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DEPARTMENT OF ENERGY SECURITY OVERSIGHT IMPROVEMENT ACT OF 2000

JUNE 23, 2000.—Ordered to be printed

Mr. BLILEY, from the Committee on Commerce, submitted the following

R E P O R T

[To accompany H.R. 3906]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, to whom was referred the bill (H.R. 3906) to ensure that the Department of Energy has appropriate mechanisms to independently assess the effectiveness of its policy and site performance in the areas of safeguards and security and cyber security, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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AMENDMENT

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy Security Oversight Improvement Act of 2000".

SEC. 2. FINDINGS.

The Congress finds that—

(1) internal Department of Energy oversight of safeguards and security has suffered over the years from inconsistent application, lack of senior management attention, reduced resources, and overlapping and conflicting roles and responsibilities among various Department offices;

(2) the Department of Energy is in need of a statutorily-based independent security oversight office with the responsibility to regularly assess the effectiveness of the Department's policy and site performance in the area of safeguards and security, including computer security, and report to the Secretary on such findings annually;

(3) the Department of Energy's oversight of security at its sites should be streamlined to reduce overlapping and redundant oversight, to improve accountability, and to ensure greater consistency in application, findings, and reporting of results; and

(4) it is appropriate to establish a single, independent security oversight office within the Department of Energy, without prejudice to the continued compliance assurance activities conducted at the Department site level.

SEC. 3. OFFICE OF INDEPENDENT SECURITY OVERSIGHT.

(a) OFFICE.—The Secretary of Energy shall maintain an Office of Independent Security Oversight, which shall be headed by a Director appointed by the Secretary without regard to political affiliation and solely on the basis of integrity and demonstrated ability in the oversight and evaluation of security for nuclear and classified programs. The Director shall report directly to and be under the general supervision of the Secretary, but the Director shall not report to or be subject to supervision by any other office or officer of the Department of Energy. The Secretary shall not prevent, prohibit, or delay the Director from initiating, carrying out, or completing any inspection, evaluation, or report undertaken pursuant to this Act. Such Office shall be responsible for carrying out the missions and functions described in subsections (c) and (d), but the Office shall have no authority to establish or require the implementation of any change to the policies, programs, or practices of the Department of Energy.

(b) EXPERTS AND CONSULTANTS.—In addition to employees of the Department of Energy, the Director is authorized to utilize such experts and consultants as the Director deems appropriate. For such purposes, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code. Upon request of the Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Director to assist the Director in carrying out functions under this section.

(c) MISSION.—The Office of Independent Security Oversight shall be responsible for the independent evaluation of the effectiveness of safeguards and security (including computer security) policies, programs, and practices throughout the Department of Energy, including the National Nuclear Security Administration. The Office shall identify security weaknesses, make recommendations to the Secretary for improvement, and review the effectiveness and timeliness of corrective actions taken by the Department.

(d) FUNCTIONS.—The Office of Independent Security Oversight shall perform the following functions:

(1) Conduct regular evaluations of safeguards and security programs at Department of Energy sites that have significant amounts of special nuclear material, classified information, or other security interests. The scope of the evaluations shall include all aspects of safeguards and security, including physical protection of special nuclear material, accountability of special nuclear material, protection of classified and sensitive information, classified and unclassified computer security, personnel security, and interactions with foreign nationals.

(2) Issue reports to the Secretary that clearly identify specific findings relating to security weaknesses, and make recommendations for improvement.

(3) Perform timely followup reviews to ensure that any corrective actions implemented by the Department are effective.

(4) Evaluate and assess Department of Energy policies related to safeguards and security.

(5) Develop recommendations and opportunities for improving safeguards and security policies, programs, and practices for submittal to the Secretary.

(6) Any other function the Secretary considers appropriate and consistent with the mission described in subsection (c).

(e) TIMING OF REGULAR EVALUATIONS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), evaluations conducted under subsection (d)(1) shall occur at least once every 2 years.

(2) COMPUTER SECURITY EVALUATIONS.—Evaluations conducted under subsection (d)(1) with respect to classified and unclassified computer security shall occur at least once every 18 months.

(f) ACCESS TO INFORMATION.—In carrying out this section, the Director shall have access to all records and personnel of the Department concerning its safeguards and security programs, including classified and unclassified computer security programs.

