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NATIONAL NUCLEAR SECURITY ADMINISTRA-
TION SECURITY OVERSIGHT IMPROVEMENT
ACT OF 2000

R E P O R T

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ON

H.R. 3906

[Including cost estimate of the Congressional Budget Office]



JULY 12, 2000.—Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

HOUSE COMMITTEE ON ARMED SERVICES

ONE HUNDRED SIXTH CONGRESS

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NATIONAL NUCLEAR SECURITY ADMINISTRATION
SECURITY OVERSIGHT IMPROVEMENT ACT OF 2000

JULY 12, 2000.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. SPENCE, from the Committee on Armed Services,
submitted the following

R E P O R T

[To accompany H.R. 3906]

[Including cost estimate of the Congressional Budget Office]

The Committee on Armed Services, to whom was referred the bill (H.R. 3906) to ensure that the Department of Energy has appropriate mechanisms to independently assess the effectiveness of its policy and site performance in the areas of safeguards and security and cyber security, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Nuclear Security Administration Security Oversight Improvement Act of 2000”.

SEC. 2. OFFICE OF INDEPENDENT SECURITY OVERSIGHT.

(a) **OFFICE REQUIRED.**—Subtitle B of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 953; 50 U.S.C. 2401 et seq.) is amended by inserting at the end the following new section:

“SEC. 3237. OFFICE OF INDEPENDENT SECURITY OVERSIGHT.

“(a) **OFFICE REQUIRED.**—The Administrator shall maintain an Office of Independent Security Oversight, which shall be headed by a Director appointed by the Administrator without regard to political affiliation and solely on the basis of integrity and demonstrated ability in the oversight and evaluation of security for nuclear and classified programs. The Director shall report directly to and be under the general supervision of the Administrator, but the Director shall not be subject to supervision by any other office or officer of the Administration or of the Department of Energy. Neither the Secretary of Energy nor the Administrator shall prevent, prohibit, or delay the Director from initiating, carrying out, or completing any inspection, evaluation, or report undertaken pursuant to this section or from submitting to the Congress any such report. Such Office shall be responsible for carrying out

the missions and functions described in subsections (c) and (d), but the Office shall have no authority to establish or require the implementation of any change to the policies, programs, or practices of the Administration.

“(b) EXPERTS AND CONSULTANTS.—In addition to employees of the Administration, the Director is authorized to utilize such experts and consultants as the Director deems appropriate. For such purposes, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code. Upon request of the Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Director to assist the Director in carrying out functions under this section.

“(c) MISSION.—The Office of Independent Security Oversight shall be responsible for the independent evaluation of the effectiveness of safeguards and security (including computer security) policies, programs, and practices of the Administration. The Office shall identify security weaknesses, make recommendations to the Administrator for improvement, and review the effectiveness and timeliness of corrective actions taken by the Administration.

“(d) FUNCTIONS.—The Office of Independent Security Oversight shall perform the following functions:

“(1) Conduct regular evaluations of safeguards and security programs at Administration sites that have significant amounts of special nuclear material, classified information, or other security interests. The scope of the evaluations shall include all aspects of safeguards and security, including physical protection of special nuclear material, accountability of special nuclear material, protection of classified and sensitive information, classified and unclassified computer security, personnel security, and interactions with foreign nationals.

“(2) Issue reports to the Administrator that clearly identify specific findings relating to security weaknesses, and make recommendations for improvement.

“(3) Perform timely followup reviews to assess the effectiveness of any corrective actions implemented by the Administration.

“(4) Evaluate and assess Administration policies related to safeguards and security.

“(5) Develop recommendations and opportunities for improving safeguards and security policies, programs, and practices for submittal to the Administrator.

“(6) Any other function the Administrator considers appropriate and consistent with the mission described in subsection (c).

“(e) TIMING OF REGULAR EVALUATIONS.—

“(1) GENERAL RULE.—Except as provided in paragraph (2), evaluations conducted under subsection (d)(1) shall occur at least once every two years.

