

propriated to the Secretary of Energy for fiscal year 1994 for weapons activities, \$157,400,000 shall be available for the stewardship program established under subsection (a).”

1997—Subsec. (d), Pub. L. 105-85, which directed amendment of this section by striking out subssecs. (d) and (e), redesignating subssecs. (f) to (h) as (d) to (f), respectively, and striking out “and the 60-day period referred to in subsection (e)(2)(A)(ii)” in subsec. (e), as so redesignated, was executed by striking out subsec. (d) which directed President to report to Congress, because this section did not contain subssecs. (e) to (g).

## § 2522. Report on stockpile stewardship criteria

### (a) Requirement for criteria

The Secretary of Energy shall develop clear and specific criteria for judging whether the science-based tools being used by the Department of Energy for determining the safety and reliability of the nuclear weapons stockpile are performing in a manner that will provide an adequate degree of certainty that the stockpile is safe and reliable.

### (b) Coordination with Secretary of Defense

The Secretary of Energy, in developing the criteria required by subsection (a), shall coordinate with the Secretary of Defense.

### (c) Report

(1) In each odd-numbered year, beginning in 2011, the Secretary of Energy shall include in the stockpile stewardship plan required by section 2523 of this title a report containing the following elements:

(A) A description of the information needed to determine that the nuclear weapons stockpile is safe and reliable and the relationship of the science-based tools to the collection of that information.

(B) A description of any updates to the criteria established under subsection (a) during—

(i) the previous two years; or

(ii) with respect to the report in 2011, the period beginning on the date of the submission of the report under section 3133 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1751; 50 U.S.C. 2523 note) and ending on the date of the submission of the 2011 stockpile stewardship plan required by section 2523 of this title.

(C) For each science-based tool to collect information needed to determine that the nuclear weapons stockpile is safe, secure, and reliable that is developed or modified by the Department of Energy during the relevant period described in subparagraph (B)—

(i) a description of the relationship of the science-based tool to the collection of such information; and

(ii) a description of criteria for assessing the effectiveness of the science-based tool in collecting such information.

(D) An assessment described in paragraph (2).

(2) An assessment described in this paragraph is an assessment of the stockpile stewardship program conducted by the Administrator for Nuclear Security in consultation with the directors of the national security laboratories. Such assessment shall set forth the following:

(A) An identification and description of—

(i) any key technical challenges to the stockpile stewardship program; and

(ii) the strategies to address such challenges without the use of nuclear testing.

(B) A strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing.

(C) An assessment of the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory that exist at the time of the assessment compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program.

(D) An assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons activities and weapons-related activities of the Department of Energy, including—

(i) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

(ii) a description of any shortage of such individuals that exists at the time of the assessment compared with any shortage expected to exist during the period covered by the future-years nuclear security program.

### (d) Definitions

In this section:

(1) The term “future-years nuclear security program” means the program required by section 2453 of this title.

(2) The term “national security laboratory” has the meaning given such term in section 2471 of this title.

(3) The term “weapons activities” means each activity within the budget category of weapons activities in the budget of the National Nuclear Security Administration.

(4) The term “weapons-related activities” means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

(A) nuclear nonproliferation;

(B) nuclear forensics;

(C) nuclear intelligence;

(D) nuclear safety; and

(E) nuclear incident response.

(Pub. L. 107-314, div. D, title XLII, §4202, formerly Pub. L. 105-261, div. C, title XXXI, §3158, Oct. 17, 1998, 112 Stat. 2257; Pub. L. 106-65, div. A, title X, §1067(3), Oct. 5, 1999, 113 Stat. 774; renumbered Pub. L. 107-314, div. D, title XLII, §4202, by Pub. L. 108-136, div. C, title XXXI, §3141(e)(3), Nov. 24, 2003, 117 Stat. 1758; Pub. L. 111-84, div. C, title XXXI, §3112, Oct. 28, 2009, 123 Stat. 2703.)

#### CODIFICATION

Section was formerly set out as a note under section 2121 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

#### AMENDMENTS

2009—Subsec. (c), Pub. L. 111-84, §3112(a), amended subsec. (c) generally. Prior to amendment, subsec. (c)

required submission of report not later than Mar. 1, 2000, to Congressional committees on Department of Energy efforts to develop subsec. (a) criteria.