SEC. 4. REPORTS.

(a) REPORT BY OFFICE.—The Office of Independent Security Oversight shall, before February 15 of each year, transmit to the Secretary of Energy an unclassified report, with a classified appendix if requested or necessary, summarizing the activities of the Office during the immediately preceding calendar year. Such report shall include—

(1) a summary of each significant report made to the Secretary pursuant to this Act during the reporting period, including a description of key security findings contained in those reports;

(2) the adequacy of corrective actions, if any, taken by the Department to address significant problems and deficiencies;

(3) an identification of each significant problem or deficiency described in previous annual reports on which corrective action has not been effectively completed;

(4) a description and explanation of the reasons for any significant revisions to security policy decisions made during the reporting period; and

(5) a description of any significant security policy decision with which the Director is in disagreement, along with an explanation of the reasons for disagreement.

(b) REPORT BY SECRETARY.—The Secretary of Energy shall, before March 15 of each year, transmit to the appropriate committees of Congress, without alteration, the Office's annual report submitted under subsection (a), along with an unclassified report, with a classified appendix if requested or necessary, summarizing the Secretary's response thereto. Such report from the Secretary shall include—

(1) a description of the Secretary's response to each significant report and security finding made to the Secretary pursuant to this Act during the reporting period;

(2) an explanation of the reasons for any failure on the part of the Department of Energy to remedy security findings identified by the Office in the current annual report and previous annual reports; and

(3) to the extent relevant, an explanation of how the President's budget submissions will impact the ability of the Department to remedy unresolved security findings identified by the Office in its annual reports.

(c) PUBLIC AVAILABILITY.—Within 60 days after the transmission of the annual reports to the Congress under subsection (b), the Secretary of Energy shall make copies of the unclassified portions of such reports available to the public.

(d) SPECIAL REPORTS.—The Director of the Office of Independent Security Oversight shall report immediately to the Secretary of Energy whenever the Director becomes aware of deficiencies relating to the security programs, practices, or operations of the Department of Energy that require an immediate response. The Secretary shall, within 7 calendar days after receiving a report under this subsection, notify the appropriate committees of Congress in writing and explain the corrective actions taken to address such deficiencies.

(e) CONGRESSIONAL TESTIMONY AND BRIEFINGS.—The Director of the Office of Independent Security Oversight, whenever called to testify before any Committee of Congress or to brief its Members or staff, shall provide the Secretary of Energy with advance notice of the subject matter of that testimony or briefing, but shall provide the requested information to the Congress without any further review, clearance, or approval by any other official in the Executive Branch.

PURPOSE AND SUMMARY

The purpose of H.R. 3906 is to strengthen the internal oversight of physical and computer security within the Department of Energy by establishing in statute an Office of Independent Security Over-

sight within the Department of Energy and requiring annual reporting to the Congress by the Secretary of Energy.

BACKGROUND AND NEED FOR LEGISLATION

Prior to the establishment of the National Nuclear Security Administration (NNSA) on March 1, 2000, the routine oversight of security policies and practices at Department of Energy (DOE) contractor-run laboratories and facilities had been the responsibility of the various DOE operations offices, with assistance from the Office of Security Affairs at DOE Headquarters. In 1999, Secretary Richardson placed the primary security responsibility within a newly-created Office of Security and Emergency Operations, headed by a "security czar" reporting directly to the Secretary. This office is responsible for establishing and implementing DOE security policies throughout the entire Department. DOE's implementation plan for the NNSA creates a companion security policy office within NNSA, but it is headed by the Secretary's security czar. DOE calls this arrangement "dual-hatting" because the position reports to both the Secretary and the NNSA Administrator, depending on the site at issue.

Since 1982, DOE has also had an independent security oversight group that performs inspections of field sites on an as-needed basis. This independent oversight office has, at various times in its history, reported to the Assistant Secretary for Defense Programs, the Deputy Secretary of Energy, the Under Secretary of Energy, the Assistant Secretary for Environment, Safety and Health, and (now) the Secretary of Energy. Its current name is the Office of Independent Oversight and Performance Assurance. DOE's implementation plan for the NNSA also acknowledges the role of the Office of Independent Oversight and Performance Assurance as a centralized, independent inspection function for the entire Department, including NNSA facilities, and states that the new NNSA organizational structure will not affect the role or responsibilities of this office. But, unlike some aspects of security and environment, safety, and health oversight in the new NNSA, the Office of Independent Oversight and Performance Assurance is not a "dual-hatted" position, and remains reporting solely to the Secretary of Energy.