“(2) COMPUTER SECURITY EVALUATIONS.—Evaluations conducted under subsection (d)(1) with respect to classified and unclassified computer security shall occur at least once every 18 months.

“(f) ACCESS TO INFORMATION.—In carrying out this section, the Director shall have access to all records and personnel of the Administration concerning its safeguards and security programs, including classified and unclassified computer security programs.

“(g) REPORT BY OFFICE.—The Office of Independent Security Oversight shall, before February 15 of each year, transmit to the Administrator and the Secretary an unclassified report, with a classified appendix if requested or necessary, summarizing the activities of the Office during the immediately preceding calendar year. Such report shall include—

“(1) a summary of each significant report made to the Administrator pursuant to this section during the reporting period, including a description of key security findings contained in those reports;

“(2) the adequacy of corrective actions, if any, taken by the Administration to address significant problems and deficiencies;

“(3) an identification of each significant problem or deficiency described in previous annual reports on which corrective action has not been effectively completed; and

“(4) a description of any significant security policy decision with which the Director is in disagreement, along with an explanation of the reasons for disagreement.

“(h) REPORT BY ADMINISTRATOR.—The Administrator shall, before March 15 of each year, transmit to the appropriate committees of Congress, without alteration, the Office’s annual report submitted under subsection (g), along with an unclassified report, with a classified appendix if requested or necessary, summarizing the Administrator’s response thereto. Such report from the Administrator shall include—

“(1) a description of the Administrator’s response to each significant report and security finding made to the Administrator pursuant to this section during the reporting period;

“(2) an explanation of the reasons for any failure on the part of the Administration to remedy security findings identified by the Office in the current annual report and previous annual reports; and

“(3) to the extent relevant, an explanation of how the President’s budget submissions will impact the ability of the Administration to remedy unresolved security findings identified by the Office in its annual reports.

“(i) PUBLIC AVAILABILITY.—Within 60 days after the transmission of the annual reports to the Congress under subsection (h), the Administrator shall make copies of the unclassified portions of such reports available to the public.

“(j) SPECIAL REPORTS.—The Director of the Office of Independent Security Oversight shall report immediately to the Administrator whenever the Director becomes aware of deficiencies relating to the security programs, practices, or operations of the Administration that require an immediate response. The Administrator shall, within seven calendar days after receiving a report under this subsection, notify the appropriate committees of Congress in writing and explain the corrective actions taken to address such deficiencies.

“(k) CONGRESSIONAL TESTIMONY AND BRIEFINGS.—The Director of the Office of Independent Security Oversight, whenever called to testify before a committee of Congress or to brief any Member of Congress or congressional staff, shall provide the Administrator with advance notice of the subject matter of that testimony or briefing, but shall provide the requested information to the Congress without any further review, clearance, or approval by any other official in the Executive Branch.”.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 3236 the following new item:

“Sec. 3237. Office of Independent Security Oversight.”.

Amend the title so as to read:

A bill to ensure that the National Nuclear Security Administration has appropriate mechanisms to independently assess the effectiveness of its policy and site performance in the areas of safeguards and security and cyber security.

PURPOSE AND BACKGROUND

The purpose of H.R. 3906 is to ensure that the National Nuclear Security Administration (NNSA) of the Department of Energy (DOE) has appropriate mechanisms to assess independently the effectiveness of its policy and site performance in the areas of safeguards and security and cyber security by establishing an Office of Independent Security Oversight within the National Nuclear Security Administration and requiring annual reporting to the Congress by the Administrator of the National Nuclear Security Administration.

The National Nuclear Security Administration was established as a separately organized agency within the Department of Energy by title 32 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65). The NNSA is responsible for nuclear weapons development, naval nuclear propulsion, defense nuclear nonproliferation, and fissile material disposition. Public Law 106–65 also required the establishment of security, counterintelligence, and intelligence offices for the NNSA as well as prescribed personnel, budgeting, and other management practices for the NNSA.

