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9/11 Commission Recommendations: Joint Committee on Atomic Energy — A Model for Congressional Oversight?

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9/11 Commission Recommendations: Joint Committee on Atomic Energy — A Model for Congressional Oversight?

Summary

In its July 22, 2004, final report, the National Commission on Terrorist Attacks Upon the United States (also known as the “9/11 Commission”) proposed a five-part plan to build unity of effort across the U.S. government in fighting terrorism. The commission’s report includes specific recommendations for “centralizing and strengthening congressional oversight of intelligence and homeland security issues” including a recommendation that Congress consider creating a joint committee for intelligence, using the Joint Atomic Energy Committee as its model.

Created in the wake of the explosion of the first atomic weapon in the summer of 1945, the Joint Committee on Atomic Energy (JCAE 1946-1977) has been described as one of the most powerful congressional committees in history.

Congress gave the JCAE exclusive jurisdiction over “all bills, resolutions, and other matters” relating to civilian and military aspects of nuclear power, and made it the only permanent joint committee in modern times to have legislative authority. The panel coupled these legislative powers with exclusive access to the information upon which its highly secretive deliberations were based. As overseer of the Atomic Energy Commission, the joint committee was also entitled by statute to be kept “fully and currently informed” of all commission activities and vigorously exercised that statutory right, demanding information and attention from the executive branch in a fashion that arguably has no equivalent today.

This report provides an outline of the structure and history of the Joint Committee on Atomic Energy and raises a number of issues that might be considered by policymakers as they weigh the suitability of the JCAE as a possible model when crafting congressional oversight mechanisms. For example, one factor that might be weighed by policymakers is evidence that shows that the JCAE was not *created* to be one of the most powerful committees in congressional history; it *evolved* into one as a result of personalities and circumstances.

This report will be updated as circumstances warrant.

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9/11 Commission Recommendations: Joint Committee on Atomic Energy — A Model for Congressional Oversight?

The National Commission on Terrorist Attacks Upon the United States (also known as the “9/11 Commission”), an independent, bipartisan commission was created on November 27, 2002, by P. L. 107-306.¹ It was directed to “make a full and complete accounting of the circumstances surrounding” the September 11, 2001, terrorist attacks, “and the extent of the United States’ preparedness for, and immediate response to, the attacks.” As part of this charge, the 9/11 Commission released its final report on July 22, 2004, which included “recommendations for corrective measures that can be taken to prevent acts of terrorism.”² In its report, the 9/11 Commission “proposed a five-part plan to build unity of effort across the U.S. government” in fighting terrorism. The plan includes recommendations for “centralizing and strengthening congressional oversight of intelligence and homeland security issues.”³

“Tinkering with the existing structure [of Congress’s system of intelligence oversight] is not sufficient,” the report asserted. “Either Congress should create a joint committee for intelligence, using the Joint Atomic Energy Committee as its model, or it should create House and Senate committees with combined authorizing and appropriations powers.”⁴ The commission report further opined that the system of “Congressional oversight for intelligence — and counterterrorism — is now dysfunctional. Congress should address this problem.” The members of the 9/11 Commission “have considered various alternatives: A joint committee on the old model of the Joint Committee on Atomic Energy is one.”⁵

This report focuses on that portion of the 9/11 Commission recommendation that urges Congress to consider the model of the Joint Committee on Atomic Energy (JCAE). It provides an outline of the history, structure, and powers of the JCAE and analyzes a number of issues that might be considered by policymakers as they weigh the suitability of the JCAE as a possible model when crafting congressional oversight mechanisms for intelligence.

¹ P.L. 107 — 306, Title VI, 116 Stat. 2383.

² National Commission on Terrorist Attacks Upon the United States, “9/11 Commission Releases Unanimous Final Report,” media release, July 22, 2004, available at [http://www.9-11commission.gov/press/pr_2004-07-22.pdf], visited Aug. 16, 2004.

³ Ibid.

⁴ National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington: GPO, 2004), p. 420.

⁵ Ibid.

While the 9/11 Commission report does not give additional specifics supporting this recommendation, one can imagine the reasons why it was advanced. During its 30-year life, the JCAE was universally regarded as one of the most effective committees in congressional history. On behalf of the two chambers of Congress that it served, the JCAE exercised strong oversight, coordinated and shaped policy in its field, and played an enormous role in the development of atomic power and the nuclear arsenal of the United States. Among other accomplishments, one observer noted, the JCAE has been credited with:

the decision to develop the thermonuclear bomb ... saving the Nautilus submarine project from the hostility of the Navy brass ...[and] almost all of the developments in the domestic atomic power program.⁶

In short, what may have attracted the 9/11 Commission to the JCAE model is the fact that the JCAE was established with extraordinary powers, to deal with what was perceived as an extraordinary challenge facing the nation. The commission may view this situation as analogous to that of counter terrorism today.

Following the explosion of the atomic bomb over Hiroshima, Japan, in August 1945, congressional interest was extremely high regarding the international security challenges posed by atomic power, as well as its potential for providing a valuable source of energy for civilian purposes. The issues posed by the advent of the nuclear age precipitated a power struggle between the legislative and executive branches, as well as between civilian and commercial interests and the military over the appropriate allocation of power and responsibility for overseeing nuclear power. The ultimate outcome of that struggle was the creation of a five-member civilian Atomic Energy Commission (AEC) located in the executive branch and empowered to oversee all aspects of atomic energy, and an 18-member congressional Joint Committee on Atomic Energy located in the legislative branch that was empowered with jurisdiction over the agency and the subject of nuclear power generally.

The JCAE has been described by those who have studied it as one of the most powerful, if not the “most powerful congressional committee in the history of the nation.”⁷ While the JCAE was certainly a committee of Congress, in many ways it did not resemble a congressional committee, or at least few other congressional committees before or since, serving as almost a unicameral legislature within the bicameral Congress.

The Joint Committee on Atomic Energy was powerful in part because it enjoyed exclusive jurisdiction and had a unique structure. Congress gave the JCAE exclusive jurisdiction over “all bills, resolutions, and other matters”⁸ relating to civilian and

⁶ H.L. Nieburg, “The Eisenhower AEC and Congress: A Study in Executive-Legislative Relations,” *Midwest Journal of Political Science*, vol. 6, no. 2 (May 1962), p 114.

⁷ Harold P. Green and Allen Rosenthal, *The Joint Committee on Atomic Energy: A Study in the Fusion of Government Power* (Washington: The National Law Center, George Washington University, 1961), p. 288. (Hereafter cited as “Green and Rosenthal”).

⁸ 42 USC §2251.

military aspects of nuclear power, and made it the only permanent joint committee in modern times to have legislative authority.⁹

The JCAE coupled these legislative powers with exclusive access to the information upon which its highly secretive deliberations were based. Simply put, the JCAE had access to restricted data not available to other committees of the House or Senate. The joint committee jealously guarded that information and this gave the committee tremendous power in its area of expertise.

As overseer of the Atomic Energy Commission, the joint committee was also entitled by statute to be kept “fully and currently informed” of all commission activities. It vigorously exercised that statutory right, demanding information and attention from the executive branch in a fashion that arguably has no equivalent today.

Creation of the JCAE

Against the backdrop of the dawning atomic age, Congress faced the question as scholars Harold P. Green and Allen Rosenthal observed in their 1961 study of the JCAE, of how to “maintain its position” in relation to the executive branch and, “deal effectively with a vital national security program requiring secrecy, involving highly esoteric technical data at the frontiers of scientific knowledge and necessitating considerable urgency and flexibility?”¹⁰

Following World War II, Congress was facing not only the challenges posed by the atom, but also coming to terms with its own authority and position in relation to the executive branch of government.

In the summer of 1946, Congress had finally passed, after nearly two years of study, the landmark Legislative Reorganization Act of 1946, which was motivated, in part, by Congress’s desire to have more power and resources in relation to the President. The act, which gave birth to the modern congressional committee system, made “improvements in such [House and Senate] organization and operation with a view toward strengthening the Congress, simplifying its operations, [and] improving its relationships with the other branches of the United States Government.”¹¹ The motivation for the “creation of the JCAE should be considered in the context of the

⁹ Few temporary Joint Committees have had legislative authority. For example, the Joint Committee on Reorganization, which was created on Dec. 29, 1920 (41 Stat. 1083) to study the organization of the executive branch, was given permission to “prepare and submit bills or resolutions.” The JCAE, however, was the only permanent joint committee with such power.

¹⁰ Green and Rosenthal, p. 288.

¹¹ CRS Report RL31835, *Reorganization of the House of Representatives: Modern Reform Efforts*, by Judy Schneider, Christopher M. Davis, and Betsy Palmer.

effort made by Congress at about the same time to strengthen its position vis-a-vis the Executive Branch by enacting the Legislative Reorganization Act of 1946.”¹²

Congress was also engaged in additional efforts to make it equal with the executive, such as enacting the Employment Act of 1946,¹³ which created in Congress a Joint Economic Committee charged with providing independent facts and analyses to Congress on developing economic trends.

One of Congress’s apparent motivations in creating the JCAE was to have a uniquely powerful congressional panel to serve as overseer for the powerful Atomic Energy Commission it had created. According to Green and Rosenthal, references to the joint panel in congressional hearings:

... dealt with the potential role of [a] joint committee in controlling the [new Atomic Energy] Commission’s exercise of licensing authority; in safeguarding the position of the military; and in keeping Congress informed about atomic energy developments. The Senate Committee’s report on the legislation described the provision relating to the joint committee primarily in terms of keeping Congress “fully acquainted at all times with the work of the Commission.” The report also suggested that the joint committee would “be in a position to give substantial aid to the Appropriations Committee” and could consider supplementary and amendatory atomic energy legislation as the need might arise.¹⁴

Less than a month after the explosion of the atomic bomb, Senator Brien McMahon (D-CT) introduced legislation in Congress to establish a board composed of executive officials to deal with the subject of atomic power.¹⁵ This was the “first bill on atomic energy in the Senate.”¹⁶ It was reportedly a rudimentary proposal that received little notice.

On that same day — September 6, 1945 — Senator Arthur H. Vandenberg (R-MI) introduced a concurrent resolution to create a joint congressional committee which would study the issues associated with the development, control and use of atomic energy and report recommendations to Congress.¹⁷ The Senate adopted Senator Vandenberg’s resolution calling for a joint committee without debate on September 27, 1945.¹⁸ Allies of the Truman Administration in the House, however, opposed the Vandenberg measure, preferring instead to keep the subject of atomic energy, “within the orbit of existing and Democratically controlled standing

¹² Green and Rosenthal, *The Joint Committee on Atomic Energy*, p. 288.

