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IMPROVING SECURITY AT DOE WEAPONS LABS

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Inquiries into allegations that the People's Republic of China may have illegally acquired advanced nuclear weapons technology have uncovered long-standing security deficiencies at weapons laboratories funded and managed by the U.S. Department of Energy (DOE). These revelations prompted President Bill Clinton and Members of Congress to issue recommendations for enhancing security at the DOE labs. In fact, Congress will soon consider attaching a compromise proposal as an amendment to the National Defense Authorization Act for Fiscal Year (FY) 2000.

Although many "solutions" for improving security at the weapons labs were put forth, the debate on the Hill was, nonetheless, brief, and much of Congress's efforts were limited to proposals that would preserve the status quo and the regional benefits associated with the labs. The recommendations ranged from Secretary of Energy Bill Richardson's largely cosmetic idea to establish a new security chief position at the labs to Senator Rod Grams (R-MN) and Representative Todd Tiahrt's (R-KS) plan to restructure DOE and move its responsibility for oversight and funding of three key weapons labs to the Department of Defense (DOD).

As the first session of the 106th Congress draws to a close, the preferred compromise appears to be a reorganization of the labs within DOE in a way that would do little to enhance security, while preserving the parochial priorities and billions of dollars in funding these labs represent to states and congressional districts. Secretary Richardson, who

objects to this compromise, has threatened to secure a presidential veto. If his threat is carried out, Congress would be given a welcome opportunity to give more thought to improving security at the labs and, hopefully, additional time to craft a better piece of legislation (as a forthcoming Heritage study will discuss).

Problems with the Congressional Compromise. The compromise proposal now before Congress as an amendment to the National Defense Authorization Act for FY 2000 was derived from a proposal first put forth by Senators Pete Domenici (R-NM) and Jon Kyl (R-AZ). Under this plan, the three key weapons labs and several related, contractor-operated facilities would be reorganized under the oversight of a "National Nuclear Security Administration"—a semiautonomous federal entity to be created within DOE. This new body would have considerable discretion over its own management and operate independently of DOE. The plan would also place limits on the Energy Secretary's involvement with the labs.

The amendment's sponsors contend that this reorganization would improve security. In practice,

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however, this proposal might very well diminish federal oversight as well as perpetuate the third-rate security practices already common at the weapons labs by making the lines of responsibility and the chain of command less clear than they are now. That same concern was expressed by leading experts on government management in recent testimony before Congress.

In addition, the measure would effectively kick the responsibility for lab security down to the labs themselves and to their new semiautonomous overseers by freeing them from DOE's day-to-day oversight. In making this change, Congress would be giving greater control to the very institutions, managers, and employees who committed the scores of security breaches abundantly documented by the U.S. General Accounting Office.

The Labs' Relationship to DOE. In the media's coverage of this issue, DOE has received all the blame, but only because that is where the buck currently stops. Although the DOE funds and manages the labs, the labs themselves are not part of the DOE, nor are they, formally, a part of the federal government. They are *government owned, contractor operated* facilities ("GOCOs")—independent entities managed by private companies or institutions under contract to DOE. As the record clearly indicates, most of the security problems at the labs involved contractors employees. The problems are the result of years of negligence and misconduct by lab employees, managers, and security forces who are not DOE employees or, more important, subject to direct, day-to-day DOE supervision. Indeed, the effect this "arms length" contractual arrangement has had on the Department's ability to manage the labs was well illustrated recently when Secretary Richardson "recommended" disciplinary action against the three Los Alamos laboratory employees responsible for some of that lab's security failures. The Secretary could only recommend such disci-

plinary action because the employees in question work for the lab's private contractor, not DOE; thus they are beyond Richardson's direct managerial oversight.

More Oversight, Not Less. The lengthy record of security problems and the systematic failure of DOE to rectify longstanding inadequacies at its labs makes clear that what the labs need is more and better oversight, not less. The history of security problems also suggests that the labs are no more capable of reforming themselves than DOE. For this reason, Congress should revisit other lab security reform proposals and not rush to endorse one over another simply because it is opposed by a presidential appointee. The Grams-Tiahrt proposal to transfer oversight of the three key labs from the Department of Energy to the Department of Defense appears promising and should be reconsidered by Congress.

A potential compromise combines elements of the Domenici-Kyl proposal and the Grams-Tiahrt approach. For now, such a compromise could keep what remains of DOE as a Cabinet-level department focused solely on civilian energy issues and environmental concerns that arise from commercial energy production and use. Specifically, this compromise would shift oversight of the three weapons labs and two other contractor-run facilities that are actively involved in the maintenance of the U.S. nuclear arsenal from DOE to DOD. In doing so, these key labs would fall under the management of a department experienced in successfully maintaining a high level of security and for which top-secret status is a day-to-day concern, as opposed to a department like Energy, with its civilian focus and incidental concern about secrecy and security.

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