Prior to the establishment of the NNSA on March 1, 2000, the routine oversight of security policy and practices at the national security laboratories and facilities of the Department of Energy had been assigned to various DOE operations offices with assistance, as required, by DOE Headquarters.

In addition, for a number of years, the Department of Energy has maintained, at the management discretion of the Secretary of Energy, an independent oversight organization, currently named the Office of Independent Oversight and Performance Assurance. At various times, this independent oversight function has reported to different officials of the Department of Energy and currently reports directly to the Secretary of Energy. The committee notes that the preponderance of the Office's recent oversight work has concerned facilities of the National Nuclear Security Administration. In addition, the Secretary recently created an Office of Security and Emergency Operations, which has primary security responsibility for DOE more broadly.

The committee notes that Public Law 106-65 provided the Secretary with broad oversight authority over the activities of the NNSA and also provided the Administrator with authority to establish policy and procedures specific to the NNSA, including the establishment of security policy and procedures. Public Law 106-65 also established the Office of Defense Nuclear Security, which is charged with the responsibility to execute both the broad security policies and procedures established by the Secretary and those security policies and procedures established by the Administrator for the NNSA. The committee further notes that the Director of the Office reports to Administrator. In view of the establishment of the National Nuclear Security Administration as a separately organized agency, the committee strongly believes the effective management of the national security programs under the purview of the NNSA would be enhanced by independent evaluation of NNSA safeguards and security policies and procedures with significant and routine reporting on these matters to the Congress. The committee believes that such an independent evaluation function, properly structured, is inherently a function of the NNSA. Furthermore, this organizational framework would provide the Administrator with a valuable management tool to conduct oversight over NNSA programs and facilities without impinging on the oversight requirements of the Secretary of Energy for DOE facilities more broadly.

Accordingly, H.R. 3906 would establish an Office of Independent Security Oversight within the National Nuclear Security Administration. The Director of the Office would be appointed by, and be under the general supervision of, the Administrator. The Office of Independent Security Oversight would be responsible for the independent evaluation of the effectiveness of safeguards and security policies and procedures of the NNSA. H.R. 3906 would also provide for the transmission of specified reports, developed by the Director, to Congress concerning the effectiveness of the safeguards and security policies and procedures of the NNSA.

LEGISLATIVE HISTORY

H.R. 3906 was introduced on March 14, 2000 and was referred to the Committee on Commerce and, in addition, to the Committees on Armed Services and Science.

H.R. 3906 was reported from the Committee on Commerce with an amendment on June 23, 2000 (H. Rept. 106-696, Part 1). The Committee on Science was discharged from further consideration of the bill on June 23, 2000.

On June 23, 2000, the referral to the Committee on Armed Services was extended for a period ending not later than July 12, 2000. On June 28, 2000, the Committee on Armed Services held a markup session to consider H.R. 3906. The committee adopted an amendment in the nature of a substitute by a voice vote. The amended version of the bill was ordered reported favorably by a voice vote.

SECTION-BY-SECTION ANALYSIS

The following is a section-by-section analysis of the amendment in the nature of a substitute adopted by the committee.

Section 1—Short title

This section would cite the Act as the “National Nuclear Security Administration Security Oversight Improvement Act of 2000.”

Section 2—Office of Independent Security Oversight

This section would amend subtitle B of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65) to establish an Office of Independent Security Oversight within the National Nuclear Security Administration whose Director would be appointed by, and report to, the Administrator of the National Nuclear Security Administration. The Secretary of Energy and the Administrator of the NNSA would be prohibited from preventing or delaying the Director from initiating, carrying out, or completing any inspection or evaluation authorized by law.

The Office would be responsible for the independent evaluation of the effectiveness of all aspects of safeguards and security policies and procedures of the NNSA governing the physical protection and accountability of special nuclear material, the protection of classified and sensitive information, classified and unclassified computer security, personnel security, and interactions with foreign nationals. and would make recommendations to the Administrator for improvement or corrective action to such policies and procedures. This section would require such evaluations to be conducted at certain specified intervals.

This section would also establish annual and periodic reporting requirements to Congress concerning the activities of the Office.

COMMITTEE POSITION

On June 28, 2000, the Committee on Armed Services, a quorum being present, approved H.R. 3906 as amended, by a voice vote.

FISCAL DATA

Pursuant to clause 3(d)(2)(A) of rule XIII of the Rules of the House of Representatives, the committee attempted to ascertain annual outlays resulting from the bill during fiscal year 2001 and the four following fiscal years. The results of such efforts are reflected in the cost estimate prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974, which is included in this report pursuant to clause 3(c)(3) of rule XIII of the Rules of the House.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 402(a) of the Congressional Budget Act of 1974 is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 5, 2000.

Hon. FLOYD SPENCE,
*Chairman, Committee on Armed Services,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3906, the National Nuclear Security Administration Security Oversight Improvement Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Raymond J. Hall.

Sincerely,

DAN L. CRIPPEN, *Director.*

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

National Nuclear Security Administration Security Oversight Improvement Act of 2000

H.R. 3906 would direct the Administrator of the National Nuclear Security Administration to maintain an Office of Independent Security Oversight. CBO estimates that implementing the bill would cost about \$20 million a year, subject to appropriation of the necessary funds. The office would be responsible for evaluating the effectiveness of security policies, programs, and practices (including computer security) throughout the administration. H.R. 3906 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

In addition to other duties, the office would be charged with evaluating the security of programs that involve significant amounts of nuclear material or classified information at least once every two years, and evaluating classified and unclassified computer security at least once every 18 months. The bill would require the administrator to report the findings of these evaluations to the Congress every year.

The bill would authorize an office very similar to one that was already established by the Secretary of Energy in May of 1999, and which received an appropriation of about \$20 million for fiscal year 2000. This office is carrying out the activities that are called by the legislation. Currently, the office is organized under the Assistant Secretary for Environment, Safety, and Health, but under this legislation the director of this office would report directly to the Administrator of the National Nuclear Security Administration and not be subject to supervision by any other office or officer of the administration or the Department of Energy (DOE).

Estimated Cost to the Federal Government: The estimated budgetary impact of H.R. 3906 is shown in the following table. The costs

of this legislation fall within budget functions 050 (defense) and 270 (energy).

	By fiscal year, in millions of dollars—					
	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Budget authority ¹	20	0	0	0	0	0
Estimated outlays	13	6	1	0	0	0
Proposed changes:						
Estimated authorization level	0	20	21	21	22	22
Estimated outlays	0	13	20	21	22	22
Spending under H.R. 3906:						
Estimated authorization level ¹	20	20	21	21	22	22
Estimated outlays	13	19	21	21	22	22

¹The 2000 level is the amount appropriated for that year for DOE's existing Office of Independent Oversight and Performance Assurance.

Basis of Estimate: CBO estimates that the continuation of the security functions now performed by DOE's Office of Independent Oversight and Performance Assurance would cost \$98 million over the 2001–2005 period, assuming annual adjustments for anticipated inflation. Without such adjustments for anticipated inflation, we estimate that continuing the work of this office would cost \$93 million over the next five years. CBO anticipates that transferring these oversight responsibilities to a new office within the National Nuclear Security Administration would not impact costs significantly.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 3906 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: H.R. 3906 as ordered reported by the Committee on Armed Services is similar to the version ordered reported by the Committee on Commerce on May 17, 2000. This version of the bill would require that the Office of Independent Security Oversight be maintained by the National Nuclear Security Administration rather than the Assistant Secretary for Environment, Safety, and Health as would likely be the case under the earlier version. CBO estimates that the costs of the two bills would be the same.