¹³ P.L. 79-304, 60 Stat 23.

¹⁴ Green and Rosenthal, pp. 4-5.

¹⁵ S. 1359, 79th Cong., 1st sess., Sept. 6, 1945.

¹⁶ Richard G. Hewlett and Oscar E. Anderson, Jr., *A History of the United States Atomic Energy Commission*, 2 vols. (University Park Pennsylvania: Pennsylvania State University Press, 1962), v. 1, p. 436.

¹⁷ S. Con. Res. 28, 79th Cong., 1st sess., Sept. 6, 1945.

¹⁸ *Congressional Record*, vol. 91 (Sept. 27, 1945), pp. 9062-9063.

committees”¹⁹ and closely held by the military. As a result, the House did not act on the Vandenberg resolution.

At the request of the Truman Administration, on October 3, 1945, companion measures were introduced in the House by Representative Andrew J. May (D-KY) and in the Senate by Senator Edwin Johnson (D-CO) to establish procedures governing the security, handling and development of atomic energy.²⁰ This legislation was drafted by the War Department and would have placed control of atomic energy squarely in the orbit of the military by having it overseen by a powerful Atomic Energy Commission that would control all sources of atomic energy and “conduct all necessary research, experimentation, and operations for the further development and use of atomic energy for military, industrial, scientific, or medical purposes.”²¹ The May-Johnson legislation was introduced in conjunction with Congress’s reception of a special message from President Truman urging the Congress to create such a structure to oversee atomic energy.

The Truman Administration “intended to drive for passage of the [May-Johnson] bill with the aid of the smooth working relationships which the [War] Department had established with the Military Affairs Committees of both Houses.”²² When the measure was introduced in the House it was promptly referred to the Committee on Military Affairs. In the Senate, however, a jurisdictional battle erupted over the referral of the legislation, with several Senators expressing concern that the referral of the bill to the Senate Military Affairs Committee would send the message that “atomic energy is to be used only as a war instrument.”²³

On October 22, 1945, Senator McMahon introduced a new resolution, S. Res. 179, providing for the establishment of a Special Senate Committee on Atomic Energy. In light of the House’s failure to act on Senator Vandenberg’s concurrent resolution establishing a joint congressional committee, the Senate promptly adopted the McMahon resolution to set up a committee of its own.²⁴ Senator McMahon had laid the groundwork for the success of his proposal by seeking the support of Senator Vandenberg. “Vandenberg knew his [previously introduced resolution for a joint committee] was dead [in the House of Representatives]. The next best approach would be to create a special committee in the Senate alone.”²⁵

¹⁹ William S. White, “Atom Victory Won By Administration,” *New York Times*, Oct. 9, 1945, p. 7.

²⁰ S. 1463 and H.R. 4280, *Congressional Record*, vol. 91 (Oct. 4, 1945), pp. 9323- 9372.

²¹ *Congressional Record*, vol. 91 (Oct. 3, 1945), pp. 9322-9323.

²² Hewlett and Anderson, *A History of the United States Atomic Energy Commission*, V. 1, p. 428.

²³ *Congressional Record*, vol. 91 (Oct. 4, 1945), p. 9329.

²⁴ *Congressional Record*, vol. 91 (Oct. 22, 1945), pp. 9888-9898.

²⁵ Richard G. Hewlett and Oscar E. Anderson, Jr., *A History of the United States Atomic Energy Commission*, 2 vols. (University Park Pennsylvania: Pennsylvania State University Press, 1962), vol. 1, p. 435.

Although he was only a freshman, Senator McMahon was named chair of the new Special Senate Committee on Atomic Energy, after fending off an attempt by Senators from the May-Johnson camp to “capture control of the [new Special] committee by arguing for appointment [of the chair] on the basis of seniority.”²⁶

The debate on the creation of the Senate Special Committee, reveals some of the thinking by Members that would later influence the structure of the JCAE. For example, the Special Committee had legislative power, an unusual addition to a temporary panel, most of which were quite limited in their power and mission. In addition, during consideration of S. Res. 179, Senators rejected an attempt to expand the Special Committee from 9 to 18 members, deciding instead to compromise on an 11-member panel. Senator Vandenberg argued for a smaller atomic committee, stating:

A special committee is created because of the fact that there is a special job to be done. It must be done in a concentrated way, as rapidly as it can be done with full justice to the subject. I feel that if there were to be a [larger] committee, there would be a scattering of responsibility, and the result we desire would not be achieved. We all know what the experience is with large committees.²⁷

Senator Vandenberg further argued that a smaller committee would also be more likely to be trusted by the executive branch and the military with secret atomic information, observing that smaller numbers of Members could better handle information that involved, “a certain element of secrecy.”²⁸ Both of these considerations would influence the size of the JCAE.

During debate, Senator Barkley, as Senate Majority Leader, expressed his preference that Members appointed to the Senate Special Committee be made up of Senators from “the important [Senate] committees ... which might claim jurisdiction over legislation affecting” atomic energy, such as the Committees on Commerce, Foreign Relations, Naval Affairs and Appropriations.²⁹ While never codified, it would later become the practice to appoint members regularly from the Armed Services and Foreign Relations committees to the JCAE.

At the same time that Senators McMahon and Vandenberg were joining forces to create a Special Senate Committee on Atomic Energy that would examine atomic energy in its broadest sense, the House Military Affairs committee was doing its best “to expedite the May-Johnson bill” that would place atomic energy squarely

²⁶ Ibid., p. 436.

²⁷ *Congressional Record*, vol. 91 (Oct. 22, 1945), p. 9891.

²⁸ Ibid.

²⁹ Ibid.

under the control of the military.³⁰ The House Committee on Military Affairs reported the May-Johnson bill favorably in November 1945.³¹

Despite Secretary of War Robert P. Patterson's claim that the May-Johnson bill represented, "the views of the administration as well as the War Department"³² the drive for quick passage of the May-Johnson legislation began to slow in November 1945 when the White House had second thoughts about the legislation. The Administration feared the measure gave too much power over atomic technology to the military at the expense of the President's executive authority. Particularly of concern to the White House were provisions of the May-Johnson bill that gave to the Administrator of the Atomic Energy Commission broad authority, and severely limited the President's power to remove either him or other commissioners from office. As a result, shortly after the legislation was reported from the House Military Affairs Committee, the President "privately withdrew his endorsement of the bill."³³

In the meantime, Senator McMahon's new panel was holding wide ranging hearings on various issues relating to the atomic bomb and atomic energy. Those hearings began on November 27, 1945, during which time Senator McMahon developed a new bill that was introduced on December 20, 1945 as S. 1717.³⁴ This measure called for placing control of nuclear technology in a newly created civilian agency similar to that requested by President Truman and overseen by a joint congressional committee similar in power to the Senate Special Committee on Atomic Energy. Unlike the May-Johnson proposal, this measure made the AEC commissioners subject to the removal authority of the President.

After the McMahon special committee concluded its hearings the following spring, it unanimously reported S. 1717 in an amended form with provisions for a nine-member Joint Committee on Atomic Energy, equipped with legislative power, to oversee all matters relating to atomic power. The bill was passed by the Senate on June 1, 1946.³⁵

Senate floor debate on S. 1717 focused primarily on the issue of patents and commercial uses of nuclear technology³⁶ and touched very little on the merits of or necessity for a joint committee. However, a lengthy explanation by Senator McMahon of the bill that appeared in the *Congressional Record* provided the rationale for establishing the joint panel:

³⁰ Hewlett and Anderson, *A History of the United States Atomic Energy Commission*, vol.1., p. 435.

³¹ Green and Rosenthal, p. 6.

³² Hewlett and Anderson, *A History of the United States Atomic Energy Commission*, vol.1., p. 438.

³³ *Ibid.*, p. 439.

³⁴ *Congressional Record*, vol. 91 (Dec. 20, 1945), p. 12406.

³⁵ *Congressional Record*, vol. 91 (June 1, 1946), p. 6098.

³⁶ Debate occurs at *Congressional Record*, vol. 91 (June 1, 1946), pp. 6076-6098.

[this approach] is in line with our traditions that the Congress should play a large part in such an enterprise as this bill contemplates. Nothing could be so necessary as that the Congress should have the means of watching over [the new Atomic Energy Commission] to assist it with new laws when new laws are required, to assess its operations and alter its powers and structure when necessary, to be ready to adapt it continuously to changing circumstances.³⁷

Following Senate passage, S. 1717 was debated in the House on July 20, 1946.³⁸ Again, the provisions of the bill establishing a joint committee were not touched upon in debate. Most of the House floor debate focused instead on concerns raised by Members that the Atomic Energy Commission would keep private enterprise from benefitting from atomic technology by closely holding control of nuclear technology and the ability to patent it. In addition, several Members expressed concern about whether the proposed Atomic Energy Commission could be trusted to safely keep the nation's atomic secrets.

It is clear from the debate, however, that some Members were uneasy about the broad grant of power that was being given to the new Atomic Energy Commission by Congress. Representative Clare Booth Luce (R-CT) pointed out that many Members were “torn between a distaste for the vast dictatorial domestic powers [the legislation] confers on the five-man commission, and our fears that without it we shall endanger our national security in a troubled world.”³⁹ This sentiment might go a long way toward explaining why many Members embraced a joint committee with extraordinary power to oversee the AEC.

S. 1717 was passed by a vote of 256 to 79 on July 20, after a motion by supporters of the May-Johnson approach to recommit the bill to the House Military Affairs Committee for “further study” was rejected.⁴⁰

A conference report on S. 1717 was adopted by voice vote in the House on July 26, 1946. The Senate passed the report with no debate that same day.⁴¹ The conference report was substantially similar in content to the measure as reported from the McMahon committee.⁴² So much so, in fact, that one House conferee was heard to complain that in the conference committee, “the House had never been given a chance by the Senate conferees.”⁴³

³⁷ Ibid., p. 6097.

³⁸ *Congressional Record*, vol. 92 (July 20, 1946), pp. 9545-9563.

³⁹ Ibid., p. 9559.

⁴⁰ Ibid., p. 9562.

⁴¹ *Congressional Record*, vol. 92 (July 26, 1946), p. 10168.

⁴² Green and Rosenthal, p. 3.

