



# The Role of Congress in Reducing Nuclear Risk

Congress has an essential role to reduce nuclear risk. To address nuclear threats short of military force, the United States employs arms control, nonproliferation, nuclear security, and unilateral steps (i.e., without relying on other countries). Arms control involves agreements with other countries that have nuclear weapons to reduce the risk of nuclear war by placing limits on nuclear weapons and delivery vehicles (e.g., New START). Nonproliferation involves efforts to limit the spread of nuclear weapons and prevent more states from acquiring them. Nuclear security involves efforts to prevent nuclear weapons components from being stolen or from sabotage, or nuclear materials used for peaceful purposes from being stolen and turned into nuclear weapons.

## **BUDGET AND APPROPRIATIONS**

- By deciding what (nuclear) military programs to authorize and fund (and in what amounts), Congress has a standing, reliable opportunity to shape nuclear weapons policy.
- The United States does not maintain a single, unified budget for nuclear weapons and other nuclear activities: nuclear appropriations fall under both defense appropriations (for delivery systems) and energy and water appropriations (for the National Nuclear Security Administration, weapons components, and nonproliferation).



- The National Defense Authorization Act (NDAA) is an important vehicle for proposing policy amendments to reduce nuclear risks
- Spending on nuclear weapons modernization is anticipated to cost at least \$1-\$1.2 trillion over the next 30 years. There are growing concerns that the extensive anticipated spending on nuclear modernization in the next few years could detract from the Department of Defense's other priority programs.

## **ADVICE AND CONSENT TO TREATIES**

- When the President submits a treaty for Senate consent to ratification, the Senate votes on a resolution of ratification that empowers the president to proceed with treaty ratification.
- Senators can attach amendments to the resolution of ratification. The Senate has never conditioned consent (in resolutions of ratification) on treaty amendments (which would affect other countries). Instead, amendments and reservations in resolutions of ratification have only directly affected US implementation of treaties.
- The resolution of ratification requires a  $\frac{2}{3}$  vote of Senators present and voting to pass, while adding amendments and reservations to the resolution require only a simple majority.
- The Senate's advice and consent can create flexibility as well: the extension of New START did not require Congressional consent, because the language permitting extension was in the original treaty to which the Senate consented in its resolution of ratification.
- The House has no formal role in the treaty ratification process for arms control and nonproliferation treaties, but in the budget and appropriations process, the House can also add legislation that would facilitate or advance implementation of treaty obligations.

## **SANCTIONS**

- Sanctions contribute to nonproliferation by cutting off resources that could be used for nuclear weapons. They limit targets' ability to buy or produce nuclear weapons components. US sanctions on North Korea, Syria, and Iran are the most prominent examples of nonproliferation sanctions.
- Congress can exercise oversight over executive branch sanctions; requiring reporting to Congress before imposing sanctions.
- There has been some backlash to overreliance on sanctions as a foreign policy tool. A crucial part of imposing sanctions is making clear what would need to happen for sanctions to be removed. Otherwise, those being sanctioned have little incentive to change their behavior, even if sanctions are extremely costly. Sanctions tend to be more effective when they're used to pressure countries into actions that involve a smaller, rather than a larger adjustment, are multilateral rather than unilateral, and are aimed at democracies rather than autocracies.
- Congress can lift sanctions through a new statute, regardless of whether they're imposed by a statute, an executive order, or an executive agency regulation or designation.



## EXPORT CONTROLS

- Section 123 Agreements refer to a section of the Atomic Energy Act that require extra nonproliferation and nuclear security measures for “significant nuclear cooperation” with other countries. Significant nuclear cooperation refers to transferring U.S.- origin nuclear material subject to licensing for commercial, medical, and industrial purposes, and the export of reactors and critical parts of reactors. Section 123 Agreements are subject to Congressional approval: they can reject cooperation or set the terms for cooperation. If Congress does not reject the agreement by passing a veto-proof resolution of disapproval, it goes into effect.
- Congress can also add country or agreement-specific requirements to these general requirements, (e.g., 2018 H.R. 7350, the proposed ‘No Nuclear Weapons For Saudi Arabia Act’), or increase the nonproliferation and nuclear security safeguards requirement for nuclear reactor exports (e.g., a proposed amendment to the 2020 American Nuclear Infrastructure Act).

## UNILATERAL MEASURES

- Decisions regarding nuclear force posture are traditionally the purview of the Executive Branch. However, Congress can weigh in. The Congressional Strategic Posture Commission was mandated as part of the 2008 NDAA. The current Congress could mandate a new one.
- The 2021 NDAA mandated a new assessment from the National Academies of Sciences, Engineering, and Medicine on “the potential environmental effects of nuclear war” to be completed within 18 months. Congress can mandate similar assessments to clarify the sources and intensity of nuclear risks and identify further ways to reduce nuclear risks.
- Members have also introduced legislation to place limits on presidential nuclear launch authority or the first use of nuclear weapons. Such measures are intended to reduce the risk of nuclear war by limiting the ability to use nuclear weapons.

*For questions or further information, contact: [programs@trumanproject.org](mailto:programs@trumanproject.org). The Truman Center for National Policy is an independent policy institute that brings together leaders from government, the private sector, and civil society to develop strong, smart and principled solutions to the global challenges Americans now face. As a non-profit 501(c)3 organization, the Truman Center is committed to developing policy ideas that advance the economic and national security interests of the United States.*