

Cruz 4 (modified)

JLS

1 Purpose: To improve research security.

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4 S. 3162

5 To improve the requirement for the Director of the National  
6 Institute of Standards and Technology to establish testbeds to  
7 support the development and testing of trustworthy artificial  
8 intelligence systems and to improve interagency coordination in  
9 development of such testbeds, and for other purposes.

10 Referred to the Committee on \_\_\_\_\_ and ordered to be  
11 printed

12 Ordered to lie on the table and to be printed

13 AMENDMENT INTENDED TO BE PROPOSED BY MR. CRUZ to the  
14 amendment (No. BAG24D75) proposed by Mr. LUJAN

15 Viz:

16 On page 6, strike lines 19 through 24 and insert the following:

17 (i) Research Security.—

18 (1) DEFINITIONS.—In this subsection:

19 (A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate  
20 congressional committees” means—

21 (i) the congressional intelligence committees;

22 (ii) the Committee on Armed Services, the Committee on Energy and Natural  
23 Resources, the Committee on Foreign Relations, the Committee on the Judiciary, the  
24 Committee on Homeland Security and Governmental Affairs, the Committee on  
25 Commerce, Science, and Transportation, and the Committee on Appropriations of the  
26 Senate; and

27 (iii) the Committee on Armed Services, the Committee on Energy and Commerce,  
28 the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on  
29 Homeland Security, the Committee on Space, Science, and Technology and the  
30 Committee on Appropriations of the House of Representatives.

31 (B) COUNTRY OF RISK.—The term “country of risk” means a country identified in the  
32 report submitted to Congress by the Director of National Intelligence in 2024 pursuant to  
33 section 108B of the National Security Act of 1947 (50 U.S.C. 3043b) (commonly referred  
34 to as the “Annual Threat Assessment”).

35 (C) COVERED ASSIGNEE; COVERED VISITOR.—The terms “covered assignee” and

1 “covered visitor” mean a foreign national from a country of risk that is “engaging in  
2 competitive behavior that directly threatens U.S. national security”, who is not an employee  
3 of either the Department of Energy or the management and operations contractor operating  
4 a National Laboratory on behalf of the Department of Energy, and has requested access to  
5 the premises, information, or technology of a National Laboratory.

6 (D) DIRECTOR.—The term “Director” means the Director of the Office of Intelligence  
7 and Counterintelligence of the Department of Energy (or their designee).

8 (E) FOREIGN NATIONAL.—The term “foreign national” has the meaning given the term  
9 “alien” in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

10 (F) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given  
11 the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

12 (G) NONTRADITIONAL COLLECTION THREAT.—The term “nontraditional collection threat”  
13 means a threat posed by an individual not employed by a foreign intelligence service, who  
14 is seeking access to information about a capability, research, or organizational dynamics of  
15 the United States to inform a foreign adversary or non-state actor.

16 (2) Sense of the Senate.—It is the sense of the Senate that—

17 (A) before being granted access to the premises, information, or technology of a National  
18 Laboratory, citizens of foreign countries identified in the 2024 Annual Threat Assessment  
19 of the intelligence community as “engaging in competitive behavior that directly threatens  
20 U.S. national security” should be appropriately screened by the National Laboratory to  
21 which they seek access, and by the Office of Intelligence and Counterintelligence of the  
22 Department, to identify risks associated with granting the requested access to sensitive  
23 military, or dual-use technologies; and

24 (B) identified risks should be mitigated.

25 (3) Review of Country of Risk Covered Visitor and Covered Assignee Access Requests.—The  
26 Director shall, in consultation with the applicable Under Secretary of the Department of Energy  
27 that oversees the National Laboratory, or their designee, promulgate a policy to assess the  
28 counterintelligence risk that covered visitors or covered assignees pose to the research or  
29 activities undertaken at a National Laboratory.

30 (4) Advice With Respect to Covered Visitors or Covered Assignees.—

31 (A) IN GENERAL.—The Director shall provide advice to a National Laboratory on covered  
32 visitors and covered assignees when 1 or more of the following conditions are present:

33 (i) The Director has reason to believe that a covered visitor or covered assignee is a  
34 nontraditional intelligence collection threat.

35 (ii) The Director is in receipt of information indicating that a covered visitor or  
36 covered assignee constitutes a counterintelligence risk to a National Laboratory.

37 (B) ADVICE DESCRIBED.—Advice provided to a National Laboratory in accordance with  
38 paragraph (1) shall include a description of the assessed risk.

39 (C) RISK MITIGATION.—When appropriate, the Director shall, in consultation with the  
40 applicable Under Secretary of the Department of Energy that oversees the National

1 Laboratory, or their designee, provide recommendations to mitigate the risk as part of the  
2 advice provided in accordance with paragraph (1).

3 (5) Reports to Congress.—Not later than 90 days after the date of the enactment of this Act,  
4 and quarterly thereafter, the Secretary of Energy shall submit to the appropriate congressional  
5 committees a report, which shall include—

6 (A) the number of covered visitors or covered assignees permitted to access the premises,  
7 information, or technology of each National Laboratory;

8 (B) the number of instances in which the Director provided advice to a National  
9 Laboratory in accordance with subsection (e); and

10 (C) the number of instances in which a National Laboratory took action inconsistent with  
11 advice provided by the Director in accordance with subsection (e).

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