⁴³ Hewlett and Anderson, *A History of the United States Atomic Energy Commission.*, vol. 1, p. 530.

President Truman signed the legislation on August 1, 1946, which became P.L.60-585.⁴⁴ The Atomic Energy Act of 1946 created both the AEC and the Joint Committee on Atomic Energy. Because of the central role Senator McMahon played in the legislation, some observers refer to the statute as the “McMahon Act of 1946.”⁴⁵

Structure of the Joint Committee

The provisions of the Atomic Energy Act of 1946 establishing the structure of the JCAE were relatively brief and nonspecific. The committee was to have nine members from each house, no more than five of whom would come from one political party.

In fact, as Green and Rosenthal point out, in crafting the JCAE provisions of the Atomic Energy Act, there is no indication that:

Congress considered potentially difficult mechanical problems such as the technique to be employed in consideration of Presidential appointments to the Commission requiring Senate confirmation and the question of whether a Senator or representative would chair the Committee. Even the basic question of how bills would be reported out to the House and Senate seems to have been unresolved.⁴⁶

In retrospect, it may seem strange that the joint committee’s structure was so loosely and informally defined. Green and Rosenthal provided the following hypothesis as to one possible reason for this:

One possible precedent for the [structure of the] joint committee may be found in the informal practice that prevailed during the Second World War. During that time, the entire atomic energy program developed by the Manhattan Engineer District was kept from general Congressional scrutiny. Requests for appropriations were hidden in the budgets of a number of executive agencies and were passed on by the chairmen of the Senate and House Appropriations and Military Affairs Committees, who constituted an informal joint committee. At the same time, these four men were necessarily privy to secret developments in the program. The proven feasibility of this arrangement and its success in preserving security during the war may have influenced the draftsmen of the 1946 [Atomic Energy] Act.⁴⁷

Membership of the Joint Committee. Senate members of the JCAE were appointed by the President Pro Tempore of the Senate and House members were appointed by the Speaker of the House.

⁴⁴ 60 Stat, 755.

⁴⁵ Dorothy Fosdick, “Legislative Watchdog of the Atom,” *The New York Times*, June 26, 1955, p. SM8.

⁴⁶ Green and Rosenthal, p. 5.

⁴⁷ Green and Rosenthal, p. 5.

While there was also no specific provision delineating the seniority of the Members appointed to the JCAE, it became the informal practice to choose more senior Senators and Representatives to serve on the panel. Over time, the JCAE became “associated with the names of several Members of Congress who were to be perceived as giants.”⁴⁸

Original appointees to the 18-member joint committee included Democratic Senators Tom Connally of Texas and Richard B. Russell of Georgia. Republicans on the panel included Senator Arthur H. Vandenberg. House Democrats Chet Holifield (D-CA) and Melvin Price (D-IL) were also appointed to the JCAE and served on it for a number of years.⁴⁹

“Texas Democrat and future President Lyndon B. Johnson joined the panel as a House member in 1947, and later rejoined it as a Senator. Other major names from the joint committees’ roster include Senators Clinton P. Anderson (D-NM), Wayne N. Aspinall (D-CO), Howard H. Baker, Jr. (R-TN), Clifford P. Case (R-NJ), Everett M. Dirksen (R-IL), Albert A. Gore, Sr. (D-TN), Henry M. ‘Scoop’ Jackson (D-WA), John O. Pastore (D-RI), and Stuart M. Symington (D-MO).”⁵⁰

The object of this appointment pattern by leadership in each house was to appoint Members who were “‘statesmen,’ who were old hands in the Congress and therefore accustomed to its traditions and mores, who were judicious and restrained.”⁵¹

Committee Balance. The Atomic Energy Act of 1946 made no provision for appointing specific members to the JCAE. “However, it early became the practice to assure that Members from the Committees on Foreign Relations and Armed Services of the two houses were always among those serving on the Joint Committee.”⁵²

The participation of Members from these committees made sense. Not only had the members of these panels been most active on the issues relating to atomic energy, but the JCAE’s “predominant concern was with atomic weapons”⁵³ and having members with experience in these subjects was only logical.

In 1951, Senate Rules were amended so that up to three Senate members of the JCAE served as ex-officio members of the Senate Committee on Appropriations when the panel was considering its annual appropriations for the “development and

⁴⁸ Edward Cowen, “Joint Atomic Panel Stripped of Power,” *New York Times*, Jan. 5, 1977, p. 13.

⁴⁹ Membership of the JCAE over its 30-year history is contained in **Appendix 1** of this report.

⁵⁰ Hewlett, *History of the United States Atomic Energy Commission*, p. 436.

⁵¹ Green and Rosenthal, p. 37.

⁵² *Ibid.*

⁵³ *Ibid.*, p. 38.

utilization of Atomic Energy.”⁵⁴ This ex-officio status continued for the remainder of the JCAE’s life.

No such arrangement existed between the JCAE and the House Committee on Appropriations despite the repeated requests of House JCAE members. As Green and Rosenthal point out, relations between the House Members on the JCAE and the chamber’s spending panel were simply not as cordial as the one their Senate counterparts enjoyed. Observers claimed that the House Committee on Appropriations viewed the joint committee as an “irresponsible newcomer” and Green and Rosenthal characterized the relationship between the two as “stormy.”⁵⁵

Regional Balance. Likewise, without any statutory requirement to do so, the custom developed to provide for regional representation by Members on the joint committee. Of this regional representation, Green and Rosenthal observed:

State and regional balance has reduced the chances of strong, contesting constituency blocs An individual [Member] will, of course, try to ensure that his state or district is not discriminated against when contracts are let by the AEC ... however, internal divisions on the committee are seldom provoked by geographical factors.⁵⁶

For the period 1947 through 1960, this regional balance found an assortment of Members, “8 from the Northeast; 6 from the Midwest; 8 from the South; 7 from the Mountain region; and 8 from the Pacific States” serving on the JCAE.

No Limit on Service. As Green and Rosenthal point out, there were no term limits on service on the JCAE and membership on the panel did not count against Senate limits on service on major and minor committee assignments. They write, “Perhaps a critical advantage the JCAE possessed in recruiting Members — one which assured a ‘buyer’s market’ — is that it is an ‘extra committee.’ In other words, members in taking on a JCAE assignment have to give up no other committee position in return.”⁵⁷

This freedom to be on the joint panel without having to give up other assignments led to a high degree of continuity in panel membership with “comparatively slight turnover”⁵⁸

Selection of the Chair. No provision was made in the Atomic Energy Act of 1946 for the rotation of the panel’s chair between the House and the Senate. The act simply provided that the joint committee would select a chair and vice chair from among their members, with no specificity as to the political party or chamber from which the chair should come. Starting with the appointment of the initial members

⁵⁴ *Journal of the Senate*, 82nd Cong. 1st, sess., Feb. 1, 1951, p. 56.

⁵⁵ Green and Rosenthal, p. 276.

⁵⁶ *Ibid.*, p. 57.

⁵⁷ *Ibid.*, p. 46.

⁵⁸ *Ibid.*, p. 39.

of the JCAE in 1946, and ending in 1953, the joint committee was chaired exclusively by a Senator. “Similarly, the Vice Chairman, during this period, always came from the House. In both cases, the offices were selected from the party then in majority control.”⁵⁹

Democratic Senator McMahon was the first JCAE Chair, until replaced by Senator Bourke B. Hickenlooper (R-IA) in 1947, when the Republicans took control of Congress. Senator McMahon reassumed the chair in 1949, and continued to serve in that capacity until his death on July 28, 1952. Following McMahon’s death, the JCAE’s Vice Chair, Representative Carl T. Durham (D-NC) served as acting chair until after the 83rd Congress convened in 1953, when Representative Sterling Cole (R-NY) became the first JCAE chair from the House and the rotation of the chair every Congress was formalized.

Staffing. Under the 1946 Act, the JCAE was given wide leeway for staffing. The act stated that

... the joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable [T]he committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government.⁶⁰

To put this staffing authorization in perspective, the Legislative Reorganization Act of 1946 laid out a limit of “4 professional staff and 6 clerical staff for all standing committees except Appropriations.” The JCAE averaged “about 20 full committee staff members”⁶¹ at any given time over its thirty-year life, not counting detailees from the Executive.

There were no subcommittee staff; all staff were employed by the full committee. Employees were, however, detailed to work on specific projects undertaken by subcommittees.

The 1946 Act also gave the JCAE unusual power in establishing staff salaries, permitting the joint committee “to appoint and fix the compensation of such personnel as it deems necessary and advisable.”

JCAE policy also dictated that “an ad hoc subcommittee composed of the ranking minority and majority committee members from each house has responsibility for confirming the appointment of persons for professional employment on the committee staff.”⁶²

⁵⁹ CRS Memorandum DL753425, *The Oversight Role of the Joint Committee on Atomic Energy*, by Herbert N. Jasper, Nov. 19, 1975, p. 5. (Hereafter cited as Jasper, *The Oversight Role of the Joint Committee on Atomic Energy*.) Available on request from the author.

⁶⁰ 42 USC §2252.

⁶¹ Ibid.

⁶² U.S. Congress, Joint Committee on Atomic Energy, *Current Membership of the Joint* (continued...)

Regarding the organizational structure of the JCAE staff, the joint committee observed in an official 1976 print:

Due to the diverse subject matters encountered in the field of atomic energy and the highly technical nature of the problems, the staff does not adhere to a rigidly functional breakdown within its organization. The staff is, however, loosely organized into three groups, one responsible for military matters, another for civil matters, and a legal staff.⁶³

Voting. If a majority of the 18 members of the joint committee voted favorably, a pending motion or matter carried. Despite being a joint committee, there was no requirement, as is the case with committees of conference, “that a question receive a majority vote from among the nine members of each body.”⁶⁴

Subcommittees. Throughout its 30-year life, the JCAE generally had six or seven subcommittees. Although members were assigned to sit on specific subpanels, all members of the JCAE were “invited and urged to take part” in all subcommittee meetings.⁶⁵ Longstanding subcommittees of the JCAE included subcommittees on: Legislation; Agreements and Cooperation; Communities; Security; and Military Applications.

“The JCAE subcommittees conducted detailed studies and made recommendations to the full committee. All legislation and all joint committee reports were considered and approved by the full committee.”⁶⁶

Legislative Procedure. The joint committee developed by practice a set of procedures governing consideration of legislation. In the case of authorizing measures, the chair and ranking member would ordinarily simultaneously introduce a legislative proposal “by request” of the Administration. After a series of hearings, the JCAE would then report a separate “clean bill”⁶⁷ to each chamber reflecting the work undertaken in committee.

