received. Site 3 personnel did not update FACTS after the initial information was received for each visit and assignment, despite receiving new or updated information that should have been entered into FACTS. At Site 4, the hosts are responsible for ensuring that FACTS documentation is accurate and complete, yet two of the three hosts we interviewed were unaware of this responsibility. Although there is FACTS system training available through the Department's National Training Center, there is no training provided for reviewing the authenticity of the identification and status documentation.

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Site 4 officials also indicated that issues pertaining to the accuracy and completeness of FACTS occurred because they believed that the Office of Physical Protection was responsible for verifying that the required information was entered into FACTS. The Master Plan states that the Office of Physical Protection is responsible for verifying that required information is entered into FACTS and a Specific Security Plan, if required, is properly completed. The Office of Physical Protection additionally conducts necessary subject matter expert reviews. Following the review of FACTS, the Office of Physical Protection is to notify the program offices of any information discovered during the review to the element's Approval Authority. While the Office of Physical Protection does have a role in the Unclassified Foreign Visits and Assignments Program, an official within the Office indicated that it is the program offices' responsibility to ensure that all requirements have been completed prior to approving the visits/assignments. This differing of opinions between programs resulted in an unclear understanding of responsibilities related to FACTS at various offices. The Master Plan additionally assigns responsibility for approving the visit/assignment to the program offices. Specifically, the approval memorandums must include specific statements, which include but are not limited to: a statement that FACTS data entry is complete with reviews and approval entered prior to access; a statement that a specific security plan has been prepared and is attached; and when required, a statement that an indices checks or counterintelligence consultation was completed.

We also noted that the issues pertaining to the approvals of visits and assignments at Site 4 occurred because the site personnel did not enforce the requirement that visits and assignments be approved only by officials who were delegated approval authority. In regards to the development of specific security plans, the differing opinions resulted in not meeting the requirements established in the Master Plan. Specifically, Site 4 officials stated that the plans were not developed because the foreign nationals were visiting either a non-secured area or an offsite location. However, the Master Plan requires a specific security plan for all foreign nationals from sensitive countries or for those who enter secured areas. Each foreign national we identified as not having a specific security plan was from a sensitive country or had entered a secured area.

Finally, the Department had taken corrective actions that were designed to address the recommendations made in each of our two previous reports on the Department-wide Unclassified Foreign Visits and Assignments Program. These corrective actions had included, but were not limited to, updating FACTS to include edit checks designed to ensure information was accurate and complete, and at one site, configuring its local system to automatically complete a visitor's record at the end of the visit or when the visit status changes. However, as our current report indicates, not all corrective actions had been effective. For example, program offices directed their sites to develop their own corrective actions; however, there was no followup process to ensure these actions were effective.

## **Impact**

The Department's national laboratories hold some of the most valuable national security assets while tackling critical scientific challenges and possessing unique instruments and sites, many of which do not exist anywhere else in the world. The Department relies on the use of unclassified science and technology with thousands of foreign nationals from around the world interacting

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with Department employees and contractors. Without ensuring that the Unclassified Foreign Visits and Assignments Program is effectively managed, the Department is at an increased risk of unauthorized access to sites, information, technologies, and equipment. We acknowledge that there may be compensating controls in place at sites that are designed to mitigate such risks. For example, officials at Site 3 indicated that foreign visitors will only be badged through the date of their visa status, and once foreign visitors' status expires, their badge is automatically cancelled along with their access. However, without adequate controls, the volume of foreign visitors to the Department could lead to an increased risk to national security, national security assets not being adequately protected, and the loss of Department resources through the unapproved release of sensitive information.

Finally, although nothing came to our attention to indicate that there was unauthorized access, inaccurate data may be provided to the Department, Congress, the President, the Government Accountability Office, and the Federal Bureau of Investigation's Foreign Terrorist Tracking Task Force.

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## RECOMMENDATIONS

To assist with the tracking of foreign nationals at Department sites and ensuring that the requirements contained within Department Order 142.3A Chg1 are met, we recommend that specific offices within the Department:

1. Ensure clear expectations and guidance on the Department's Unclassified Foreign Visits and Assignments Program are communicated to the sites and program offices, including the proper review of the required foreign nationals' documentation.
2. Establish a requirement for all FACTS users to take system training and determine how often that training should be taken.
3. Ensure sites implement guidance provided by the Office of Environment, Health, Safety and Security applicable to the Unclassified Foreign Visits and Assignments Program by establishing a process to ensure:
  - a. Site and program office personnel are reviewing FACTS for accuracy and completeness.
  - b. Each foreign national visitor has a valid status during visits and assignments and that access approvals are granted by the assigned approval authority.
  - c. FACTS is accurate and complete by periodically checking the foreign nationals' identification and status against the source documentation.
4. Establish a mechanism to ensure hosts are reviewing foreign national visit/assignment information for accuracy and completeness prior to its submittal into FACTS.
5. Ensure that specific security plans are developed when required.

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## **MANAGEMENT RESPONSE**

Management within the offices we reviewed concurred with the report's recommendations and indicated that corrective actions had been initiated or were planned to address the issues identified in the report. For instance, the Office of Environment, Health, Safety and Security stated that Department Order 142.3A would be modified to clearly identify the requirements for the documentation of immigration status and identification information. Additionally, although the Office of Environment, Health, Safety and Security does not plan to establish a requirement for FACTS training, it proposed alternative actions to include making FACTS users aware of the FACTS User Manual and updated information through system and email notifications. In their official responses and subsequent communications with us, two offices stated that they had already implemented or planned to implement procedures to ensure accuracy and completeness of FACTS, to ensure each foreign visitor has valid status, and access is approved by the assigned approval authority.

One office attributed the majority of our findings to have occurred because FACTS only identified certain key fields as required. However, this office indicated it is now treating all FACTS fields as required and reminding staff to re-check data for accuracy prior to final submission, including approvals. The office noted that actions planned by the Office of Environment, Health, Safety and Security, including modifying the FACTS language for clarity, will ensure sustainability of the corrective action. During the exit conference, the office stated that it will review any new guidance issued by the Office of Environmental, Health, Safety and Security and consider additional changes as needed.

## **AUDITOR COMMENTS**

Management's comments and planned corrective actions were responsive to our recommendations. Although the Office of Environment, Health, Safety and Security does not plan to establish a requirement for FACTS training, we believe that its proposed alternative actions are responsive to our recommendation.

While one office indicated that it is treating all FACTS fields as required and reminded staff to re-check data for accuracy, we initially believed that its corrective action plans did not fully address our recommendations. Specifically, the office's management response did not indicate whether it was going to make improvements to its process for Recommendations 3a and 3c; and did not provide specific corrective action plans for Recommendation 4 in regards to the hosts' responsibility and Recommendation 5 in regards to the specific security plans. However, the office provided further clarification during the exit conference by stating that it will review any new guidance issued by the Office of Environmental, Health, Safety and Security and consider additional changes as needed.

## **OBJECTIVE, SCOPE, AND METHODOLOGY**

### **Objective**

We conducted this audit to determine whether the Department of Energy was effectively managing the Unclassified Foreign Visits and Assignments Program.

### **Scope**

The audit was conducted from October 2016 through February 2019 at Department Headquarters in Washington, DC and field offices that had oversight of the three site contractors we selected for review. We did not disclose the identity of the contractors chosen because of safeguards and security reasons associated with the weaknesses identified regarding foreign national visits and assignments. In addition, we analyzed information from the Department's Foreign Access Central Tracking System (FACTS) to determine the total number of foreign visits and assignments. Our review included unclassified foreign visits and assignments during fiscal years 2014 through 2016. This audit was conducted under the Office of Inspector General project number A16GT069.

