

○ ● ● A Brief History of
Congressional
Oversight of Nuclear
Weapons

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Carnegie Endowment International

Non-Proliferation Conference

November 8, 2005



- On the issue of nuclear weapons, Congress has historically shown little interest except where budgets or constituent needs are concerned.
- Oversight has two connotations – to look over and to overlook. Too often Congress has practiced the latter.



- This is unfortunate, given that, among other things:

- Nuclear weapons and weapons-related programs have consumed some \$7.5 trillion in inflation-adjusted 2005 dollars, making them the third most expensive government program after all other national defense expenditures and Social Security.
- Historically, this is about 29 percent of all military spending and 11 percent of all government spending.



- Congressional oversight of nuclear weapons is a story of extremes, long periods of inattention punctuated by short periods concern and action.
- Typically Congress only takes action following a crisis, a scandal (real or perceived), or intense media or public attention.



- Oversight has been limited primarily to the what and the how but not the why – reviewing the numbers and types of warheads and delivery systems but seldom the strategies envisioning the use of these weapons for deterrence or war-fighting.
- What oversight there is is typically limited to the upcoming fiscal year.



- For example, the last House hearings on nuclear strategy were in the mid 1990s and the last Senate hearing was before the Foreign Relations Committee in 1980 (concerning President Carter's PD-59 on planning for a protracted nuclear war).
- In 1984, Sen. Sam Nunn (D-GA), a member of the Armed Services Committee since 1972, told a reporter, "The budget cycle drives the Congress, and the Congress drives the executive branch to such an extent that we don't have time to think about strategy. We never had a strategy hearing since I've been in the Senate."
- Four years later, Rep. John Spratt (D-SC) echoed this view, "In truth, most of our time is spent on the annual budget process and we have little left for oversight."



- This inattention and lack of focus have led to critical disconnects between what Congress thought it was achieving with nuclear policy and what was actually happening.
- “A bigger bang for a buck” wasn’t, but Congress never re-examined one of the most important assumptions behind the massive growth of the nuclear weapons stockpile.

○ ● ● Joint Committee on Atomic Energy, 1946-1977

- “...probably the most powerful congressional committee in the history of the nation.”



- The JCAE was the only committee created by an act of legislation (the Atomic Energy Act of 1946).
- It had full jurisdiction over all matters pertaining to atomic energy, and in 1954 it gained the additional power to authorize spending for the Atomic Energy Commission.



- The JCAE had 18 members, nine each from the House and Senate, and was exempt from the membership limitations which applied to every other committee.
- As a joint committee, its influence was unprecedented both within Congress and vis-a-vis the Executive Branch.



- From 1947 through 1953, the JCAE retained near total control of all information pertaining to atomic energy and nuclear weapons, communicating little of substance to the rest of Congress.
- Until 1951, even its own members were unaware of the total size of the nuclear stockpile, because they repeatedly refused AEC briefings on the subject.
- From 1947-51, 75 percent of JCAE hearings were held in executive session, and until 1954 it only issued a few reports to Congress.
- During this period, just 18 members oversaw the AEC's multibillion weapons program.



- The JCAE exerted considerable influence on the budget process.
- The JCAE staff also became extremely powerful:
 - William L. Borden accuses Oppenheimer (1953)
 - James T. Ramey appointed to the AEC (1962)
 - Oak Ridge unilaterally renamed after retiring JCAE chairman Chet Holifield (1974)



- The JCAE's influence on the growth of the nuclear weapons complex and the nuclear arsenal cannot be underestimated.
- If Congress in 1946 had vested responsibility for the program under existing congressional committees, "almost certainly, the national investment in atomic energy would have been substantially less and the present level of technology considerably lower."



- Congress disbanded the JCAE in 1977, assigning its responsibilities to the Armed Services committees and the Energy and Water Development appropriations subcommittees.
- Today, more than 30 committees and subcommittees can claim jurisdiction over some aspect of the nuclear weapons program.

Recent Significant Congressional Action on Nuclear Weapons

- Investigation into the collapse of the weapons production complex (1988-1992)
- Investigation into and greater support for DOE environmental remediation efforts (1988-1992)
- Debate and enactment of a nine-month nuclear testing moratorium (1992)
- Termination of funding for the Robust Nuclear Earth Penetrator or RNEP (2004-2005)



- In 60 years, Congress has terminated just one nuclear weapons program supported by the Executive Branch—the Safeguard Antiballistic Missile System in 1975.
- The RNEP, if it is not renamed or otherwise resurrected, would be the second.

Why Congressional Oversight is Lacking

- Except for occasional crises or scandals, there is little public or media interest or concern that would motivate greater attention
- Little career incentive to get involved in any sustained way
- Lack of basic knowledge of key programs and facilities
- Lack of access to pertinent information/secretcy rules sharply limit public discussion
- Organizational structure divides responsibility among many different committees and subcommittees, so no one looks at the entire program
- Exceptionally few members who are considered experts and leaders
- Insufficient time to address issues in depth (annual authorization/appropriation process, floor votes, committee meetings, party caucuses, constituent meetings, fundraising, re-election...)
- Insufficient staff resources and/or lack of staff concern
- No precedent for sustained involvement
- Issues perceived to be too complex/oversight is someone else's job
- Sharp decrease in unbiased technical expertise since the demise of the OTA in 1995

Some Possible Remedies

- Establish new House and Senate subcommittees on the appropriations and armed services committees with specific and discrete responsibilities for all nuclear weapons programs (DOD and DOE)
- Require the DOD and DOE to submit a consolidated nuclear weapons budget
- Consider (possibly on a trial basis) a multi-year appropriations process where every other year is devoted to non-budgetary oversight, including strategy, doctrine, and the meaning of nuclear deterrence in the 21st century
- Establish a nuclear weapons caucus
- Reestablish the OTA and/or beef up the CRS