



The Secretary of Energy

Washington, DC 20585

June 29, 2020

The Honorable James M. Inhofe
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The Department of Energy (DOE) is very appreciative of the Committee's strong support for our priorities in Fiscal Year (FY) 2021 National Defense Authorization Act (NDAA). Your support will help DOE sustain and modernize the U.S. nuclear stockpile and ensure that DOE is positioned to meet the policy recommendations set forth in the President's 2018 Nuclear Posture Review.

As you move toward consideration by the full Senate, I would like to bring several provisions to your attention that adversely impact our ability to protect national security and nuclear deterrent priorities. I have deep concerns about several DOE-related issues, including provisions related to the oversight of the National Nuclear Security Administration (NNSA).

Since the establishment of DOE in 1977, the Secretary of Energy has been charged with the management of America's nuclear weapon capabilities. This authority is the most important responsibility that I hold as the Secretary of Energy. A safe, secure, and reliable nuclear weapons stockpile, and the network of laboratories and production facilities that maintain the stockpile, directly impact America's national security, as well as the safety and health of millions of Americans. This is a responsibility that weighs on my mind every day.

Sections 1652, 3111-3116, and 3132 of the Senate FY 2021 NDAA would fundamentally alter the Secretary of Energy's statutory authority with regard to NNSA. Specifically, the Administration strongly opposes the proposed role of the Nuclear Weapons Council (NWC) in the DOE/NNSA annual fiscal year budget process. The Senate Armed Services Committee's provisions would authorize non-Cabinet-level officials on the NWC to stipulate funding levels to the Secretary of Energy, which the Secretary would then be directed to transmit to the White House Office of Management and Budget (OMB). The new authorization language would also mandate the submission to Congress of executive privileged internal budget deliberations.

The Secretary of Energy oversees the budget process for the entire Department of Energy (DOE), including NNSA. Congress originally assigned the creation and sustainment of the Nation's nuclear deterrent to the Atomic Energy Commission in 1946 to ensure a balance between resource allocation, military necessity, and civilian control. The

Secretary of Energy, coordinating with the Secretary of Defense, plays a critical role in achieving this balance. The NWC already has the authority necessary to support the Secretaries of Defense and Energy in evaluating, coordinating, and prioritizing the nuclear weapons mission.

Further, granting the Department of Defense (DoD) the role of final arbiter of DOE's annual budget violates DOE's position as a distinct and equal Cabinet-level agency. Such authority, providing DoD broad control over the NNSA's budget, restricts the President's capacity in exercising his responsibility to set budget levels, and subjects the priorities of NNSA to DoD's discretion, potentially causing setbacks and underfunding of other critically important missions of the NNSA.

Together these provisions eliminate a President's Cabinet Secretary from managing some of the most sensitive national security programs in the Department, most notably, assuring the viability of the Nation's nuclear deterrent, yet leaving ultimate responsibility for NNSA's actions with the Secretary. This, in effect, leaves the Secretary with responsibility for the program, while removing his or her ability to effectively manage it.

I strongly encourage the United States Senate to reject Sections 1652, 3111-3116, and 3132, so that I, along with all future Secretaries of Energy, may fulfill our obligations to Congress and to the American people to effectively manage DOE's national security assets.

I look forward to working with you on each of these national security imperatives. Please do not hesitate to contact me at any time for further discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Brouillette". The signature is fluid and cursive, with the first name "Dan" being particularly prominent.

Dan Brouillette