Estimate prepared by: Federal costs: Raymond J. Hall and Lisa Cash Driskill; impact on State, local, and tribal governments: Leo Lex; impact on the private sector: R. William Thomas.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the committee generally concurs with the estimate contained in the report of the Congressional Budget Office. However, the committee notes that the Congressional Budget Office estimate fails to clarify adequately that the activities of the Office of Independent Security Oversight are ongoing activities that would continue without regard to the enactment of H.R. 3906. While the assertion that implementation of H.R. 3906 would require appropriations of \$20.0 million per year is accurate, it is somewhat mis-

leading since funds of a like amount are currently being spent annually for similar activities under the direction of the Assistant Secretary of Energy for Environment, Safety, and Health. A detailed reading of the basis of estimate portion of the Congressional Budget Office estimate makes clear that implementation of H.R. 3906 and the migration of the oversight activities to the National Nuclear Security Administration would not increase these costs.

OVERSIGHT FINDINGS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, this legislation results from hearings and other oversight activities conducted by the committee pursuant to clause 2(b)(1) of rule X.

With respect to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974, this legislation does not include any new spending or credit authority, nor does it provide for any increase or decrease in tax revenues or expenditures. The fiscal features of this legislation are addressed in the estimate prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Reform and Oversight pertaining to the subject matter of H.R. 3906.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, section 8 of the United States Constitution.

STATEMENT OF FEDERAL MANDATES

Pursuant to section 423 of Public Law 104–4, this legislation contains no federal mandates with respect to state, local, and tribal governments, nor with respect to the private sector. Similarly, the bill provides no unfunded federal intergovernmental mandates.

RECORD VOTE

In accordance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the committee notes that no rollcall votes were taken with respect to H.R. 3906.

The committee ordered H.R. 3906, as amended, reported to the House with a favorable recommendation by a voice vote, a quorum being present.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in *italic* and existing law in which no change is proposed is shown in *roman*):

NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT
TITLE XXXII—NATIONAL NUCLEAR SECURITY
ADMINISTRATION

Sec. 3201. Short title.

* * * * *

Subtitle B—Matters Relating to Security

Sec. 3231. Protection of national security information.

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Sec. 3237. *Office of Independent Security Oversight.*

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Subtitle B—Matters Relating to Security

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SEC. 3237. OFFICE OF INDEPENDENT SECURITY OVERSIGHT.

(a) *OFFICE REQUIRED.*—The Administrator shall maintain an Office of Independent Security Oversight, which shall be headed by a Director appointed by the Administrator without regard to political affiliation and solely on the basis of integrity and demonstrated ability in the oversight and evaluation of security for nuclear and classified programs. The Director shall report directly to and be under the general supervision of the Administrator, but the Director shall not be subject to supervision by any other office or officer of the Administration or of the Department of Energy. Neither the Secretary of Energy nor the Administrator shall prevent, prohibit, or delay the Director from initiating, carrying out, or completing any inspection, evaluation, or report undertaken pursuant to this section or from submitting to the Congress any such report. Such Office shall be responsible for carrying out the missions and functions described in subsections (c) and (d), but the Office shall have no authority to establish or require the implementation of any change to the policies, programs, or practices of the Administration.

(b) *EXPERTS AND CONSULTANTS.*—In addition to employees of the Administration, the Director is authorized to utilize such experts and consultants as the Director deems appropriate. For such purposes, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code. Upon request of the Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Director to assist the Director in carrying out functions under this section.

(c) *MISSION.*—The Office of Independent Security Oversight shall be responsible for the independent evaluation of the effectiveness of safeguards and security (including computer security) policies, programs, and practices of the Administration. The Office shall identify security weaknesses, make recommendations to the Administrator for improvement, and review the effectiveness and timeliness of corrective actions taken by the Administration.