⁶² (...continued)

Committee on Atomic Energy, committee print, 94th Cong., 2nd sess. (Washington GPO: 1976), p. 8.

⁶³ *Ibid.*, p. 10.

⁶⁴ *Ibid.*, p. 5.

⁶⁵ U.S. Congress, Joint Committee on Atomic Energy, *Current Membership of the Joint Committee on Atomic Energy*, committee print, 94th Cong., 2nd sess. (Washington GPO: 1976), p. 7.

⁶⁶ CRS typed report, *Selected Rules and Procedures of the Joint Committee on Atomic Energy*, by Mary Etta Cook, Aug. 29, 1984, p. 4.

⁶⁷ U.S. Congress, Joint Committee on Atomic Energy, *Atomic Energy Legislation Through 94th Congress, 2d session*, committee print, 95th Cong., 1st sess. (Washington GPO: 1977), pp. 139-290.

When the JCAE reported legislation, “identical reports were sent to the House and to the Senate, either simultaneously or within a few days of each other.”⁶⁸ In each instance, the report was filed in the House or Senate by the ranking member of the appropriate half of the joint committee.

In considering the measure on the floor, the second chamber would ordinarily adopt the first acting chamber’s measure as referred, or differences would be resolved through a brief exchange of amendments between the houses. Issues were rarely so much in disagreement that a conference committee was required to resolve them.

From 1958 until 1977, only four annual AEC authorization bills required a committee of conference to resolve legislative differences in various aspects of atomic energy policy — the fiscal years 1958, 1959, 1962 and 1963 annual authorizations.⁶⁹ This institutional lack of disagreement was a unique feature of the JCAE that arguably added to its efficacy; simply put, the JCAE tried whenever possible to present a unified work product to the Congress. Representative Craig Hosmer (R-CA) a member of the JCAE, observed of this tendency:

Every effort is made to write a report that is acceptable to all members ... only when a somewhat fundamental divergence of philosophical opinion arises, do we issue a report containing separate or supplemental views to those expressed by the majority of members.⁷⁰

Duties and Powers of the JCAE

Unlike most joint committees, which are most frequently temporary bodies with limited oversight power and no legislative authority, Congress assigned to the Joint Committee on Atomic Energy an unusual and formidable arsenal of powers. The committee combined both legislative and oversight functions which, for most of the life of the committee, essentially preempted all other congressional committees except the Committee on Appropriations, from having any say whatever over the items in the JCAE’s jurisdiction. Probably “no other Joint Committee has ever been given a comparable range of extraordinary authorities.”⁷¹

The principal powers and duties of the joint committee under the 1946 Atomic Energy Act were contained in Section 15(b), which provided that:

(b) The joint committee shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. The Commission shall keep the joint committee fully and currently informed with respect to the Commission’s activities. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall

⁶⁸ Ibid., p. 5.

⁶⁹ Ibid., pp. 139-290.

⁷⁰ *Congressional Record*, vol. 106 (Jan. 13, 1960), p. 474.

⁷¹ Jasper, *The Oversight Role of the Joint Committee on Atomic Energy*, p. 6.

be referred to the joint committee. The members of the joint committee who are members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective houses which are (1) referred to the joint committee or (2) otherwise within the jurisdiction of the joint committee.⁷²

Significant to the joint committee's power was the provision contained in section 15(b) of the act requiring that "the commission shall keep the joint committee fully and currently informed"⁷³ of its activities.

The import of the JCAE's power contained in the "fully and currently informed" language is exemplified by the experience of Senator Stuart Symington (D-MO). Senator Symington was a senior member of both the Senate Armed Services and Foreign Relations Committees when he joined the JCAE in 1971. Symington sought a place on the joint panel because, despite his seniority and powerful committee assignments, he reportedly was unable to obtain certain restricted information from the executive branch:

It was just this secrecy, and the way it was being used by the [JCAE] to enhance its power, that prompted Senator Symington to obtain assignment to the committee ... after the military had refused to tell his Foreign Relations Subcommittee where atomic weapons were situated overseas. Although he ... served on the Armed Services Committee for eighteen years, Senator Symington was not aware, until he went to the [JCAE], of how many atomic weapons the military had, where they were, or even how they were purchased by the Pentagon.⁷⁴

Section 15(b) of the 1946 Atomic Energy Act directed the committee to "make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy." The committee's mandate was "substantially more direct and explicit than the oversight responsibilities generally conferred on committees of the House or Senate."⁷⁵

In another significant grant of power to the joint committee, the provisions in section 15(e) authorized the JCAE "to utilize the services, information, facilities and personnel ..." of the federal agency it oversaw. Observers have stated that this section in particular had the effect of blurring the line between the JCAE and the executive agency it was tasked with overseeing, making the panel, in essence, a

⁷² 60 Stat., 772.

⁷³ Ibid.

⁷⁴ John W. Finney, "Changes in Panel Could Alter A-Weapons," *The New York Times*, May 29, 1973, p. 23.

⁷⁵ Japser, *The Oversight Role of the Joint Committee on Atomic Energy*, p. 7.

“legislative-administrative hybrid” where “the doctrine of executive privilege [came] to be almost meaningless.”⁷⁶

The fact that the JCAE was created by statute, rather than by concurrent resolution, gave it a stronger position when dealing with the Executive. “While others have suggested that this distinction is not significant with respect to the actual operations of the committee, it bears notice that the charge to the Atomic Energy Commission to keep the committee ‘fully and currently informed’ might have been ignored ... if it had simply been included in a resolution of the Congress, and did not have the force of law.”⁷⁷

In 1954, the joint committee gained additional power when Congress passed legislation to amend the original Atomic Energy Act of 1946. The “fully and currently informed” provision of the 1946 Act which gave the JCAE full power over the AEC was extended to the Department of Defense, insofar as “the development, utilization or application of atomic energy” was concerned. The 1954 amendment⁷⁸ also added a directive to all other government agencies, stating, “Any government agency shall furnish any information requested by the joint committee with respect to the activities or responsibilities of that agency in the field of atomic energy.”⁷⁹

In addition to assuring the joint committee access to more restricted data, the 1954 amendments empowered the JCAE to “classify information originating within the committee in accordance with standards used generally by the Executive Branch for classifying restricted data or defense information.”⁸⁰ This ability to classify information contributed to the power of the joint committee by ensuring that it, and no other congressional committee, could access such classified information.

Confirmation Procedure. Like other Senate committees, the Senate members of the JCAE conducted executive business, holding hearings on the nominations of AEC Commissioners.

These hearings were more than perfunctory. The JCAE used its power over confirmation as leverage over the executive branch. For example, following the contentious term of Lewis Strauss as AEC Commissioner, the JCAE agreed to confirm his successor, John A. McCone only after “public and executive hearings in which McCone gave assurances that he adhered”⁸¹ to the JCAE’s vision of how the AEC should be run. Having made this pledge, “McCone was to demonstrate repeatedly his readiness to join the JCAE ... in developing and in managing AEC

⁷⁶ Green and Rosenthal, p. 259.

⁷⁷ Jasper, *The Oversight Role of the Joint Committee on Atomic Energy*, p. 8.

⁷⁸ Atomic Energy Act of 1954, P.L. 83-703, 68 Stat. 919.

⁷⁹ Ibid.

⁸⁰ Ibid., p. 9.

⁸¹ H.L. Nieburg, “The Eisenhower AEC and Congress: A Study in Executive-Legislative Relations,” *Midwest Journal of Political Science*, vol. 6, no. 2 (May, 1962), p. 144.

programs, even to the extent of opposing the budgetary policies of the President”⁸² under whom he served.

The Senators also acted on international agreements and treaties in their area of jurisdiction.⁸³

Mission Orientation. Some observers of the JCAE have noted that one source of the joint committee’s power may have been intangible, rather than statutory. Scholars have observed that one fundamental characteristic of the JCAE, aside from its unique nature as a joint panel and its considerable statutory power, was its unswerving dedication to the development of nuclear power. As Green and Rosenthal observed:

... unicameralism is not the major departure from tradition represented by the JCAE. The essence of the Joint Committee on Atomic Energy is its positive sense of mission.⁸⁴

In that sense, one important source of the JCAE’s power and effectiveness was the fact that all its members were working toward a common goal. The members of the JCAE had a pro-nuclear power philosophy; definite objectives which they believed should be achieved; and specific policies which they worked to have implemented.

Evolution of Joint Committee Powers

While the JCAE was, by all accounts, one of the most powerful committees in congressional history, observers have pointed out that this power was achieved through an evolution; in essence, the JCAE grew into its substantial statutory powers. As Green and Rosenthal pointed out, the panel’s activities during its first 15 years:

... fall neatly into separate eras. The years 1947, 1948, and 1949 may aptly be characterized by a period in which the joint committee played a relatively passive role. ... Commencing in late 1949, the committee’s role appears to have changed markedly. ... it also began to assume a role of vigorous leadership. ... In this role, it generally encouraged and exhorted the willing but cautious AEC to expand programs ... in 1955 ... the joint committee sought to accelerate the nation’s civilian power program. The years 1955-1958 were marked by sharp controversy with the executive branch. During this period, the JCAE became a policy-forging institution, greatly expanding the exercise of its statutory authority and exerting influence the executive deemed unwarranted. Finally, 1958-1960 were years of relative calm during which the JCAE having won a position of

⁸² Ibid.

⁸³ For a list of executive business conducted by the JCAE, see U.S. Congress, Joint Committee on Atomic Energy, *Atomic Energy Legislation Through 94th Congress, 2d session*, committee print, 95th Cong., 1st sess. (Washington GPO: 1977).

⁸⁴ Green and Rosenthal, p. 258.

leadership ... entrenched and consolidated its position with little opposition from the executive.⁸⁵

Over time, the JCAE came to have a unique relationship with both Congress and the executive branch entities it oversaw.

Authorizing Legislation. Under the 1946 Act, the AEC had a permanent authorization. As a result, it was not necessary for the joint committee to hold numerous hearings or initiate legislation, other than in the general context of oversight or to promote issues that it viewed as policy priorities.⁸⁶

The JCAE's power over the AEC was not challenged in Congress by any committees other than the appropriations panels. According to Green and Rosenthal, "The JCAE, during the early years, generally defended the AEC and its programs against congressional criticism, particularly from the House Committee on Appropriations."⁸⁷ During one fight with the Appropriations Committee, "... the JCAE succeeded in achieving a compromise [on budget issues] acceptable to the AEC"⁸⁸ only by holding the Senate in session until dawn a day before a scheduled adjournment.

