

108TH CONGRESS  
2D SESSION

# S. 2746

To provide for the termination of the current contract for the operation of Los Alamos National Laboratory, New Mexico, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 22, 2004

Mr. ALLARD introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To provide for the termination of the current contract for the operation of Los Alamos National Laboratory, New Mexico, and for other purposes.

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. SHORT TITLE.**

4       This Act may be cited as the “Los Alamos National  
5       Laboratory National Security Act for Fiscal Year 2004”.

6       **SEC. 2. TERMINATION OF CURRENT CONTRACT FOR OPER-**  
7                       **ATION OF LOS ALAMOS NATIONAL LABORA-**  
8                       **TORY, NEW MEXICO.**

9       (a) FINDINGS.—The Senate makes the following  
10       findings:

1           (1) The Department of Energy's nuclear weap-  
2           ons program and its other national defense and re-  
3           search activities at Los Alamos National Laboratory,  
4           New Mexico, are of vital importance to the national  
5           security of the United States.

6           (2) The workforce, including nuclear weapons  
7           designers, engineers, scientists, and technicians, at  
8           Los Alamos National Laboratory are an invaluable  
9           asset to the national security of the United States.

10          (3) Significant security and safety violations  
11          have occurred with increasing frequency at Los Ala-  
12          mos National Laboratory over the last decade.

13          (4) An unacceptable attitude of indifference and  
14          carelessness on the part of the existing contractor,  
15          the University of California, has contributed to a  
16          culture at Los Alamos National Laboratory that has  
17          lead to numerous security and safety violations at  
18          the Laboratory over the last few years.

19          (5) The University of California has managed  
20          Los Alamos National Laboratory for almost 60  
21          years, but, in spite of repeated admonitions from the  
22          Department of Energy, has not properly addressed  
23          a culture that has led to security and safety viola-  
24          tions at the Laboratory.

1           (6) The Secretary of Energy and the Adminis-  
2           trator for Nuclear Security have repeatedly criticized  
3           the University of California for security and safety  
4           failures at Los Alamos National Laboratory, and  
5           even required the termination of a laboratory man-  
6           ager, but the University of California continues to  
7           permit a lax environment and culture to remain at  
8           the Laboratory. While an open academic environ-  
9           ment works well on university campuses, it cannot  
10          be tolerated at the nuclear weapons facilities of the  
11          United States.

12          (7) Recent violations at Los Alamos National  
13          Laboratory, including the disappearance of two clas-  
14          sified hard drives, the transmission of classified in-  
15          formation via the Internet, the needless injury of  
16          Laboratory employees, and fraudulent use of govern-  
17          ment resources, indicate the immediate need for new  
18          management, mechanisms, and controls to bring the  
19          violations at the Laboratory to an end.

20          (8) Repeated security and safety violations un-  
21          dermine the critical work at Los Alamos National  
22          Laboratory, place the well-being of workers at risk,  
23          and threaten the national security of the United  
24          States.

1           (9) The national security interests of the  
2       United States require that the Department of Ener-  
3       gy's contract with University of California at Los  
4       Alamos National Laboratory be terminated.

5       (b) TERMINATION OF CONTRACT.—The Secretary of  
6       Energy shall terminate the contract of the University of  
7       California to operate Los Alamos National Laboratory,  
8       New Mexico, not later than March 15, 2005.

9       (c) INTERIM CONTRACTOR.—For the period begin-  
10      ning on the date of the termination of the contract of the  
11      University of California to operate Los Alamos National  
12      Laboratory under subsection (b) and ending on the date  
13      of the award of the contract to the successor to the Uni-  
14      versity of California, the Secretary shall appoint as the  
15      contractor to operate Los Alamos National Laboratory  
16      such element of the Federal Government, or such private  
17      entity, as the Secretary considers appropriate for that pur-  
18      pose.

19      (d) RETENTION OF ESSENTIAL EMPLOYEES.—The  
20      Secretary shall take appropriate actions to ensure the re-  
21      tention of essential employees at Los Alamos National  
22      Laboratory both during the period referred to in sub-  
23      section (c) and after the commencement of operations of  
24      Los Alamos National Laboratory by the successor to the  
25      University of California.

1       (e) PROHIBITION ON CONTRACT AWARD TO UNIVER-  
2   SITY OF CALIFORNIA.—No contract (including a multi-  
3   party contract) for the operation of Los Alamos National  
4   Laboratory that is awarded after the date of the enact-  
5   ment of this Act may be awarded to the University of Cali-  
6   fornia, whether as the prime contractor or as a subcon-  
7   tractor in any capacity.

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