### **Methodology**

To accomplish our audit objective, we judgmentally selected a sample of four sites based on information obtained from FACTS, including the high volume of visits and assignments from all countries, high volume of visits and assignments from sensitive/state sponsors of terrorism countries, corrective actions at sites from prior audits, and whether the site had a separate system (other than FACTS) to track foreign visitors. Because a judgmental sample of Department sites was used, the results were limited to the sites or locations selected. Additionally, we:

- Reviewed applicable laws and regulations related to the management of unclassified foreign visits and assignments.
- Reviewed policies and procedures at the sites selected for review pertaining to the management of unclassified foreign visits and assignments.
- Reviewed prior reports issued by the Office of Inspector General and the corrective actions taken by the Department to address recommendations made.
- Interviewed Department, National Nuclear Security Administration, and site contractor officials to gain an understanding of their roles and responsibilities, as well as procedures for managing unclassified foreign visits and assignments.
- Identified the population of all unclassified foreign visits and assignments from FACTS for each of the sites selected for review.



- Selected a statistical sample of unclassified foreign visits and assignments at each of the sites selected for review. Samples were selected using Audit Command Language with a 90 percent confidence level and a 2 percent expected error rate. The samples were stratified to ensure each site had sample items selected from non-sensitive, sensitive, and state sponsors of terrorism countries. However, we were unable to project to the universe of samples because there were too many identified errors in the analyses.
- Selected a judgmental sample of three additional unclassified foreign visits and assignments from state sponsors of terrorism countries at two sites we visited.
- Reviewed administrative documents for the unclassified foreign visits and assignments, including passports and visas, approval memoranda, and specific security plans.
- While testing the foreign nationals' status, we were unable to determine the status of 90 foreign nationals because some sites did not maintain source documentation. However, there is no requirement to maintain such documentation.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards required that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusion based on our audit objective. Accordingly, we assessed internal controls and compliance with laws and regulations to the extent necessary to satisfy the audit objective. Because our review was limited, it would not necessarily have disclosed all internal control deficiencies that may have existed at the time of our audit. Finally, we did not solely rely on computer-processed data to satisfy our audit objective. However, we did find that FACTS was not sufficiently reliable to accurately determine that all required information for foreign visitors to Department sites was recorded and maintained in accordance with regulations. Specifically, our testing revealed numerous instances of inaccurate and incomplete fields within FACTS and that source documentation that could be used to verify FACTS data was not always maintained. As a result, we made recommendations designed to improve the accuracy and completeness of foreign national visits and assignments data in FACTS and the retention of source documentation.

Exit conferences were held with management officials on September 16, 2019, and September 26, 2019.

**PRIOR REPORTS**

- Inspection Report on [\*Unclassified Foreign National Visits and Assignments at Oak Ridge National Laboratory\*](#) (INS-O-13-05, September 2013). The inspection found that contrary to Host Agreements and individual security plans, hosts did not always maintain accountability of foreign nationals as required. In addition, the inspection found that Oak Ridge Office of Counterintelligence officials did not ensure that required Counterintelligence consultations had been documented and completed in the Department of Energy's Foreign Access Central Tracking System for foreign nationals prior to their visits.
- Audit Report on [\*The Department's Unclassified Foreign Visits and Assignments Program\*](#) (DOE/IG-0791, March 2008). A review of foreign visits at four laboratories and two Headquarters offices revealed that foreign national hosts were not performing a number of required tasks. Specifically, hosts did not always take action to ensure that site or facility access was properly and promptly terminated when the visit or assignment was completed; become familiar with and ensure that visitors or assignees complied with individualized security plans; verify the identity and validity of foreign nationals' status information for offsite visits as required; and ensure that counterintelligence reviews were completed prior to permitting foreign nationals to access sensitive information systems and data. Further, it was noted that a significant and continuing problem with the maintenance and accuracy of the Department's Foreign Access Central Tracking System had not been resolved.
- Audit Report on [\*The Department's Unclassified Foreign Visits and Assignments Program\*](#) (DOE/IG-0579, December 2002). The audit found that at the laboratories reviewed, the Department did not adequately control unclassified visits and assignments by foreign nationals. Two separate laboratories, managed by the Office of Science and the National Nuclear Security Administration, permitted certain foreign nationals to access their facilities without ensuring that the visitors or assignees had been properly admitted or were authorized to remain in the United States. The laboratory managed by the Office of Science also granted visitors and assignees site access before official approval and, in many cases, before completion of national security agencies' background checks or consultations with counterintelligence. Additionally, neither laboratory reported sufficient information to enable the Department to properly track all visitors and assignees at those sites.

## **FEEDBACK**

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