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HOUSE OF REPRESENTATIVES

{ REPORT
106-730 }

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE RECENT NUCLEAR WEAPONS SECURITY FAILURES AT LOS ALAMOS NATIONAL LABORATORY DEMONSTRATE THAT SECURITY POLICY AND SECURITY PROCEDURES WITHIN THE NATIONAL NUCLEAR SECURITY ADMINISTRATION REMAIN INADEQUATE, THAT THE INDIVIDUALS RESPONSIBLE FOR SUCH POLICY AND PROCEDURES MUST BE HELD ACCOUNTABLE FOR THEIR PERFORMANCE, AND THAT IMMEDIATE ACTION MUST BE TAKEN TO CORRECT SECURITY DEFICIENCIES

R E P O R T

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ON

H. Res. 534



JULY 12, 2000.—Referred to the House Calendar and ordered to be printed

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EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE RECENT NUCLEAR WEAPONS SECURITY FAILURES AT LOS ALAMOS NATIONAL LABORATORY DEMONSTRATE THAT SECURITY POLICY AND SECURITY PROCEDURES WITHIN THE NATIONAL NUCLEAR SECURITY ADMINISTRATION REMAIN INADEQUATE, THAT THE INDIVIDUALS RESPONSIBLE FOR SUCH POLICY AND PROCEDURES MUST BE HELD ACCOUNTABLE FOR THEIR PERFORMANCE, AND THAT IMMEDIATE ACTION MUST BE TAKEN TO CORRECT SECURITY DEFICIENCIES

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

R E P O R T

[To accompany H. Res. 534]

[Including cost estimate of the Congressional Budget Office]

The Committee on Armed Services, to whom was referred the resolution (H. Res. 534) expressing the sense of the House of Representatives that the recent nuclear weapons security failures at Los Alamos National Laboratory demonstrate that security policy and security procedures within the National Nuclear Security Administration remain inadequate, that the individuals responsible for such policy and procedures must be held accountable for their performance, and that immediate action must be taken to correct security deficiencies, having considered the same, report favorably thereon without amendment and recommend that the resolution do pass.

PURPOSE AND BACKGROUND

The purpose of H. Res. 534 is to express the sense of the House of Representatives that the security policies and procedures within the National Nuclear Security Administration (NNSA) remain inadequate, that the individuals responsible for these policies and procedures must be held accountable for their performance, and that immediate action must be taken to correct security deficiencies affecting the safeguarding of classified nuclear weapons information.

In response to a long history of security and management problems, Congress established the National Nuclear Security Administration by title 32 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65). That Act established the NNSA as a semi-autonomous administration within the Department of Energy (DOE) with responsibility for the management of the Nation's nuclear security programs. The NNSA was formally established on March 1, 2000. In advance of the confirmation by the Senate of an Administrator of the National Nuclear Security Administration, the Secretary of Energy opted to fulfill the additional functions and duties of the NNSA Administrator. The Secretary also appointed the Director of the Office of Security and Emergency Operations of the Department of Energy, who is charged with the responsibility to establish security policy for DOE generally, to serve simultaneously as the Chief of Defense Nuclear Security of the National Nuclear Security Administration, who is charged with responsibility for executing security policy for the NNSA specifically.

The committee notes that over the course of the past year, the management of the Department of Energy has repeatedly asserted that security throughout the Department and the national laboratory system had been greatly improved. In May 1999, the Secretary of Energy stated that the "safeguards of national secrets have been dramatically strengthened and improved." On March 2, 2000, the Secretary told the committee in a public hearing that "we've reached a point where we have very strong security procedures," and "[t]here's no longer a culture of lax security. That has ended."

With regard to security at Los Alamos National Laboratory, the committee notes that the Office of Independent Oversight and Performance Assurance of the Department of Energy reviewed security practices at that laboratory in September 1999. That review awarded the laboratory an overall rating of "satisfactory," the highest rating possible, and commended the laboratory's security operations as "first class."

In light of the repeated assurances by the management of the Department of Energy and the Department's assessment of the security procedures at Los Alamos National Laboratory for the safeguarding of classified nuclear weapons information, the committee was deeply troubled to learn on June 9, 2000, that two computer hard drives containing a large quantity of classified nuclear weapons information were missing from the vault in which they were stored at a secure facility at the laboratory.

In response to that breach of security, the committee held an open hearing and a classified briefing on June 14, 2000, and June 22, 2000, respectively, to assess the policies and procedures for the protection of classified nuclear weapons information within the national laboratory system. The committee notes with concern that no inventory of secret restricted data was maintained at Los Alamos National Laboratory; that the Department of Energy was unaware of how many NNSA personnel have uncontrolled access to classified nuclear weapons material in the vaults at Los Alamos National Laboratory and that no logs were maintained to account for access to such information; and that routine security procedures to change combinations to, or access lists for, the vaults were not updated as required by established DOE security procedures.

The committee notes again the June 1999 conclusion of the President's Foreign Intelligence Advisory Board that DOE suffers from a culture of low regard for security and the conclusion of the Special Oversight Panel on Department of Energy Reorganization of the Committee on Armed Services in February 2000 that the implementation plan prepared by the Department to establish the NNSA was inadequate.

The committee believes that the protection of nuclear weapons information is a critical responsibility for all those with access to that information, and that the compromise of the data on the hard drives, if confirmed, would constitute a clear and present danger to the United States and its allies.

LEGISLATIVE HISTORY

H. Res. 534 was introduced on June 27, 2000 and referred to the Committee on Armed Services.

On June 28, 2000, the Committee on Armed Services held a markup session to consider H. Res. 534. The committee adopted the resolution by a voice vote. The resolution was reported favorably by a voice vote.

COMMITTEE POSITION

On June 28, 2000, the Committee on Armed Services, a quorum being present, approved H. Res. 534 by a voice vote.

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.

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. Res. 534.

RECORD VOTE

In accordance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the committee notes that no roll call votes were taken with respect to H. Res. 534.

The committee ordered H. Res. 534 reported to the House with a favorable recommendation by a voice vote, a quorum being present.