Numerous internal and external security experts have observed that DOE security policies and practices have been largely ineffective in ensuring that classified and nuclear matter is adequately protected from unauthorized access. Moreover, as the General Accounting Office found in a recent report ("Nuclear Security: Improvements Needed in DOE's Safeguards and Security Oversight," GAO/RCED–00–62, Feb. 24, 2000), DOE's security oversight historically has been inconsistent at best, in part because such oversight has not been sufficiently coordinated at a centralized level to ensure that prompt corrective actions are taken and that lessons are learned and shared throughout the DOE complex. Secretary Richardson's decision to elevate the Office of Independent Oversight and Performance Assurance to report directly to him has been a positive first step in correcting some of these historical management deficiencies. Legislation is needed to ensure that this Office continues to report directly to the Secretary of Energy and is not "demoted" to a lower level in the DOE organization by a future Secretary of Energy.

The Committee is also concerned that the effectiveness of the Office of Independent Oversight and Performance Assurance may be reduced with respect to sites falling within the new NNSA structure. From a security standpoint, these are the DOE sites with the greatest potential security risk because of the materials and technologies employed in the design and manufacture of nuclear weapons. The NNSA was established by title 32 of the National Defense Authorization Act for Fiscal Year 2000 (P.L. 106–65, 50 U.S.C. § 2401 et seq.). Section 3213 of that Act provides that employees and contractors of the NNSA are not subject to the authority, direction, or control of any officer, employee, or agent of the Department of Energy other than the Secretary of Energy, the Administrator of the NNSA, or the Administrator's designee. Effective oversight requires the oversight office to have full access to these sites and to the information, materials, and personnel located therein, and the ability to validate corrective actions taken by these sites. To the extent that such activities could be construed as directing or controlling NNSA employees, the law may raise unintended obstacles to such oversight activities. Legislation is needed to clarify that the Office of Independent Security Oversight will have unimpeded access to information and personnel at the NNSA sites.

Lastly, at various times in the past there has been poor communications with the Congress regarding security problems at DOE field sites. Therefore, the Committee provides for annual reporting from the Office of Independent Security Oversight to the Secretary of Energy and transmission of those reports, without alteration or delay, from the Secretary to the Congress. The Committee also intends to provide for uncensored testimony and briefings to the Congress from the Director of the Office of Independent Security Oversight.

HEARINGS

The Subcommittee on Energy and Power held a legislative hearing on H.R. 3906 on March 22, 2000. The Subcommittee received testimony from: Ms. Mary Anne Sullivan, General Counsel, Department of Energy; the Honorable Richard A. Meserve, Chairman, Nuclear Regulatory Commission; the Honorable Jerrold R. Mande, Deputy Assistant Secretary for Labor, Occupational Safety and Health Administration; the Honorable John T. Conway, Chairman, Defense Nuclear Facilities Safety Board; Ms. Gary Jones, Associate Director for Energy, Resources, and Science Issues, Government Accounting Office; Dr. Charles Shank, Director, Lawrence Berkeley National Laboratory; Mr. Robert Van Ness, Assistant Vice President for Laboratory Administration, University of California; Ms. Maureen Eldredge, Program Director, Alliance for Nuclear Accountability; Dr. David Adelman, Project Attorney, Natural Resources Defense Council; and Mr. Richard Miller, Policy Analyst, PACE International Union.

COMMITTEE CONSIDERATION

On April 12, 2000, the Subcommittee on Energy and Power met in open markup session and approved H.R. 3906 for Full Committee consideration, as amended, by a voice vote. On May 17, 2000, the Committee on Commerce met in open markup session

and ordered H.R. 3906 reported to the House, as amended, by a voice vote, a quorum being present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no record votes taken in connection with ordering H.R. 3906 reported. A motion by Mr. Bliley to order H.R. 3906 reported to the House, without amendment, was agreed to by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee held both legislative and oversight hearings and made findings that are reflected in this report.

