

U.S. Senator Maria Cantwell
Senate Floor Speech on National Defense Authorization Act
June 29, 2020

CANTWELL: Mr. President, I come to the floor as we start further consideration of the National Defense Authorization Act and ask my colleagues to pay close attention to what's included in this legislation. No one's going to be surprised that the National Defense Authorization Act might include something that had not gotten the bright light of day shone on it, but I'm here to say to my colleagues, what's in this act is really egregious, and we need to correct it before we continue to move forward.

This legislation—mostly done behind closed doors—is not unusual for the Senate Armed Services Committee, but when you think about the billions of dollars that we're spending, we need to make sure that this policy, out here on the Senate floor, is not just another rubber stamp.

We're here to look at particular provisions that I think are troubling, particularly because it wrestles away civilian control of our nuclear arsenal, and gives it to the military. Provisions that, in the future, would allow the Defense Department to raid dollars used by the Department of Energy for cleanup of nuclear waste, for R&D, for our national laboratories, or maybe other infrastructure investment.

I know the president presiding knows how much the quadrennial review called for an investment in energy infrastructure. So I find it troubling today to see that we are at a provision that would wrestle away, as I said, control of our nuclear arsenal and give it to the military. These provisions are dangerous because, one, they would strip the Secretary of Energy the power over his own budget by requiring that he agree to a sub-cabinet member group of the Nuclear Weapons Council to approve the National Nuclear Security Administration's budget.

That's right. That is why the current energy secretary and past energy secretaries oppose this language. Why? Because it basically tells the energy secretary what the majority, or a big chunk of his budget will be. And it would allow DOD then to prioritize things within the energy budget as they saw fit for making nuclear weapons, instead of focusing on our federal priorities of nuclear waste cleanup, R&D that we want to see at our national labs, or other issues that we want to see an investment in, that energy is already doing.

So this shift in control away from the Secretary of Energy into this sub-cabinet so that the nuclear weapons complex would be moving away from civilians to the military—I just can't even believe that it's actually in this legislation.

I do not believe that the Nuclear Weapons Council understands the Department of Energy's priorities. How could they? Do they sit in on any of the meetings for the national labs, or the waste cleanup?

I do believe that DOD and Nuclear Weapons Council know there is a long history of raiding the nuclear waste cleanup budget, and other administrations have tried this, and these same individuals tried this in 2018, only to be shot down by our colleagues in the House of Representatives.

Now, the NNSA, the National Nuclear Security Agency, was created in 2000 to be part of the Department of Energy, to manage both the nuclear weapons complex and non-proliferation activities.

Congress made them a part of the Department of Energy, not a part of the Department of Defense. We did that because we wanted to maintain a longstanding civilian control over the country's nuclear weapons. So giving the DOD now control over the Nuclear Weapons Council, and their complete power over this budget, gives control of our nuclear weapons to the military.

I can't believe that we're here, with all the things that we have to deal with, a COVID crisis, an economic crisis, justice reform, and now we have to worry about people in the dark of night changing control of our energy budget and turning it over to the DOD and giving them control of our nuclear arsenal.

To say nothing of the concerns I have for what they will do to shortchange the Hanford cleanup budget that is a challenge to the nation. It is an obligation that needs to be met every year, and I guarantee you, there are always people looking at the nuclear waste cleanup budget and thinking that they can either do it on the cheap, cut some of the funds early, or just skip the obligation. It's a national obligation, and this bill undercuts it.

But not only does it undercut it, it would be giving the Department of Defense greater say over building new nuclear weapons—that's literally like obliterating some of the people here who have a say in the budget process. Because basically, it's getting rid of the checks and balances that we have, and instead putting this incredible process in place.

So it's no surprise that my colleagues, the ranking member and the chair of the Energy Committee sent a letter in opposition to the Armed Services Committee about this. This was last week, I'm pretty sure they've been ignored. They were ignored before this and they're continuing to be ignored.

But basically the letter says, "most immediately, Section 3111 would empower sub-cabinet level officials, primarily from DOD, to make potentially sweeping decisions about DOE's budget. We believe this goes against good governance and is contrary to the Department of Energy's Organization Act of 1977."

So it's clear my colleagues on the Energy Committee don't support this. So I don't know what the fake act of the NDAA bill is that somehow you consulted with members of the Energy Committee, because I guarantee you, you didn't consult with them. And now every member of the Energy Committee has to worry about whether their priorities are going to be set by some subcabinet person over it DOD, or whether they will be questioning an energy secretary that will be able to give them an answer. Instead of saying senator, I don't know, I have to go check with the Department of Defense. This is unacceptable.

I know my colleague Senator Manchin has worked on this, and is trying to get a change to this legislation. I hope that we are successful in either just pulling it out right now, admitting that it's the wrong approach and has not been discussed with the committee of jurisdiction, or at least

having our colleagues have a vote on this. It is unbelievable that we would be changing this big of national policy stuck into the NDAA bill without the bright light of day shone on it.

These provisions would allow the Nuclear Weapons Council, as I said, made up of a sub-council of officials, primarily from DOD, to require significant modifications to the DOE budget. Likely, as I said, where else are they going to get the money but at the expense of other critical DOE projects. And I've already told you why that is so important to me.

But let's read from their report language. Basically, they're saying in their report language "The secretary would be required to transmit a proposed budget request of the NNSA to the nuclear council, and submit it to the Office of Budget Management." That isn't, like, "consider this," that isn't "let's discuss this," this isn't like an issue of like "here are some things we want you to better consider."

This is a total jam by the DOD neutering the Department of Energy on more—almost half of its budget, to basically say, "we know better what to do." I hope my colleagues will speak loudly and clearly about this. This is a bipartisan issue.

This is about the people that we should have listened to in the first place. I know some of my colleagues they're going to say "well wait wait wait wait, nope was, this is just a bureaucratic budget change, it's an inter-agency thing, it's just accounting, it doesn't really mean anything."

No, no, no. This is a very big change. And that is why I oppose Subtitle B of the Budget Nuclear Security Administration, and why my colleagues should work in a very aggressive way to stop this legislation with this language in it. That is to say, that they should take this language out now or work with our colleagues to basically protect the Department of Energy and the Department of Energy's budget and stop turning over to DOD something that the United States Congress never had an intent to turning over civilian control of our nuclear weapons to the Department of Defense.

I thank the president and I yield the floor.