

July 13, 2018

The Honorable John McCain
Chairman
Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Jack Reed
Ranking Member
Senate Committee on Armed Services 228
Russell Senate Office Building Washington,
DC 20510

The Honorable Mac Thornberry
Chairman
House Committee on Armed Services
2120 Rayburn House Office Building
Washington, DC 20515

The Honorable Adam Smith
Ranking Member House Committee on
Armed Services 2120 Rayburn House Office
Building Washington, DC 20515

Dear Members of the NDAA Conference Committee:

As former leaders of the Department of Energy (DOE) and of the National Nuclear Security Administration (NNSA), we are writing to offer our views regarding Section 3111 in the Senate-passed National Defense Authorization Act (NDAA) for Fiscal Year 2019. Having provided leadership of DOE and NNSA following the formation of the NNSA in 2000, we are providing the conference committee leadership the product of our experience in managing the complex DOE/NNSA relationship, as directed under the NNSA Act.

Section 3111 of the Senate-passed bill would fundamentally alter the Secretary of Energy's relationship with the NNSA, stripping him or her of the authority to oversee and manage the Department's vital national security programs that assure the safety, security and effectiveness of the Nation's nuclear deterrent, decrease nuclear risk through nonproliferation programs, and provide critical nuclear propulsion for the Navy. This would leave the Secretary and the Deputy Secretary, who is the Department's statutory COO, with broad responsibility for the program but without the necessary tools to execute effective leadership and management of the NNSA.

The Senate-passed legislation restricts the Secretary from independently assessing the effectiveness of NNSA policies, requirements, performance, and compliance in vital areas that have an impact on national security and the protection of the public, reducing that assessment role to health and safety functions. The legislation also places restrictions on the Secretary's authority to set DOE-wide policy in critical areas, creating serious risks to the execution of its multiple national security missions.

As you are aware, DOE is responsible for the Nation's Science-based Stockpile Stewardship Program (SSBS), as well as for the implementation of global efforts to prevent and reverse WMD proliferation. This includes responsibilities for safeguards and security (for protection of nuclear weapons, special nuclear materials, and classified matter, including nuclear weapons-related Restricted Data), cyber security (for protection of both unclassified networks and classified National Security Systems), integrated safety management, emergency management (for protection of the nearby public and site workers from both radiological and hazardous material releases from site facilities and operations as well as hostile acts), and

counterintelligence threats.

By eliminating the Secretary's authorities to supervise and oversee DOE's nuclear enterprise, Section 3111 would directly contradict the recommendations the Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise (known as the Augustine-Mies Commission). That panel, which completed its congressionally-mandated work in November 2014, stressed the necessity for Cabinet-level leadership of DOE's national security missions, both within the Department and across the interagency. The panel recognized the imperative that the Secretary "own" the nuclear security mission and recommended reforming the underlying statutory authorities to *more fully integrate* the NNSA into DOE, while of course preserving the Administrator/Undersecretary's capacity to develop NNSA policy, work with DoD through the Nuclear Weapons Council, and assure program implementation.

The provisions of Section 3111 are detrimental to the authorities of the Secretary of Energy in relation to the Nation's vast nuclear security enterprise. In this context it is worthwhile to review the structure of that enterprise and the unique role that DOE plays in the broader national security architecture of the Federal government.

Effective deterrence requires that the President and his military leadership, as well as our allies and adversaries, have absolute confidence in the reliability of U.S. nuclear weapons and our ability to deliver them on target should the Commander in Chief ever reach the momentous decision that their use is needed. Today, the Secretaries of Defense and Energy provide Cabinet-level complementary and joint advice to the President on all aspects of nuclear security.

DoD has full operational responsibilities for making deterrence work, involving command and control (including the delivery of critical information on nuclear threats to the President in minutes), targeting, and warfighters' prompt delivery of weapons to their destinations under any conditions.

DOE has an entirely different science-based deterrence mission that most Americans do not know about, conducting the design, continuous monitoring, and complex "life extension" efforts that extend the viability of the nuclear weapons in our shrinking stockpile beyond their original anticipated expiration dates and presumably for many decades to come.

DOE succeeds at this mission through innovative science and engineering. SBSS is carried out principally at three DOE National Laboratories – Los Alamos, Livermore and Sandia in New Mexico and California – and at its operational sites in Texas, Tennessee, South Carolina, Nevada and Missouri. SBSS requires that the labs continually push the frontiers of large scale computational hardware and software (including work with industry on new architectures), of experimental capabilities that reach extremely high pressures and temperatures relevant to nuclear weapons performance, of incredibly fast imaging at nuclear explosive time scales, and more. Multidisciplinary teams, a core competency of DOE labs, are essential.

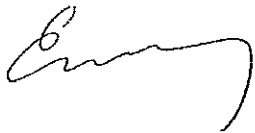
In addition to the three well known nuclear weapons labs, major contributions are made to the nuclear security mission by DOE science, energy and environmental national labs, as well as at the Naval Nuclear Reactors labs, including Pacific Northwest, Oak Ridge, Argonne, Idaho and

Savannah River, and Bettis and Knolls. For example, the leading computational and big data capabilities critical to modeling the stockpile are developed jointly by the DOE nuclear weapons and science programs. A number of the Science labs have leadership roles in nonproliferation. Furthermore, the weapons labs are themselves multi-mission labs centered on synergistic science and technology capability. Their scientific vitality depends on research they conduct outside the DOE nuclear security mission for the agency's science, energy and environmental programs and for other U.S. government agencies. Indeed, this research is often a gateway for recruiting top-notch scientists and engineers who go on to become key nuclear security contributors.

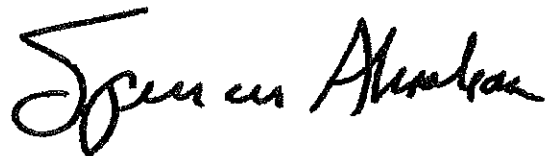
In sum, the DOE enterprise is a complex and dispersed ecosystem in which NNSA is situated. NNSA depends heavily on strong Secretarial enterprise-wide leadership to ensure that all DOE's assets, including the enterprise-wide national laboratory system, are available to support the "no fail" nuclear deterrence and proliferation prevention missions. Thus enterprise-wide oversight at the Secretarial level is essential to ensuring the strategic integration of all DOE capabilities to deliver on NNSA's responsibilities.

We strongly encourage the NDAA conference committee to reject the detrimental elements contained in Section 3111 so that the present and future Secretaries of Energy are able to fulfill their obligations to Congress, the American people, and our treaty allies, and to effectively lead and manage DOE's unparalleled national security assets.

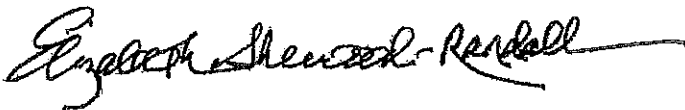
Sincerely,



The Honorable Ernest J. Moniz
Former Secretary of Energy



The Honorable Spencer Abraham
Former Secretary of Energy



The Honorable Elizabeth Sherwood-Randall
Former Deputy Secretary of Energy



The Honorable Clay Sell
Former Deputy Secretary of Energy