COMMITTEE ON GOVERNMENT REFORM OVERSIGHT FINDINGS

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, no oversight findings have been submitted to the Committee by the Committee on Government Reform.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 3906, a bill to strengthen internal security oversight in the Department of Energy, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 6, 2000.

Hon. TOM BLILEY,
Chairman, Committee on Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3906, the Department of Energy Security Oversight Improvement Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lisa Cash Driskill.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 3906—Department of Energy Security Oversight Improvement Act of 2000

Summary: H.R. 3906 would direct the Secretary of Energy to maintain an Office of Independent Security Oversight. CBO estimates that implementing the bill would cost about $20 million a year, subject to appropriation of the necessary funds. The office would be responsible for evaluating the effectiveness of security policies, programs, and practices (including computer security) throughout the Department of Energy (DOE). H.R. 3906 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

In addition to other duties, the office would be charged with evaluating the security of programs that involve significant amounts of nuclear material or classified information at least once every two years, and evaluating classified and unclassified computer security at least once every 18 months. The bill would require DOE to report the findings of these evaluations to the Congress every year.

The bill would authorize an office very similar to one that was already established by the Secretary of Energy in May 1999, and which received an appropriation of $20 million for fiscal year 2000. This office is carrying out the activities that are called by the legislation. Currently, the office is organized under the Assistant Secretary for Environment, Safety, and Health, but under this legislation, it would report directly to the Secretary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3906 is shown in the following table. The costs of this legislation fall within budget functions 050 (defense) and 270 (energy).

	By fiscal year, in millions of dollars—					
	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Budget authority[1]	20	0	0	0	0	0
Estimated outlays	13	6	1	0	0	0
Proposed changes:						
Estimated authorization level	0	20	21	21	22	22
Estimated outlays	0	13	20	21	22	22
Spending under H.R. 3906:						
Estimated authorization level[1]	20	20	21	21	22	22
Estimated outlays	13	19	21	21	22	22

[1] The 2000 level is the amount appropriated for that year for DOE's existing Office of Independent Oversight and Performance Assurance.

Basis of estimate: CBO estimates that the continuation of the security functions now performed by DOE's Office of Independent Oversight and Performance Assurance would cost $98 million over the 2001–2005 period, assuming annual adjustments for anticipated inflation. Without such adjustments for anticipated inflation,

we estimate that continuing the work of this office would cost $93 million over the next five years.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 3906 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal costs: Lisa Cash Driskill; impact on State, local, and tribal governments: Victoria Heid Hall; impact on the private sector: Natalie Tawil.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

EXCHANGE OF COMMITTEE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, June 21, 2000.

Hon. THOMAS J. BLILEY,
Chairman, Committee on Commerce, Rayburn House Office Building, Washington, DC.

DEAR TOM: On March 14, 2000, you introduced H.R. 3906—the Department of Energy Security Oversight Improvement Act of 2000. The Commerce Committee Subcommittee on Energy and Power held a mark-up session on the bill on April 12, and forwarded to the Full Committee (Amended) by Voice Vote. The Commerce Committee held a mark-up session on May 17 and ordered the bill reported. The bill contains provisions that fall within the jurisdiction of the Committee on Science.

In deference to your desire to bring this legislation before the House in an expeditious manner, I will not exercise the Science Committee's right to take further action on its sequential referral.

Despite waiving its consideration of H.R. 3906, the Science Committee does not waive its jurisdiction over H.R. 3906. Additionally, the Science Committee expressly reserves its authority to seek conferees on any provisions that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Science Committee for conferees on H.R. 3906 as well as any similar or related legislation. Further, please ensure that the legislative history is clear that the Committee on Science is among the "appropriate committees of Congress" to receive the report mandated by section 4(b) of the legislation.

I request that you include this letter as part of the Congressional Record during consideration of the legislation on the House floor.

Thank you for your consideration and attention regarding these matters.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, June 21, 2000.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on Science, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR JIM: Thank you for your letter regarding your committee's jurisdictional interest in H.R. 3906, the Department of Energy Security Oversight Improvement Act of 2000.

