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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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April 13, 2007

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The Honorable Clay Sell
Deputy Secretary
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Mr. Deputy Secretary:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Tuesday, January, 30, 2007, at the hearing entitled "Continuing Security Concerns at Los Alamos National Laboratory." We appreciate the time and effort you gave as a witness before the Subcommittee.

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open to permit Members to submit additional questions to the witnesses. Attached are questions directed to you from certain Members of the Committee. In preparing your answers to these questions, please address your response to the Member who has submitted the questions and include the text of the Member's question along with your response. In the event you have been asked questions from more than one Member of the Committee, please begin the responses to each Member on a new page.

To facilitate the printing of the hearing record, your responses to these questions should be received no later than the close of business Friday, April 27, 2007. Your written responses should be delivered to room 2125 Rayburn House Office Building and faxed to (202) 225-5288 to the attention of Kyle Chapman. An electronic version of your response should also be sent by e-mail to Mr. Kyle Chapman at kyle.chapman@mail.house.gov in a single Word formatted document.

The Honorable Clay Sell
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Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Kyle Chapman of the Majority Committee staff at (202) 226-2424.

Sincerely,

JOHN D. DINGELL
CHAIRMAN

Attachment

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable Bart Stupak, Chairman
Subcommittee on Oversight and Investigations

The Honorable Ed Whitfield, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Bart Stupak

1. The Inspector General testified that National Nuclear Security Administration (NNSA) officials relied almost exclusively on the Office of Independent Oversight, Office of Health, Safety and Security to conduct detailed inspections of Los Alamos's classified information systems. These inspections are completed once every two years. However, the inspection at Los Alamos had not been performed for about four years for a variety of reasons including the 2004 stand-down at the Laboratory. Since the Office of Independent Oversight does not have line management responsibility, why is it being assigned this line management function? Does the line program (Los Alamos Site Office/NNSA) lack the manpower or subject matter expertise to conduct detailed inspections of classified security systems and ensure contractor compliance with Department of Energy/NNSA security requirements?

The Honorable Ed Whitfield

1. Last July, you led a Task Force to review the separate organization of NNSA within the Department. Did the Task Force identify language within the NNSA Act that prohibits the delegation of authority over NNSA beyond the Deputy Secretary?
2. Does this language in the NNSA Act create a significant obstacle to realizing improved security at Los Alamos National Laboratory (LANL) and the benefits of functional accountability and sound management between the NNSA and the broader Department?
3. Please identify the specific language within the NNSA Act that prohibits the delegation of authority beyond the Deputy Secretary.
4. Did you, the Task Force, or any member of the Task Force recommend that the Secretary request of Congress any changes to this language?
5. Is the Secretary of Energy prohibited from directing subordinate NNSA federal or contractor personnel from taking actions to improve management at LANL and other weapons laboratories?
6. Does the NNSA Act also prohibit the Secretary of Energy from directing any internal reorganization of the NNSA? Hasn't this authority been a fixture of the Department's organic act since 1977?
7. Has the accountability for activities at the weapons laboratories been hampered or anticipated improvements in security performance at LANL not come to pass due to the restrictions in the NNSA Act described above?
8. Does the insularity of NNSA impair the Department's ability to commit resources to correct deficiencies at NNSA, such as cyber security?
9. Are there deficiencies within NNSA, in addition to cyber security, that the Department could commit resources to solve, but are prevented by the NNSA Act?
10. Please review House of Representatives Bill 703, the NNSA Accountability Act, and provide your comments regarding this legislation.
11. What steps are you and Secretary Bodman taking to determine whether there are opportunities to reduce and consolidate the number of classified computers, classified security areas and classified vaults at LANL?