The 1954 Atomic Energy Act required, for the first time, authorization legislation for new construction projects and real estate acquisition. In 1957, the scope of this authorization broadened, and in 1963, Congress further expanded the scope of the authorization process to cover all activities of the AEC.⁸⁹

From 1955, until the JCAE was disbanded in 1977, the joint committee authored an annual authorization bill for certain commission programs, as well as several supplemental authorization bills. There were few occasions when amendments were made to the joint committee's recommendations either on the floor of the House or the Senate. That situation resulted largely from the legislation's consideration by the joint committee, instead of two separate committees, and the close relationship between the AEC and the JCAE established by the 1946 Act which allowed the executive branch and the joint committee to work out most policy differences before reaching the legislative stage.

In the few instances when a JCAE measure was amended, and a conference committee needed to be appointed to resolve differences in House and Senate measures, the conference was drawn from the House and Senate members of the joint

⁸⁵ Green and Rosenthal, p. 256

⁸⁶ For a comprehensive list of printed hearings and legislative reports of the JCAE, see U.S. Congress, Joint Committee on Atomic Energy, *Atomic Energy Legislation Through 94th Congress, 2d session*, committee print, 95th Cong., 1st sess. (Washington GPO: 1977).

⁸⁷ *Ibid.*, p. 9.

⁸⁸ *Ibid.*

⁸⁹ P.L. 88-72, 77 Stat. 84.

committee itself.⁹⁰ Serving as its own conference committee bolstered the JCAE's legislative power significantly. Of the authorizing process, the joint committee stated:

The requirement for authorizing legislation has proven of value in many ways. The Joint Committee receives testimony in both executive and open hearings. The hearings give a meaningful opportunity for detailed examination of program needs, and furnish needed information to Members of Congress in their consideration of the appropriation bills.”⁹¹

Legislative Veto. Another important power wielded by the JCAE was its use of the legislative veto. Scholars have observed that one of the primary reasons that the JCAE was effective in shaping policy was that it insisted on access to information from the agencies it oversaw *while matters were pending*. In this regard, the JCAE often acted as a co-decision maker with the Executive, not simply an observer of actions or decisions that had already occurred. One of the mechanisms that enabled the JCAE to play this role effectively was its extensive use beginning in 1951, of the legislative veto. (Subsequently, the legislative veto was found to be unconstitutional by the Supreme Court.)

The legislative veto, is defined as a procedure:

... that allowed Congress or one of its houses to nullify certain actions of the president, executive branch agencies, or independent agencies. Legislative vetoes were also sometimes called congressional vetoes or congressional disapprovals. Concurrent resolutions were required for vetoes involving both houses, and simple resolutions were required for action by one house. These procedures reversed the usual roles of the two branches, permitting the executive, in effect, to make law subject to a veto by the legislature.⁹²

In 1951, Congress implemented legislative veto provisions stating that before the AEC exchanged restricted atomic data with other nations, the proposed action would have to lie before the joint committee “for a period of thirty days in which Congress was in session.”⁹³

Later amendments to the Atomic Energy Act stipulated that decisions related to the classification of information about nuclear materials, agreements of cooperation, letting of long term contracts for electric utility service, and certain

⁹⁰ CRS typed report, *Selected Rules and Procedures of the Joint Committee on Atomic Energy*, by Mary Etta Cook, Aug. 29, 1984, p. 5.

⁹¹ U.S. Congress, Joint Committee on Atomic Energy, *Current Membership of the Joint Committee on Atomic Energy*, committee print, 94th Cong., 2nd sess. (Washington GPO: 1976), p. 5.

⁹² *Congressional Quarterly's American Congressional Dictionary*, Walter Kravitz, ed., (Washington, DC: Congressional Quarterly, 1993), p. 151.

⁹³ Green and Rosenthal, pp. 106-107.

payments to contractors also be laid before the joint committee before action could be taken. Green and Rosenthal point out:

The obvious purpose of these provisions is to give the Joint Committee an opportunity to block the contemplated Executive action ... The legislative veto power of the JCAE is not unique as an inroad on Executive discretion. Other congressional committees have the authority ... But the Joint Committee's legislative veto power stands alone in its breadth, encompassing several key areas of administration of the atomic energy program.⁹⁴

In many instances, the legislative veto served only as a threat. Due to the close relationship between the JCAE and the AEC, and their roles as 'co-decision makers,' the joint panel often got its way without resorting to the veto.

The Supreme Court case of *I.N.S. v. Chadha* (1983) declared unconstitutional congressional veto of certain actions of the Executive by simple or concurrent resolution.

Relations with the Executive Branch

Some viewed the close relationship that the JCAE had with the executive branch as not positive. For example, when Senator Symington joined the JCAE, he was, "admittedly shocked" by the JCAE's arrangements and relationships, particularly its seemingly seamless relationship with the AEC and the Pentagon. In particular, the JCAE staff seemed to be closely allied with forces in the Navy promoting nuclear powered submarines. One press account said that Senator Symington was particularly "disturbed over ... the most unbelievable influence exerted by Vice Admiral Hyman G. Rickover within the [joint] committee...and his programs for nuclear powered ships and submarines costing billions of dollars."⁹⁵

If the JCAE had a unique relationship with the rest of Congress, it had an equally unique relationship with the executive branch. For the most part, the JCAE and the AEC were closely allied, with the AEC deferring to, and consulting with, the joint committee to an unprecedented degree in the formulation of policy. For example, joint committee member Representative Craig Hosmer (R-CA) expressed in a 1960 speech that was reprinted in the *Congressional Record* particular misgivings about the relationship between the joint committee and the agency it oversaw, saying:

I sometimes feel that as between members of the Joint Committee and members of the Atomic Energy Commission, there exists only a shadowy and blurred understanding of which policy matters are to be decided by the committee and which by the commission, even sometimes as to what are matters of policy and what are matters of administration. This needs

⁹⁴ Green and Rosenthal, p. 108.

⁹⁵ John W. Finney, "Changes in Panel Could Alter A-Weapons," *The New York Times*, May 29, 1973, p. 23.

clarification by force of law rather than force of personalities and customs.⁹⁶

It has been said that, for most of its existence, “the joint committee, in what many consider to be an exception to the separation of powers principle ... reigned as a legislative body with quasi-executive powers. The AEC was subordinated to the role of an operating board under the policy guidance of Congress.”⁹⁷

The relationship, however, did go through periods of tension. For example, the JCAE’s dominance over the AEC was challenged during the Eisenhower Administration. In 1953, retired Admiral Lewis L. Strauss became the Atomic Energy Commission’s chair. Strauss served not only as AEC chair, but as an advisor to the President on issues relating to atomic energy. Strauss won a measure of increased autonomy for the AEC through the 84th Congress (1955-1957), but then ran into strong opposition from JCAE members when he insisted on keeping certain information from them because he felt it would violate his ability to offer confidential counsel to the President. Leading the charge against Strauss was Senator Clinton P. Anderson of New Mexico. Senate Historian Richard A. Baker described the relationship in this way:

Relations between the Admiral and the Senator had been strained since 1953 when Strauss had opposed plans to have the Tennessee Valley Authority sell power to AEC installations in the area and refused to support J. Robert Oppenheimer against Senator Joseph R. McCarthy’s charges of disloyalty. At the heart of Anderson’s bitter and unyielding attitude toward Strauss lay his determination that Congress must take a part in the work of Executive Branch agencies. Accordingly, he reacted angrily at Strauss’s efforts to withhold information from the Joint Committee on Atomic Energy.⁹⁸

In late 1958, Strauss declined President Eisenhower’s offer of reappointment for another term as chair of the AEC. After Strauss’s appointment expired, relationships between the joint committee and AEC became more stable and harmonious.

In 1973, upon the appointment of Dixie Lee Ray as AEC chair, significant changes occurred in the relationship between the joint committee and the agency. Dr. Ray strove early on in her tenure to demonstrate strong leadership within the commission and pressed for a new level of independence from the dictates of the JCAE. For example, heretofore, the JCAE insisted on having the final say over any reorganizations of AEC staff. Dr. Ray ignored this fact. As one newspaper reported:

As her first big showdown with the Congressional committee, Dr. Ray chose to reorganize the [AEC] staff. That was a bold move in itself, since

⁹⁶ Green and Rosenthal, p. 21.

⁹⁷ Donald C. Bacon, Roger H. Davidson, Morton Keller, eds., *The Encyclopedia of the United States Congress*, 4 vols. (New York: Simon & Schuster, 1995), vol. 1, pp. 116-118.

⁹⁸ Ibid.

the congressional committee tends to have a protective interest in the organization of the commission.⁹⁹

The reaction of joint committee members to Dr. Ray's action was divided. According to press reports, some JCAE members and staff were displeased with not being consulted about the reorganization, while others admired Ray's strong leadership.¹⁰⁰ Dr. Ray's success in carrying out the reorganization over the wishes of some on the JCAE underscored the observation made frequently by scholars that, when the joint committee stood united, it almost always prevailed, both in its dealings with Congress and the executive branch. In those instances, however, when, "there was a split in the commission, as well as on the joint committee, an AEC Chairman with sufficient support in the commission could prevail."¹⁰¹

The End of the Joint Committee

The Atomic Energy Act of 1954 shifted the emphasis in nuclear policy from weapons development to civilian uses of atomic power. "Over the next two decades, as electricity from commercial reactors came on line, the policies of the Joint Committee on Atomic Energy and the AEC attracted criticism. Groups concerned about the safety of nuclear power plants contended that the AEC's dual role as promoter and regulator of atomic energy constituted an inherent conflict of interest."¹⁰²

At the beginning of the 1970s, Members of Congress evidenced increasing concern about the safety and public health questions associated with nuclear power. This concern began to emerge among some members of the JCAE itself. For the first time, the panel's commitment to the promotion of nuclear power came into question. "Some members [of the joint committee] wanted to convert the committee to a joint committee on energy, while others resisted the change ... [and] the earlier commitment to nuclear energy was weakened."¹⁰³

In the fall of 1974, President Gerald R. Ford signed legislation abolishing the AEC and creating in its place the Nuclear Regulatory Commission (NRC), and the Energy Research and Development Administration (ERDA). Earlier that year, the House Select Committee on Committees, led by Representative Richard W. Bolling (D-MO), recommended stripping the Joint Committee on Atomic Energy of its jurisdiction over civilian nuclear power.¹⁰⁴

⁹⁹ John W. Finney, "New AEC Chairman Moves Against Dominance of Congressional Joint Panel," *The New York Times*, May 22, 1973, p. 17.