I acknowledge your committee's jurisdiction over portions of this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forgo further action on the bill will not prejudice the Science Committee with respect to its jurisdictional prerogatives on this or similar legislation, and will support your request for conferees should this bill be the subject of a House-Senate conference. Additionally, I will ensure that the legislative history is clear that the Committee on Science is among the "appropriate committees of Congress" to receive the report mandated by section 4(b) of the legislation. I will also include a copy of your letter and this response in the Committee's report on the bill and the Congressional Record when the legislation is considered by the House.

Thank you again for your cooperation.

Sincerely,

TOM BLILEY,
Chairman.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides a short title for the bill, the "Department of Energy Security Oversight Improvement Act of 2000."

Section 2. Findings

This section describes the security oversight deficiencies that the legislation is intended to correct and the improvements that are intended to result from implementation of a single, independent security oversight office for the Department of Energy.

Section 3. Office of Independent Security Oversight

Subsection (a) provides for the establishment of an Office of Independent Security Oversight, with a Director appointed by the Secretary and subject to the authority of the Secretary only. To ensure adequate independence, this subsection prohibits the Secretary from interfering with the work of this Office in any manner. This subsection also clarifies that this Office cannot establish or require changes to the policies, practices, or programs of the Department; the Office's function is solely to evaluate and report.

Subsection (b) authorizes the Director of the Office of Independent Security Oversight to hire outside experts and consultants, and also authorizes the detail of employees from other Federal agencies on a reimbursable basis.

Subsection (c) defines the mission of the Office of Independent Security Oversight to be the independent evaluation of the effectiveness of safeguards and security policies, programs, and practices throughout the entire Department of Energy, including the facilities and operations of the National Nuclear Security Administration. This Office is to conduct regular inspections to identify problems in physical, personnel, and cyber security, make specific recommendations for improvement, and assess the effectiveness and timeliness of corrective actions.

Subsection (d) defines the specific functions of the Office of Independent Security Oversight. This subsection allows the Secretary the flexibility to assign additional functions to the Office of Independent Security Oversight as appropriate to the overall mission of the Office.

Subsection (e) requires that the Office conduct regular evaluations of safeguards and security at all key DOE sites at an interval of at least once every two years, but that evaluations of computer security must be conducted at least once every 18 months.

Subsection (f) provides that the Director of the Office of Independent Security Oversight is to have access to all records and personnel of the Department of Energy in order to perform the Office's functions. This access extends to the records and personnel of the NNSA, but such access is not intended to undermine or otherwise alter the autonomy of the NNSA as defined in section 3213 of the NNSA Act.

Section 4. Reports

Subsection (a) requires the Office to transmit to the Secretary of Energy an annual report by February 15th of each year, setting forth the significant activities of the Office during the prior calendar year. This report also shall include all significant findings of security deficiencies at Department sites, a description of the recommendations for corrective action made by the Office, and the adequacy of the actions taken by the Department in response to those findings. The report also shall contain a description of any significant security policy changes implemented by the Department

during the prior calendar year, and the Director's views with respect to such revisions to security policy.

Subsection (b) requires the Secretary to submit, without alteration, the Office's annual report to the Congress by March 15 of each year. This annual report to Congress is to summarize the Secretary's response to the recommendations contained in the Office's annual report required by subsection 4(a) above. In particular, the Secretary must state whether the Department agrees with each significant security deficiency identified by the Office, and describe the actions the Department has taken to resolve each of these problems.

Subsection (c) provides that the Secretary must make available to the public the unclassified portions of the reports required by sections 4(a) and 4(b) within 60 days of their transmission to the Congress.

Subsection (d) requires that the Director of the Office of Independent Security Oversight report immediately to the Secretary any particularly serious security deficiency identified during the course of its inspections that requires an immediate response. The Secretary is then required to report to the Congress, within seven calendar days of receiving the Director's report under this subsection, on the corrective actions taken to address the identified security deficiency.

Subsection (e) affirms the right of the Congress to timely and unaltered briefings and testimony from the Director, while ensuring that the Secretary is given advance notice of the subject matter of the Director's communications with the Congress. It provides that such testimony and briefings shall not be subject to review, clearance, or approval by the Secretary or any other Executive Branch official.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not change any existing law or statute.

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