(d) *FUNCTIONS.*—The Office of Independent Security Oversight shall perform the following functions:

(1) Conduct regular evaluations of safeguards and security programs at Administration sites that have significant amounts

of special nuclear material, classified information, or other security interests. The scope of the evaluations shall include all aspects of safeguards and security, including physical protection of special nuclear material, accountability of special nuclear material, protection of classified and sensitive information, classified and unclassified computer security, personnel security, and interactions with foreign nationals.

(2) Issue reports to the Administrator that clearly identify specific findings relating to security weaknesses, and make recommendations for improvement.

(3) Perform timely followup reviews to assess the effectiveness of any corrective actions implemented by the Administration.

(4) Evaluate and assess Administration policies related to safeguards and security.

(5) Develop recommendations and opportunities for improving safeguards and security policies, programs, and practices for submittal to the Administrator.

(6) Any other function the Administrator considers appropriate and consistent with the mission described in subsection (c).

(e) **TIMING OF REGULAR EVALUATIONS.**—

(1) **GENERAL RULE.**—Except as provided in paragraph (2), evaluations conducted under subsection (d)(1) shall occur at least once every two years.

(2) **COMPUTER SECURITY EVALUATIONS.**—Evaluations conducted under subsection (d)(1) with respect to classified and unclassified computer security shall occur at least once every 18 months.

(f) **ACCESS TO INFORMATION.**—In carrying out this section, the Director shall have access to all records and personnel of the Administration concerning its safeguards and security programs, including classified and unclassified computer security programs.

(g) **REPORT BY OFFICE.**—The Office of Independent Security Oversight shall, before February 15 of each year, transmit to the Administrator and the Secretary an unclassified report, with a classified appendix if requested or necessary, summarizing the activities of the Office during the immediately preceding calendar year. Such report shall include—

(1) a summary of each significant report made to the Administrator pursuant to this section during the reporting period, including a description of key security findings contained in those reports;

(2) the adequacy of corrective actions, if any, taken by the Administration to address significant problems and deficiencies;

(3) an identification of each significant problem or deficiency described in previous annual reports on which corrective action has not been effectively completed; and

(4) a description of any significant security policy decision with which the Director is in disagreement, along with an explanation of the reasons for disagreement.

(h) **REPORT BY ADMINISTRATOR.**—The Administrator shall, before March 15 of each year, transmit to the appropriate committees of Congress, without alteration, the Office's annual report submitted under subsection (g), along with an unclassified report, with a classified appendix if requested or necessary, summarizing the Adminis-

trator's response thereto. Such report from the Administrator shall include—

(1) a description of the Administrator's response to each significant report and security finding made to the Administrator pursuant to this section during the reporting period;

(2) an explanation of the reasons for any failure on the part of the Administration to remedy security findings identified by the Office in the current annual report and previous annual reports; and

(3) to the extent relevant, an explanation of how the President's budget submissions will impact the ability of the Administration to remedy unresolved security findings identified by the Office in its annual reports.

(i) **PUBLIC AVAILABILITY.**—Within 60 days after the transmission of the annual reports to the Congress under subsection (h), the Administrator shall make copies of the unclassified portions of such reports available to the public.

(j) **SPECIAL REPORTS.**—The Director of the Office of Independent Security Oversight shall report immediately to the Administrator whenever the Director becomes aware of deficiencies relating to the security programs, practices, or operations of the Administration that require an immediate response. The Administrator shall, within seven calendar days after receiving a report under this subsection, notify the appropriate committees of Congress in writing and explain the corrective actions taken to address such deficiencies.

(k) **CONGRESSIONAL TESTIMONY AND BRIEFINGS.**—The Director of the Office of Independent Security Oversight, whenever called to testify before a committee of Congress or to brief any Member of Congress or congressional staff, shall provide the Administrator with advance notice of the subject matter of that testimony or briefing, but shall provide the requested information to the Congress without any further review, clearance, or approval by any other official in the Executive Branch.