¹⁰⁰ Ibid.

¹⁰¹ Jasper, *The Oversight Role of the Joint Committee on Atomic Energy*, p. 12.

¹⁰² Donald C. Bacon, Roger H. Davidson, Morton Keller, eds., *The Encyclopedia of the United States Congress*, 4 vols. (New York: Simon & Schuster, 1995), vol. 1, pp. 116-118.

¹⁰³ Jasper, *The Oversight Role of the Joint Committee on Atomic Energy*, p. 12.

¹⁰⁴ For additional information on the recommendations of the Bolling Committee, see CRS (continued...)

Amidst this climate, other congressional committees succeeded in chipping away various aspects of the Joint Atomic Energy Committee's jurisdiction. On October 8, 1974, the House adopted the Bolling Committee-inspired Committee Reform Amendments of 1974, H. Res. 988. The resolution included a new Section 3 in House Rule X providing special oversight functions for various committees. Subsection (e) provided that:

The Committee on Interior and Insular Affairs shall have the function of reviewing and studying, on a continuous basis, all laws, programs, and government activities dealing with ... non-military nuclear energy and research and development including disposal of nuclear waste¹⁰⁵

Increasingly, the joint committee was subjected to severe criticism from entities outside of Congress. Activists in both parties argued that the joint committee, "tended to be responsive only to the nuclear lobby and has failed to cope effectively with proliferation of nuclear technology."¹⁰⁶ In 1976, the public advocacy group Common Cause issued a 38-page study entitled "Stacking the Deck" in which the joint committee was scathingly portrayed as a "huckster for the nuclear power industry."¹⁰⁷

On August 5, 1977, the House and the Senate abolished the Joint Committee on Atomic Energy. As newspaper reports stated:

This action by the Democratic majority in the House signaled the determination of liberals to slow down the development of nuclear energy and put more emphasis on environmental public health and non-proliferation concerns The House action culminated a gradual erosion of joint committee power that has been under way for several years ... the glamour of atomic energy has given way to concern about the danger of weapons proliferation among small nations and the problem of disposing safely of the wastes produced by nuclear power stations.¹⁰⁸

Conclusion and Possible Issues for Congressional Consideration

In its final report, the 9/11 Commission noted its view that, that making minor changes to the structure of Congress's system of intelligence oversight would not be

¹⁰⁴ (...continued)

Report RL31835, *Reorganization of the House of Representatives: Modern Reform Efforts*, by Judy Schneider, Christopher M. Davis, and Betsy Palmer.

¹⁰⁵ *Journal of the House of Representatives*, 93rd Cong. 2nd sess., Oct. 8, 1974, p. 1874.

¹⁰⁶ Edward Cowen, "Joint Atomic Panel Stripped of Power," *The New York Times*, Jan. 5, 1977, p. 13.

¹⁰⁷ "Panel Called 'Huckster' for Nuclear Programs," *The New York Times*, Dec. 2, 1976, p. 24.

¹⁰⁸ Edward Cowen, "Joint Atomic Panel Stripped of Power," *The New York Times*, Jan. 5, 1977, p. 13.

enough to achieve the changes it felt were needed. The Commission suggested the Joint Atomic Energy Committee as one possible model for reform.

The commission report goes on to state that the system of “Congressional oversight for intelligence — and counterterrorism — is now dysfunctional. Congress should address this problem. [The Members of the 9/11 Commission] have considered various alternatives: A joint committee on the old model of the Joint Committee on Atomic Energy is one.”¹⁰⁹

Policymakers examining this recommendation might examine lessons from the JCAE model. The lessons hold a number of pros and cons, as well as raise questions for consideration. Green and Rosenthal summarize the work of the JCAE panel to the year 1961, saying:

The Joint Committee on Atomic Energy is, in terms of sustained influence within the Congress, its impact and influence on the Executive, and its accomplishments, probably the most powerful congressional committee in the history of the nation. There can be little doubt that, had Congress chosen to deal with atomic energy through conventional congressional committees, the history of our atomic energy program would have been quite different. Almost certainly, the national investment in atomic energy would have been substantially less and our present level of technology considerably less advanced.¹¹⁰

A few of Green and Rosenthal’s most significant observations about the JCAE are paraphrased here because of their relevance to the question of the JCAE’s suitability as a model when crafting oversight mechanisms for the intelligence agencies and for homeland security issues generally. These observations included:

- By its skillful employment of its statutory powers, the JCAE made unprecedented inroads in the doctrine of executive privilege.
- The JCAE’s comprehensive access to information and its insistence on obtaining information while *matters were pending* gave it the opportunity to participate in the Executive’s formulation and implementation of policies.
- The JCAE exerted influence largely by continuously participating in the Executive decision-making deliberations rather than by legislating.
- The JCAE steadfastly disregarded the patterns and procedures for coordination and control employed by the executive branch in its support for programs which it deemed vital to the national interest.

¹⁰⁹ Ibid.

¹¹⁰ Green and Rosenthal, pp. 288-295.

- The JCAE refused to recognize the validity of budgetary ceilings which otherwise rule out programs it desired.¹¹¹

Green and Rosenthal also identified a number of significant elements that characterized the behavior of the JCAE in its relationship within Congress. These include:

- Members of Congress were somewhat more inclined to rely upon the judgement of the JCAE than on the judgement of other committees.
- Members of Congress frequently have a broad knowledge and interest in issues. In the case of the JCAE, however, relatively few Members of Congress had either a high degree of knowledge about, or strong interest in, the atomic energy program.
- Congressional information about atomic energy was much more closely held than in the case of other subjects and other committees.
- The joint committee arrangement resulted in Congress being presented with less opportunity for choice among alternative ideas. Instead of a choice from two or more measures, the House and Senate were faced with one legislative product presented to them from the start of the process.
- There was a tendency for many important policy questions to be decided in effect, by negotiations between JCAE and the Executive rather than through the processes of public discussion or congressional debate.
- From 1957, the JCAE made use of authorizing legislation to initiate projects that the Executive opposed.
- When the joint committee was substantially united, the Congress almost invariably followed its lead, even when the Administration was strongly opposed.
- On most occasions, the JCAE relied on means other than legislation to influence policy, was largely autonomous, exempt from congressional control and from direct accountability to Congress.¹¹²

In examining the 9/11 Commission's suggestion of the JCAE as a desirable model for current congressional intelligence oversight, policymakers might also consider the question of whether it is possible to "re-create" a JCAE in the modern congressional climate.

While Congress certainly has the ability to establish a similar panel with similar statutory and legislative powers, one might question whether the totality of factors that made the JCAE formidable could be reproduced today.

For example, policymakers examining the JCAE model might ask whether currently accepted ideas about executive privilege and relations between the

¹¹¹ Ibid.

¹¹² Ibid.

branches, as well as the change in the interests and roles of individual Members of Congress, might result in a joint committee that behaved quite differently than the JCAE even if it had the same statutory powers. As one scholar observed of the relationship between the JCAE and the Executive:

From a practical standpoint, the success achieved by the Joint Committee over the years in asserting a claim to policy-making authority has been due to the inability or the unwillingness of the Executive Branch to assert an effective counter claim.¹¹³

Another factor to be weighed in this regard is the evidence that shows that the JCAE was not *created* to be one of the most powerful committees in congressional history; it *evolved* into one as a result of the personalities of its members and circumstances as much as the enormous powers it was given.

The 9/11 Commission's use of the JCAE as an oversight model present lawmakers with unprecedented questions. During its 30-year life, the JCAE never encountered a period in which the House and Senate were controlled by different political parties. How such split party control of Congress, if it were to occur today, would affect the oversight and legislative workload of such a joint committee is simply unknown.

Policymakers might also wish to explore how many of the types of oversight function performed by the JCAE are now already being performed in the homeland security arena by the House and Senate Appropriations Subcommittees on Homeland Security and other spending sub-panels. While the Committees on Appropriations have always conducted important oversight of spending, it might be argued that increasingly that oversight is not just focused on spending, but on the structure, progress, and efficacy of programs — in essence, the 'policy.' A contributing factor in this trend might be the tendency to pass large omnibus appropriations measures in lieu of individual bills.

Regarding the homeland security arena, for example, the House and Senate Appropriations Subcommittees on Homeland Security have made wide use of reporting requirements in managing the Department of Homeland Security (DHS). One estimate cited 60 separate additional reporting requirements on the Administration stemming just from the FY2004 Department of Homeland Security Appropriations bill.¹¹⁴ These requirements spanned a range of subjects, from activities of the department that affect privacy rights to how well emergency procurement policies have worked for DHS.

In addition, the JCAE's wide and effective use of the legislative veto would not be possible today and policymakers considering the 9/11 Commission's

¹¹³ H.L. Nieburg, "The Eisenhower AEC and Congress: A Study in Executive-Legislative Relations," *Midwest Journal of Political Science*, vol. 6, no. 2 (May, 1962), p. 116.

¹¹⁴ Erik Floden, *Congress Turns Screws on Administration: Reporting Requirements in House and Senate Homeland Security Appropriations Bills*, Center for Arms Control and Non Proliferation, Issue Brief, July 17, 2003.

suggestion of the JCAE as a model might explore the implications of that fact. The Supreme Court decision in the case of *INS vs. Chadha* (462 U.S. 919, 1983), which placed limits on Congress's ability to invalidate certain decisions of the executive branch, presumably would deny a modern joint congressional committee one of the most powerful tools in the JCAE's arsenal. On the other hand, policymakers might discern that similar authority can be achieved through the use of another mechanism, for example, through the aggressive use of appropriations report language.

While weighing policy options, it may also be useful to question how analogous the issue of atomic energy is to the issues related to the failures in intelligence oversight that apparently were the basis of the 9/11 Commission's recommendation. In many ways, the issues are similar. Both are issues of sweeping importance and national attention. Both require action and a high level of expertise, coordination, secrecy, and specialized knowledge from Members.

