

106TH CONGRESS
1ST SESSION

H. R. 2032

To amend the Department of Energy Organization Act to establish a Nuclear Security Administration and an Office of Under Secretary for National Security in the Department of Energy.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 1999

Mr. THORNBERRY introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Armed Services, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Department of Energy Organization Act to establish a Nuclear Security Administration and an Office of Under Secretary for National Security in the Department of Energy.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. NUCLEAR SECURITY ADMINISTRATION.**

4 (a) IN GENERAL.—The Department of Energy Orga-
5 nization Act is amended by inserting after section 212 (42
6 U.S.C. 7143) the following new section:

1 “NUCLEAR SECURITY ADMINISTRATION

2 “SEC. 213. (a) There shall be within the Department
3 an agency to be known as the Nuclear Security Adminis-
4 tration, to be headed by an Administrator, who shall re-
5 port directly to, and shall be accountable directly to, the
6 Secretary. The Secretary may not delegate to any Depart-
7 ment official the duty to supervise the Administrator.

8 “(b)(1) The Under Secretary for National Security
9 shall serve as the Administrator.

10 “(2) The Administrator shall be responsible for the
11 executive and administrative operation of the functions as-
12 signed to the Administration, including functions with re-
13 spect to (A) the selection, appointment, and fixing of the
14 compensation of such personnel as the Administrator con-
15 siders necessary, (B) the supervision of personnel em-
16 ployed by or assigned to the Administration, (C) the dis-
17 tribution of business among personnel and among admin-
18 istrative units of the Administration, and (D) the procure-
19 ment of services of experts and consultants in accordance
20 with section 3109 of title 5, United States Code. The Sec-
21 retary shall provide to the Administrator such support and
22 facilities as the Administrator determines are needed to
23 carry out the functions of the Administration.

24 “(c)(1) The personnel of the Administration, in car-
25 rying out any function assigned to the Administrator, shall

1 be responsible to, and subject to the supervision and direc-
2 tion of, the Administrator and shall not be responsible to,
3 or subject to the supervision or direction of, any officer,
4 employee, or agent of any other part of the Department
5 of Energy.

6 “(2) For purposes of this subsection, the term ‘per-
7 sonnel of the Administration’ means each officer or em-
8 ployee within the Department of Energy, and each officer
9 or employee of any contractor of the Department, whose—

10 “(A) responsibilities include carrying out a
11 function assigned to the Administrator; or

12 “(B) employment is funded under the Weapons
13 Activities budget function of the Department.

14 “(d)(1) The Administrator shall (A) manage a pro-
15 gram designed to ensure the safety and reliability of the
16 nuclear weapons stockpile, (B) direct the nuclear weapons
17 production facilities and the national laboratories, and (C)
18 be primarily responsible for other national security func-
19 tions of the Department of Energy involving nuclear weap-
20 ons research and development.

21 “(2) The Secretary shall assign to the Administrator
22 direct authority over, and responsibility for, the nuclear
23 weapons production facilities and the national labora-
24 tories. The functions assigned to the Administrator with
25 respect to the nuclear weapons production facilities and

1 the national laboratories shall include authority over, and
2 responsibility for, the following:

3 “(A) Strategic management.

4 “(B) Policy development and guidance.

5 “(C) Budget formulation and guidance.

6 “(D) Resource requirements determination and
7 allocation.

8 “(E) Program management.

9 “(F) Safeguard and security operations.

10 “(G) Emergency management.

11 “(H) Integrated safety management.

12 “(I) Environment, safety, and health oper-
13 ations.

14 “(J) Administration of contracts to manage and
15 operate the nuclear weapons production facilities
16 and the national laboratories.

17 “(K) Oversight.

18 “(L) Relationships within the Department of
19 Energy and with other Federal agencies, the Con-
20 gress, State, tribal, and local governments, and the
21 public.

22 “(M) Each of the functions described in sub-
23 section (f).

24 “(e) The head of each nuclear weapons production
25 facility and of each national laboratory shall report di-

1 rectly to, and be accountable directly to, the Adminis-
2 trator.

3 “(f) The Administrator may delegate functions as-
4 signed under subsection (d)(2) only within the head-
5 quarters office of the Administrator, except that the Ad-
6 ministrator may delegate to the head of a specified oper-
7 ations office functions including providing or supporting
8 the following activities at a nuclear weapons production
9 facility or a national laboratory:

10 “(1) Operational activities.

11 “(2) Program execution.

12 “(3) Personnel.

13 “(4) Contracting and procurement.

