

## AMENDMENTS

2013—Pub. L. 112-239, §3133(b)(2), substituted “Stockpile stewardship criteria” for “Report on stockpile stewardship criteria” in section catchline.

Subsecs. (c), (d). Pub. L. 112-239, §3133(b)(1), struck out subsecs. (c) and (d), which related, respectively, to report and definitions.

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. Nuclear weapons stockpile stewardship, management, and infrastructure plan

#### (a) Plan requirement

The Administrator, in consultation with the Secretary of Defense and other appropriate officials of the departments and agencies of the Federal Government, shall develop and annually update a plan for sustaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, stockpile surveillance, program direction, infrastructure modernization, human capital, and nuclear test readiness. The plan shall be consistent with the programmatic and technical requirements of the most recent annual Nuclear Weapons Stockpile Memorandum.

#### (b) Submissions to Congress

(1) In accordance with subsection (c), not later than March 15 of each even-numbered year, the Administrator shall submit to the congressional defense committees a summary of the plan developed under subsection (a).

(2) In accordance with subsection (d), not later than March 15 of each odd-numbered year, the Administrator shall submit to the congressional defense committees a detailed report on the plan developed under subsection (a).

(3) The summaries and reports required by this subsection shall be submitted in unclassified form, but may include a classified annex.

#### (c) Elements of biennial plan summary

Each summary of the plan submitted under subsection (b)(1) shall include, at a minimum, the following:

(1) A summary of the status of the nuclear weapons stockpile, including the number and age of warheads (including both active and inactive) for each warhead type.

(2) A summary of the status, plans, budgets, and schedules for warhead life extension programs and any other programs to modify, update, or replace warhead types.

(3) A summary of the methods and information used to determine that the nuclear weapons stockpile is safe and reliable, as well as the relationship of science-based tools to the collection and interpretation of such information.

(4) A summary of the status of the nuclear security enterprise, including programs and plans for infrastructure modernization and retention of human capital, as well as associated budgets and schedules.

(5) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

(6) Such other information as the Administrator considers appropriate.

#### (d) