

106TH CONGRESS  
2D SESSION

# S. 2782

To establish a commission to examine the efficacy of the organization of the National Nuclear Security Administration and the appropriate organization to manage the nuclear weapons programs of the United States.

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## IN THE SENATE OF THE UNITED STATES

JUNE 23, 2000

Mr. WARNER (for himself and Mr. BYRD) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To establish a commission to examine the efficacy of the organization of the National Nuclear Security Administration and the appropriate organization to manage the nuclear weapons programs of the United States.

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. NATIONAL COMMISSION ON NUCLEAR SECU-**  
4       **RITY.**

5       (a) ESTABLISHMENT.—There is hereby established a  
6       commission to be known as the “National Commission on  
7       Nuclear Security” (in this section referred to as the  
8       “Commission”).

1 (b) ORGANIZATIONAL MATTERS.—(1)(A) Subject to  
2 subparagraph (B), the Commission shall be composed of  
3 14 members appointed from among individuals in the pub-  
4 lic and private sectors who have recognized experience in  
5 matters related to nuclear weapons and materials, safe-  
6 guards and security, counterintelligence, and organiza-  
7 tional management, as follows:

8 (i) Three shall be appointed by the Majority  
9 Leader of the Senate.

10 (ii) Two shall be appointed by the Minority  
11 Leader of the Senate.

12 (iii) Three shall be appointed by the Speaker of  
13 the House of Representatives.

14 (iv) Two shall be appointed by the Minority  
15 Leader of the House of Representatives.

16 (v) One shall be appointed by the Chairman of  
17 the Committee on Armed Services of the Senate.

18 (vi) One shall be appointed by the ranking  
19 member of the Committee on Armed Services of the  
20 Senate.

21 (vii) One shall be appointed by the Chairman of  
22 the Committee on Armed Services of the House of  
23 Representatives.

1           (viii) One shall be appointed by the ranking  
2           member of the Committee on Armed Services of the  
3           House of Representatives.

4           (B) The members of the Commission may not include  
5           a sitting Member of Congress or any officer of the United  
6           States who serves at the discretion of the President.

7           (C) Members of the Commission shall be appointed  
8           not later than 60 days after the date of the enactment  
9           of this Act.

10          (2) Any vacancies in the Commission shall be filled  
11          in the same manner as the original appointment, and shall  
12          not affect the powers of the Commission.

13          (3)(A) Subject to subparagraph (B), the chairman of  
14          the Commission shall be designated by the Majority Lead-  
15          er of the Senate, in consultation with the Speaker of the  
16          House of Representatives, from among the members of the  
17          Commission appointed under paragraph (1)(A).

18          (B) The chairman of the Commission may not be des-  
19          ignated under subparagraph (A) until seven members of  
20          the Commission have been appointed under paragraph (1).

21          (4) The Commission may commence its activities  
22          under this section upon the designation of the chairman  
23          of the Commission under paragraph (3).

24          (5) The members of the Commission shall establish  
25          procedures for the activities of the Commission, including

1 procedures for calling meetings, requirements for  
2 quorums, and the manner of taking votes.

3 (c) DUTIES.—The Commission shall review the effi-  
4 cacy of the organization of the National Nuclear Security  
5 Administration, and the appropriate organization and  
6 management of the nuclear weapons programs of the  
7 United States, under the current Presidential Administra-  
8 tion and under the Presidential Administration com-  
9 mencing in 2001, including—

10 (1) whether the requirements and objectives of  
11 the National Nuclear Security Administration Act  
12 are being fully implemented by the Secretary of En-  
13 ergy and Administrator of the National Nuclear Se-  
14 curity Administration;

15 (2) the feasibility and advisability of various  
16 means of improving the security and counterintel-  
17 ligence posture of the programs of the National Nu-  
18 clear Security Administration;

19 (3) the feasibility and advisability of various  
20 modifications of existing management and operating  
21 contracts for the laboratories under the jurisdiction  
22 of the National Nuclear Security Administration;  
23 and

1           (4) whether the national security functions of  
2           the Department of Energy, including the National  
3           Nuclear Security Administration, should—

4                   (A) be transferred to the Department of  
5           Defense;

6                   (B) be established as a semiautonomous  
7           agency within the Department of Defense;

8                   (C) be established as an independent agen-  
9           cy; or

10                  (D) remain as a semiautonomous agency  
11           within the Department of Energy (as provided  
12           for under the provisions of the National Nu-  
13           clear Security Administration Act (title XXXII  
14           of Public Law 106–65)).

15           (d) REPORT.—(1) Not later than May 1, 2001, the  
16           Commission shall submit to Congress and to the Secretary  
17           of Defense and the Secretary of Energy a report con-  
18           taining the findings and recommendations of the Commis-  
19           sion as a result of the review under subsection (c).

20                   (2) The report shall include any comments pertinent  
21           to the review by an individual serving as the Secretary  
22           of Defense, and an individual serving as the Secretary of  
23           Energy, during the duration of the review that any such  
24           individual considers appropriate for the report.

1           (3) The report may include recommendations for leg-  
2 islation and administrative action.

3           (e) PERSONNEL MATTERS.—(1)(A) Each member of  
4 the Commission who is not an officer or employee of the  
5 Federal Government shall be compensated at a rate equal  
6 to the daily equivalent of the annual rate of basic pay pre-  
7 scribed for level IV of the Executive Schedule under sec-  
8 tion 5316 of title 5, United States Code, for each day (in-  
9 cluding traveltime) during which such member is engaged  
10 in the performance of the duties of the Commission.

11           (B) All members of the Commission who are officers  
12 or employees of the United States shall serve without com-  
13 pensation in addition to that received for their services as  
14 officers or employees of the United States.

15           (2) The members of the Commission shall be allowed  
16 travel expenses, including per diem in lieu of subsistence,  
17 at rates authorized for employees of agencies under sub-  
18 chapter I of chapter 57 of title 5, United States Code,  
19 while away from their homes or regular places of business  
20 in the performance of services for the Commission.

21           (3) Any officer or employee of the United States may  
22 be detailed to the Commission without reimbursement,  
23 and such detail shall be without interruption or loss of  
24 civil service status or privilege.

1           (f) INAPPLICABILITY OF FACA.—The provisions of  
2 the Federal Advisory Committee Act (5 U.S.C. App.) shall  
3 not apply to the activities of the Commission.

4           (g) TERMINATION.—The Commission shall terminate  
5 not later than 90 days after the date on which the Com-  
6 mission submits its report under subsection (d).

7           (h) FUNDING.—Of the amounts authorized to be ap-  
8 propriated by sections 3101 and 3103, not more than  
9 \$975,000 shall be available for the activities of the Com-  
10 mission under this section. Amounts available to the Com-  
11 mission under this section shall remain available until ex-  
12 pended.

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