14 “(5) Facility operations oversight.

15 “(6) Integration of production and research and
16 development activities.

17 “(7) Interaction with other Federal agencies,
18 State, tribal, and local governments, and the public.

19 “(g) The head of a specified operations office, in car-
20 rying out any function delegated under subsection (f) to
21 that head of that specified operations office, shall report
22 directly to, and be accountable directly to, the Adminis-
23 trator.

24 “(h) In each annual authorization and appropriation
25 request under this Act, the Secretary shall identify the

1 portion thereof intended for the support of the Adminis-
2 tration and include a statement by the Administrator
3 showing (1) the amount requested by the Administrator
4 in the budgetary presentation to the Secretary and the Of-
5 fice of Management and Budget, and (2) an assessment
6 of the budgetary needs of the Administration. Whenever
7 the Administrator submits to the Secretary, the President,
8 or the Office of Management and Budget any legislative
9 recommendation or testimony, or comments on legislation
10 prepared for submission to the Congress, the Adminis-
11 trator shall concurrently transmit a copy thereof to the
12 appropriate committees of the Congress.

13 “(i) This section may not be construed to limit or
14 restrict the ability of a national laboratory to carry out
15 research and development activities for an entity within
16 the Department of Energy other than the Administration
17 or for any other Federal or non-Federal entity.

18 “(j) As used in this section:

19 “(1) The term ‘nuclear weapons production fa-
20 cility’ means any of the following facilities:

21 “(A) The Kansas City Plant, Kansas City,
22 Missouri.

23 “(B) The Pantex Plant, Amarillo, Texas.

24 “(C) The Y-12 Plant, Oak Ridge, Ten-
25 nessee.

1 “(D) The tritium operations facilities at
2 the Savannah River Site, Aiken, South Caro-
3 lina.

4 “(E) The Nevada Test Site, Nevada.

5 “(2) The term ‘national laboratory’ means any
6 of the following laboratories:

7 “(A) The Los Alamos National Labora-
8 tory, Los Alamos, New Mexico.

9 “(B) The Lawrence Livermore National
10 Laboratory, Livermore, California.

11 “(C) The Sandia National Laboratories,
12 Albuquerque, New Mexico, and Livermore, Cali-
13 fornia.

14 “(3) The term ‘specified operations office’
15 means any of the following operations offices of the
16 Department of Energy:

17 “(A) Albuquerque Operations Office, Albu-
18 querque, New Mexico.

19 “(B) Oak Ridge Operations Office, Oak
20 Ridge, Tennessee.

21 “(C) Oakland Operations Office, Oakland,
22 California.

23 “(D) Nevada Operations Office, Nevada
24 Test Site, Las Vegas, Nevada.

1 “(E) Savannah River Operations Office,
2 Savannah River Site, Aiken, South Carolina.”.

3 (b) UNDER SECRETARY FOR NATIONAL SECURITY.—
4 Section 202 of such Act (42 U.S.C. 7132) is amended by
5 adding at the end the following new subsection:

6 “(c)(1) There shall be in the Department an Under
7 Secretary for National Security, who shall be appointed
8 by the President, by and with the advice and consent of
9 the Senate, and who shall perform such functions and du-
10 ties as the Secretary shall prescribe. Notwithstanding sec-
11 tion 203(a), the Secretary shall assign to the Under Sec-
12 retary for National Security the functions described in sec-
13 tion 203(a)(5).

14 “(2) The Under Secretary for National Security shall
15 be a person who, by reason of professional background and
16 experience, is specially qualified—

17 “(A) to manage a program designed to ensure
18 the safety and reliability of the nuclear weapons
19 stockpile;

20 “(B) to manage the nuclear weapons production
21 facilities and the national laboratories; and

22 “(C) to carry out the functions of the Adminis-
23 trator of the Nuclear Security Administration.”.

24 (c) TRANSITION PROVISION.—The Assistant Sec-
25 retary assigned the functions under section 203(a)(5) of

1 such Act on the date before the date of the enactment
2 of this Act shall serve as the Under Secretary for National
3 Security until an Under Secretary for National Security
4 is appointed under section 202(c) of such Act.

5 (d) CONFORMING AMENDMENT.—Section 203(a) of
6 such Act is amended by striking “eight” and inserting
7 “seven”.

8 (e) CLERICAL AMENDMENT.—The table of contents
9 in the first section of such Act is amended by inserting
10 after the item relating to section 212 the following new
11 item:

“Sec. 213. Nuclear Security Administration.”.