In others ways, the situations are not analogous. The JCAE benefitted from the fact that most Members of Congress were not all that interested or knowledgeable about the highly-technical issues in its jurisdiction and largely deferred to the panel's judgements and recommendations. It is unlikely that would be the case with the issues of intelligence and counter terrorism, where many Members have specialized knowledge and virtually all Members have a strong interest. This is particularly true if policymakers were to expand the JCAE model to include oversight of the DHS and counter terrorism generally, a subject field that includes the work of nearly every authorizing committee of the House and Senate.

Lawmakers might also consider whether any contemporary congressional panel could operate with the level of secrecy and with the monopoly over information that the JCAE enjoyed in its prime. It is worth noting that the "fully and currently informed" language which the JCAE used to its full advantage during its years overseeing the AEC and DOD on atomic energy issues was exactly replicated in the language creating both the House Permanent Select Committee on Intelligence and in the Senate Select Committee in Intelligence.¹¹⁵ In other words, both congressional intelligence committees already possess the same authority in this regard that the JCAE enjoyed and have since their creation in the 1970s. Policymakers examining the 9/11 Commission's recommendations might question if that power is being appropriately used by the intelligence oversight panels or if perhaps the power simply does not hold the same force it did during the life of the JCAE. These questions might all be considered in the context of concerns raised by some, including the 9/11 Commission itself, that secrecy and complexity in intelligence functions are part of the problem. In its final report, the commission expressed its view that, "secrecy,

¹¹⁵ Rule X, Rules of the U.S. House of Representatives, 108th Cong. 1st sess. and Standing Orders of the U.S. Senate, #94, Section 11(a), 107th Cong. 1st sess.

while necessary, can also harm oversight”¹¹⁶ and called on Congress to make public the overall amount of money being appropriated for national intelligence functions.¹¹⁷

Barring the question of whether such a joint entity could be re-created, policymakers still face the question of whether such a model is a *desirable* one.

Lawmakers who have expressed concern about the “iron triangle” nature of congressional oversight or the tendency toward organization “group think” may not find it desirable to have a single small congressional panel invested with the power to authorize agencies’ programs, weigh in on the appropriations for budgets, confirm officials, and act as its own conference committee in crafting governing legislation.

Others might argue that the advantages of the JCAE model outweigh these concerns — offering the advantages of secrecy, increased coordination of oversight, certainty and timeliness of action, and a reduction of duplication in energy and administrative function. They might further argue that the extraordinary challenges of intelligence oversight merit a panel with extraordinary powers.

Another consideration for policymakers examining the 9/11 Commission’s recommendation of the JCAE as a possible model is the question of whether something similar, but not identical to the JCAE, might be utilized to improve intelligence oversight — in essence taking the best of the JCAE model and leaving out those portions of the JCAE experience lawmakers find undesirable or politically infeasible.

For example, the congressional intelligence committees responded to the 9/11 attacks in part by launching an unprecedented joint inquiry in February 2002 to investigate the intelligence community’s record and make recommendations for further legislative action. During these two months of hearings, the panels met together. One option might be to combine the JCAE and joint inquiry models. The two intelligence committees could remain separate, but come together as a powerful joint panel during certain times of the year or to accomplish certain specific functions, possibly when marking up the annual intelligence authorizing measure, or to conduct budget hearings.

Another option might be to restore the idea of permitting members of such a joint panel to serve as ex-officio members of their chamber’s Committee on Appropriations when the panel considers its annual appropriations for the intelligence budget. Such a change might help in institutionalizing cooperative relationships between appropriators and authorizers in each chamber and present a unified face to the agencies Congress oversees.

Another option might be to populate a joint committee with key members of the relevant appropriations subcommittees and authorizing committees, establishing in essence, a leadership panel to oversee the operations of the intelligence agencies.

¹¹⁶ National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington: GPO, 2004), p. 103.

¹¹⁷ *Ibid.*, p. 416.

Another option might be to reject the JCAE model altogether, and try to establish mechanisms that motivate the current intelligence committees to conduct more rigorous oversight within the existing structure.

Appendix 1. Membership of the Joint Committee on Atomic Energy: 1946 - 1977¹¹⁸

79th Congress (1946)

Sen. Brien McMahon (D-CT), Chair
Rep. R. Ewing Thomason (D-TX), Vice Chair

Sen. Richard B. Russell (D-GA)	Rep. Carl T. Durham (D-NC)
Sen. Edwin C. Johnson (D-CO)	Rep. Aime Forand (D-RI)
Sen. Tom Connally (D-TX)	Rep. Chet Holifield (D-CA)
Sen. Harry Flood Byrd (D-VA)	Rep. Melvin Price (D-IL)
Sen. Arthur Vandenberg (R-MI)	Rep. Charles H. Elston (R-OH)
Sen. Eugene D. Milliken (R-CO)	Rep. J. Parnell Thomas (R-NJ)
Sen. Bourke B. Hickenlooper (R-IA)	Rep. Carl Hinshaw (R-CA)
Sen. William F. Knowland (R-CA)	Rep. Clare Booth Luce (R-CT)

80th Congress (1947-1948)

Sen. Bourke B. Hickenlooper (R-IA), Chair
Rep. W. Sterling Cole (R-NY), Vice Chair

Sen. Arthur Vandenberg (R-MI)	Rep. Charles H. Elston (R-OH)
Sen. Eugene D. Milliken (R-CO)	Rep. Carl Hinshaw (R-CA)
Sen. William F. Knowland (R-CA)	Rep. James E. Van Zandt (R-PA)
Sen. John W. Bricker (R-OH)	Rep. James T. Patterson (R-CT)
Sen. Brien McMahon (D-CT)	Rep. Carl T. Durham (D-NC)
Sen. Richard B. Russell (D-GA)	Rep. Chet Holifield (D-CA)
Sen. Edwin C. Johnson (D-CO)	Rep. Melvin Price (D-IL)
Sen. Tom Connally (D-TX)	Rep. Lyndon B. Johnson (D-TX)

81st Congress (1949-1950)

Sen. Brien McMahon (D-CT), Chair
Rep. Carl T. Durham (D-NC), Vice Chair

Sen. Richard B. Russell (D-GA)	Rep. Chet Holifield (D-CA)
Sen. Edwin C. Johnson (D-CO)	Rep. Melvin Price (D-IL)
Sen. Tom Connally (D-TX)	Rep. Paul J. Kilday (D-TX)
Sen. Millard E. Tydings (D-MD)	Rep. Henry M. Jackson (D-WA)
Sen. Bourke B. Hickenlooper (R-IA)	Rep. W. Sterling Cole (R-NY)
Sen. Eugene D. Milliken (R-CO)	Rep. Charles H. Elston (R-OH)
Sen. William F. Knowland (R-CA)	Rep. Carl Hinshaw (R-CA)
Sen. John W. Bricker (R-OH)	Rep. James E. Van Zandt (R-PA)

¹¹⁸ U.S. Congress, Joint Committee on Atomic Energy, Current Membership of the Joint Committee on Atomic Energy, committee print, 94th Cong., 2nd sess. (Washington GPO: 1976), pp. 13-17.

82nd Congress (1951-1952)

Sen. Brien McMahon (D-CT) Chair
Rep. Carl T. Durham (D-NC) Vice Chair

Sen. Richard B. Russell (D-GA)	Rep. Chet Holifield (D-CA)
Sen. Edwin C. Johnson (D-CO)	Rep. Melvin Price (D-IL)
Sen. Lyndon B. Johnson (D-TX)	Rep. Paul J. Kilday (D-TX)
Sen. Clinton P. Anderson (D-NM)	Rep. Henry M. Jackson (D-WA)
Sen. Bourke B. Hickenlooper (R-IA)	Rep. W. Sterling Cole (R-NY)
Sen. Eugene D. Milliken (R-CO)	Rep. Charles H. Elston (R-OH)
Sen. William F. Knowland (R-CA)	Rep. Carl Hinshaw (R-CA)
Sen. John W. Bricker (R-OH)	Rep. James E. Van Zandt (R-PA)

83rd Congress (1953-1954)

Rep. W. Sterling Cole (R-NY), Chair
Sen. Bourke B. Hickenlooper (R-IA), Vice Chair

Sen. Eugene D. Milliken (R-CO)	Rep. Carl Hinshaw (R-CA)
Sen. William F. Knowland (R-CA)	Rep. James E. Van Zandt (R-PA)
Sen. John W. Bricker (R-OH)	Rep. James T. Patterson (R-CT)
Sen. Guy R. Cordon (R-OR)	Rep. Thomas A. Jenkins (R-OH)
Sen. Richard B. Russell (D-GA)	Rep. Carl T. Durham (D-NC)
Sen. Clinton P. Anderson (D-NM)	Rep. Chet Holifield (D-CA)
Sen. John O. Pastore (D-RI)	Rep. Melvin Price (D-IL)
Sen. Albert Gore (D-TN)	Rep. Paul J. Kilday (D-TX)

84th Congress (1955-1956)

Sen. Clinton P. Anderson (D-NM), Chair
Rep. Carl T. Durham (D-NC), Vice Chair

Sen. Richard B. Russell (D-GA)	Rep. Chet Holifield (D-CA)
Sen. John O. Pastore (D-RI)	Rep. Melvin Price (D-IL)
Sen. Albert Gore (D-TN)	Rep. Paul J. Kilday (D-TX)
Sen. Henry M. Jackson (D-WA)	Rep. John J. Dempsey (D-NM)
Sen. Bourke B. Hickenlooper (R-IA)	Rep. W. Sterling Cole (R-NY)
Sen. Eugene D. Milliken (R-CO)	Rep. Carl Hinshaw (R-CA)
Sen. William F. Knowland (R-CA)	Rep. James E. Van Zandt (R-PA)
Sen. John W. Bricker (R-OH)	Rep. James T. Patterson (R-CT)

85th Congress (1957-1958)

Rep. Carl T. Durham (D-NC), Chair
Sen. Clinton P. Anderson (D-NM), Vice Chair

Sen. Richard B. Russell (D-GA)	Rep. Chet Holifield (D-CA)
Sen. John O. Pastore (D-RI)	Rep. Melvin Price (D-IL)
Sen. Albert Gore (D-TN)	Rep. Paul J. Kilday (D-TX)
Sen. Henry M. Jackson (D-WA)	Rep. Wayne N. Aspinall (D-CO)

Sen. Bourke B. Hickenlooper (R-IA)
 Sen. William F. Knowland (R-CA)
 Sen. John W. Bricker (R-OH)
 Sen. Henry Dworshak (R-ID)

Rep. James E. Van Zandt (R-PA)
 Rep. James T. Patterson (R-CT)
 Rep. Thomas A. Jenkins (R-OH)
 Rep. Craig Hosmer (R-CA)

Rep. Craig Hosmer was appointed on January 15, 1958 to fill a vacancy created by the resignation of Rep. Sterling Cole as a Member of Congress. Rep. Cole accepted a position as Director General of the International Atom Energy Agency. Rep. Wayne N. Aspinall was appointed on March 17, 1958 to fill a vacancy created by the death of Rep. John J. Dempsey on March 11, 1958.

