

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.

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

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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