



## Legislative Bulletin.....October 11, 2013

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### **H.J. Res. 76 - Nuclear Weapon Security & Non-Proliferation Act (Rep. Frelinghuysen, R-NJ)**

**Order of Business:** H.J. Res. 76 is scheduled to be considered on Friday, October 11, under a closed rule ([H. Res. 371](#)).

To see an RSC timeline of the legislation related to the government “shutdown,” go [here](#).

### **Summary:**

[H.J. Res 76](#) – Nuclear Weapon Security & Non-Proliferation Act (Rep. Frelinghuysen, R-NJ)

- This bill provides funding for the National Nuclear Security Administration (NNSA). The NNSA is a semiautonomous agency within the Department of Energy that manages the United States’ nuclear weapons program research and development.
- The Department of Energy reports that 140 employees of the NNSA are currently excepted and not furloughed. The DOE reports that “the vast majority of excepted employees are connected to NNSA programs falling significantly into three program areas: maintenance and safeguarding of nuclear weapons; international non-proliferation activities; and servicing deployed naval reactors.” For text of the Department of Energy shutdown contingency plan, click [here](#).
- Funds are appropriated at the Fiscal Year 2013 post-sequester level through December 15, 2013, or the passage of a superseding appropriations act, whichever comes first. [CBO](#) estimates that the annualized cost of this bill is \$10.6 billion in budget authority (\$7 billion for Weapons Activities, \$2.2 billion for Defense Nuclear Nonproliferation, \$994 million for Naval Reactors, and \$378 million for the Office of the Administrator).

### **Administration Position:**

The Administration has issued a [veto threat](#) for H J Res 76.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No

**Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10<sup>th</sup> Amendment?:** No

**Does the Bill Delegate Any Legislative Authority to the Executive Branch?:** No

**Constitutional Authority:**

According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . .” In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: “The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . .” Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set terms and conditions governing their use.”

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