86th Congress (1959-1960)

Sen. Clinton P. Anderson (D-NM), Chair
 Rep. Carl T. Durham (D-NC), Vice Chair

Sen. Richard B. Russell (D-GA)
 Sen. John O. Pastore (D-RI)
 Sen. Albert Gore (D-TN)
 Sen. Henry M. Jackson (D-WA)
 Sen. Bourke B. Hickenlooper (R-IA)
 Sen. Henry Dworshak (R-ID)
 Sen. George D. Aiken (R-VT)
 Sen. Wallace F. Bennett (R-UT)

Rep. Chet Holifield (D-CA)
 Rep. Melvin Price (D-IL)
 Rep. Wayne N. Aspinall (D-CO)
 Rep. Albert Thomas (D-TX)
 Rep. James E. Van Zandt (R-PA)
 Rep. Craig Hosmer (R-CA)
 Rep. William H. Bates (R-MA)
 Rep. Jack Westland (R-WA)

Rep. Albert Thomas was appointed to the joint committee on February 16, 1959 to fill the vacancy created by the resignation dated January 21, 1959, of Rep. Paul J. Kilday.

87th Congress (1961-1962)

Rep. Chet Holifield (D-CA), Chair
 Sen. John O. Pastore (D-RI), Vice Chair

Sen. Richard B. Russell (D-GA)
 Sen. Clinton P. Anderson (D-NM)
 Sen. Albert Gore (D-TN)
 Sen. Henry M. Jackson (D-WA)
 Sen. Bourke B. Hickenlooper (R-IA)
 Sen. Henry Dworshak (R-ID)
 Sen. George D. Aiken (R-VT)
 Sen. Wallace F. Bennett (R-UT)

Rep. Melvin Price (D-IL)
 Rep. Wayne N. Aspinall (D-CO)
 Rep. Albert Thomas (D-TX)
 Rep. Thomas G. Morris (D-NM)
 Rep. James E. Van Zandt (R-PA) Rep.
 Rep. Craig Hosmer (R-CA)
 Rep. William H. Bates (R-MA)
 Rep. Jack Westland (R-WA)

Senator Everett M. Dirksen was appointed on July 31, 1962 to fill the vacancy created by the death of Sen. Henry Dworshak on July 23, 1962.

88th Congress (1963-1964)

Sen. John O. Pastore (D-RI), Chair
Rep. Chet Holifield (D-CA), Vice Chair

Sen. Richard B. Russell (D-GA)	Rep. Melvin Price (D-IL)
Sen. Clinton P. Anderson (D-NM)	Rep. Wayne N. Aspinall (D-CO)
Sen. Albert Gore (D-TN)	Rep. Albert Thomas (D-TX)
Sen. Henry M. Jackson (D-WA)	Rep. Thomas G. Morris (D-NM)
Sen. Bourke B. Hickenlooper (R-IA)	Rep. Craig Hosmer (R-CA)
Sen. George D. Aiken (R-VT)	Rep. William H. Bates (R-MA)
Sen. Wallace F. Bennett (R-UT)	Rep. Jack Westland (R-WA)
Sen. Carl T. Curtis (R-NE)	Rep. John B. Anderson (R-IL)

Sen. Carl T. Curtis was appointed to the JCAE on February 11, 1963 to fill the vacancy created by the resignation of Sen. Everett M. Dirksen on the same date.

89th Congress (1965-1966)

Rep. Chet Holifield (D-CA), Chair
Sen. John O. Pastore (D-RI), Vice Chair

Sen. Richard B. Russell (D-GA)	Rep. Melvin Price (D-IL)
Sen. Clinton P. Anderson (D-NM)	Rep. Wayne N. Aspinall (D-CO)
Sen. Albert Gore (D-TN)	Rep. Albert Thomas (D-TX)
Sen. Henry M. Jackson (D-WA)	Rep. Thomas G. Morris (D-NM)
Sen. Bourke B. Hickenlooper (R-IA)	Rep. Craig Hosmer (R-CA)
Sen. George D. Aiken (R-VT)	Rep. William H. Bates (R-MA)
Sen. Wallace F. Bennett (R-UT)	Rep. John B. Anderson (R-IL)
Sen. Carl T. Curtis (R-NE)	Rep. William M. McCulloch (R-OH)

Rep. John Young was appointed on March 1, 1966 to fill the vacancy created by the death of Rep. Albert Thomas on February 15, 1966.

90th Congress (1967-1968)

Sen. John O. Pastore (D-RI), Chair
Rep. Chet Holifield (D-CA), Vice Chair

Sen. Richard B. Russell (D-GA)	Rep. Melvin Price (D-IL)
Sen. Clinton P. Anderson (D-NM)	Rep. Wayne N. Aspinall (D-CO)
Sen. Albert Gore (D-TN)	Rep. Thomas G. Morris (D-NM)
Sen. Henry M. Jackson (D-WA)	Rep. John Young (D-TX)
Sen. Bourke B. Hickenlooper (R-IA)	Rep. Craig Hosmer (R-CA)
Sen. George D. Aiken (R-VT)	Rep. William H. Bates (R-MA)
Sen. Wallace F. Bennett (R-UT)	Rep. John B. Anderson (R-IL)
Sen. Carl T. Curtis (R-NE)	Rep. William M. McCulloch (R-OH)

91st Congress (1969-1970)

Rep. Chet Holifield (D-CA), Chair
Sen. John O. Pastore (D-RI), Vice Chair

Sen. Richard B. Russell (D-GA)	Rep. Melvin Price (D-IL)
Sen. Clinton P. Anderson (D-NM)	Rep. Wayne N. Aspinall (D-CO)
Sen. Albert Gore (D-TN)	Rep. John Young (D-TX)
Sen. Henry M. Jackson (D-WA)	Rep. Ed Edmondson (D-OK)
Sen. George D. Aiken (R-VT)	Rep. Craig Hosmer (R-CA)
Sen. Wallace F. Bennett (R-UT)	Rep. John B. Anderson (R-IL)
Sen. Carl T. Curtis (R-NE)	Rep. William M. McCulloch (R-OH)
Sen. Norris Cotton (R-NH)	Rep. Catherine May (R-WA)

Sen. Norris Cotton was appointed on January 23, 1969 to fill the vacancy created by the retirement of Sen. Bourke B. Hickenlooper. Rep. Catherine May was appointed on July 24, 1969 to fill the vacancy created by the death of William H. Bates on June 22, 1969.

92nd Congress (1971-1972)

Sen. John O. Pastore (D-RI), Chair
Rep. Melvin Price (D-IL), Vice Chair

Sen. Clinton P. Anderson (D-NM)	Rep. Chet Holifield (D-CA)
Sen. Henry M. Jackson (D-WA)	Rep. Wayne N. Aspinall (D-CO)
Sen. Stuart Symington (D-MO)	Rep. John Young (D-TX)
Sen. Alan Bible (D-NV)	Rep. Ed Edmondson (D-OK)
Sen. George D. Aiken (R-VT)	Rep. Craig Hosmer (R-CA)
Sen. Wallace F. Bennett (R-UT)	Rep. John B. Anderson (R-IL)
Sen. Peter H. Dominick (R-CO)	Rep. William M. McCulloch (R-OH)
Sen. Howard H. Baker, Jr. (R-TN)	Rep. Orval Hansen (R-ID)

Sen. Stuart Symington was appointed on January 28, 1971 to fill the vacancy created by the death of Sen. Richard B. Russell on January 21, 1971. Sen. Peter H. Dominick was appointed on February 10, 1971 to fill the vacancy created by the resignation of Sen. Carl T. Curtis on February 4, 1971. Sen. Howard H. Baker, Jr. was appointed on February 10, 1971 to fill the vacancy created by the resignation of Sen. Norris Cotton on February 10, 1971.

93rd Congress (1973-1974)

Rep. Melvin Price (D-IL), Chair
Sen. John O. Pastore (D-RI), Vice Chair

Sen. Henry M. Jackson (D-WA)	Rep. Chet Holifield (D-CA)
Sen. Stuart Symington (D-MO)	Rep. John Young (D-TX)
Sen. Alan Bible (D-NV)	Rep. Teno Roncalio (D-WY)
Sen. Joseph M. Montoya (D-NM)	Rep. Mike McCormack (D-WA)
Sen. George D. Aiken (R-VT)	Rep. Craig Hosmer (R-CA)
Sen. Wallace F. Bennett (R-UT)	Rep. John B. Anderson (R-IL)

Sen. Peter H. Dominick (R-CO)
Sen. Howard H. Baker, Jr. (R-TN)

Rep. Orval Hansen (R-ID)
Rep. Manuel Lujan, Jr. (R-NM)

Rep. John E. Moss was appointed on December 13, 1974 to fill the vacancy created by the resignation of Chet Holifield on December 13, 1974. Sen. Alan Bible resigned from Congress on December 17, 1974.

94th Congress (1975-1976)

Sen. John O. Pastore (D-RI), Chair
Rep. Melvin Price (D-IL), Vice Chair

Sen. Henry M. Jackson (D-WA)
Sen. Stuart Symington (D-MO)
Sen. Joseph M. Montoya (D-NM)
Sen. John V. Tunney (D-CA)
Sen. Howard H. Baker, Jr. (R-TN)
Sen. Clifford P. Case (R-NJ)
Sen. James B. Pearson (R-KS)
Sen. James L. Buckley (R-NY)

Rep. John Young (D-TX)
Rep. Teno Roncalio (D-WY)
Rep. Mike McCormack (D-WA)
Rep. John E. Moss (D-CA)
Rep. John B. Anderson (R-IL)
Rep. Manuel Lujan, Jr. (R-NM)
Rep. Frank Horton (R-NY)
Rep. Andrew J. Hinshaw (R-CA)