Subsec. (d). Pub. L. 111-84, §3112(b), added subsec. (d). 1999—Subsec. (c). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security” before “of the House of Representatives”.

**§ 2523. Plan for stewardship, management, and certification of warheads in the nuclear weapons stockpile**

**(a) Plan requirement**

The Secretary of Energy shall develop and annually update a plan for maintaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, and program direction and shall be consistent with the programmatic and technical requirements of the most recent annual Nuclear Weapons Stockpile Memorandum.

**(b) Plan elements**

The plan and each update of the plan shall set forth the following:

- (1) The number of warheads (including active and inactive warheads) for each warhead type in the nuclear weapons stockpile.
- (2) The current age of each warhead type, and any plans for stockpile lifetime extensions and modifications or replacement of each warhead type.
- (3) The process by which the Secretary of Energy is assessing the lifetime, and requirements for lifetime extension or replacement, of the nuclear and nonnuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile.
- (4) The process used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile.
- (5) Any concerns which would affect the ability of the Secretary of Energy to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads).

**(c) Annual submission of plan to Congress**

The Secretary of Energy shall submit to Congress the plan developed under subsection (a) not later than March 15, 1998, and shall submit an updated version of the plan not later than May 1 of each year thereafter. The plan shall be submitted in both classified and unclassified form.

(Pub. L. 107-314, div. D, title XLII, §4203, formerly Pub. L. 105-85, div. C, title XXXI, §3151, Nov. 18, 1997, 111 Stat. 2041; renumbered Pub. L. 107-314, div. D, title XLII, §4203, by Pub. L. 108-136, div. C, title XXXI, §3141(e)(4), Nov. 24, 2003, 117 Stat. 1758; amended Pub. L. 108-375, div. C, title XXXI, §3115, Oct. 28, 2004, 118 Stat. 2162.)

CODIFICATION

Section was formerly set out as a note under section 2121 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior authorization act:  
 Pub. L. 104-106, div. C, title XXXI, §3153, Feb. 10, 1996, 110 Stat. 624; repealed Pub. L. 105-85, div. C, title XXXI, §3152(c), Nov. 18, 1997, 111 Stat. 2042.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108-375 substituted “May 1 of each year thereafter” for “March 15 of each year thereafter”.

REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS AND SENSE OF CONGRESS ON FOLLOW-ON NEGOTIATIONS TO START TREATY

Pub. L. 111-84, div. A, title XII, §1251, Oct. 28, 2009, 123 Stat. 2549, provided that:

“(a) REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.—

“(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act [Oct. 28, 2009] or at the time a follow-on treaty to the Strategic Arms Reduction Treaty (START Treaty) is submitted by the President to the Senate for its advice and consent, whichever is later, the President shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the plan to—

- “(A) enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States;
- “(B) modernize the nuclear weapons complex; and
- “(C) maintain the delivery platforms for nuclear weapons.

“(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

- “(A) A description of the plan to enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States.
- “(B) A description of the plan to modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.
- “(C) A description of the plan to maintain delivery platforms for nuclear weapons.
- “(D) An estimate of budget requirements, including the costs associated with the plans outlined under subparagraphs (A) through (C), over a 10-year period.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that—

- “(1) the President should maintain the stated position of the United States that the follow-on treaty to the START Treaty not include any limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons systems of the United States;
- “(2) the enhanced safety, security, and reliability of the nuclear weapons stockpile, modernization of the nuclear weapons complex, and maintenance of the nuclear delivery systems are key to enabling further reductions in the nuclear forces of the United States; and
- “(3) the President should submit budget requests for fiscal year 2011 and subsequent fiscal years for the programs of the National Nuclear Security Administration of the Department of Energy that are adequate to sustain the needed capabilities to support the long-term maintenance of the nuclear stockpile of the United States.”

INCLUSION IN 2005 STOCKPILE STEWARDSHIP PLAN OF CERTAIN INFORMATION RELATING TO STOCKPILE STEWARDSHIP CRITERIA

Pub. L. 108-136, div. C, title XXXI, §3133, Nov. 24, 2003, 117 Stat. 1751, provided that:

“(a) INCLUSION IN 2005 STOCKPILE STEWARDSHIP PLAN.—In submitting to Congress the updated version of the 2005 stockpile stewardship plan, the Secretary of