

**AMENDMENT TO H.R. 1401, AS REPORTED
OFFERED BY MR. HUNTER OF CALIFORNIA**

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

1 **SEC. 3167. DEPARTMENT OF ENERGY COUNTERINTEL-**
2 **LIGENCE POLYGRAPH PROGRAM.**

3 (a) PROGRAM REQUIRED.—The Secretary of Energy,
4 acting through the Director of the Office of Counterintel-
5 ligence of the Department of Energy, shall carry out a
6 counterintelligence polygraph program for the defense-re-
7 lated activities of the Department. The counterintelligence
8 polygraph program shall consist of the administration of
9 counterintelligence polygraph examinations to each cov-
10 ered person who has access to high-risk programs or infor-
11 mation.

12 (b) COVERED PERSONS.—For purposes of this sec-
13 tion, a covered person is one of the following:

14 (1) An officer or employee of the Department.

15 (2) An expert or consultant under contract to
16 the Department.

17 (3) An officer or employee of any contractor of
18 the Department.

1 (c) HIGH-RISK PROGRAMS OR INFORMATION.—For
2 purposes of this section, high-risk programs or informa-
3 tion are any of the following:

4 (1) The programs identified as high risk in the
5 regulations prescribed by the Secretary and known
6 as—

7 (A) Special Access Programs;

8 (B) Personnel Security And Assurance
9 Programs; and

10 (C) Personnel Assurance Programs.

11 (2) The information identified as high risk in
12 the regulations prescribed by the Secretary and
13 known as Sensitive Compartmented Information.

14 (d) INITIAL TESTING AND CONSENT.—The Secretary
15 may not permit a covered person to have any access to
16 any high-risk program or information unless that person
17 first undergoes a counterintelligence polygraph examina-
18 tion and consents in a signed writing to the counterintel-
19 ligence polygraph examinations required by this section.

20 (e) ADDITIONAL TESTING.—The Secretary may not
21 permit a covered person to have continued access to any
22 high-risk program or information unless that person un-
23 dergoes a counterintelligence polygraph examination—

24 (1) not less frequently than every five years;

25 and

1 (2) at any time at the direction of the Director
2 of the Office of Counterintelligence.

3 (f) COUNTERINTELLIGENCE POLYGRAPH EXAMINA-
4 TION.—For purposes of this section, the term “counter-
5 intelligence polygraph examination” means a polygraph
6 examination using questions reasonably calculated to ob-
7 tain counterintelligence information, including questions
8 relating to espionage, sabotage, unauthorized disclosure of
9 classified information, and unauthorized contact with for-
10 eign nationals.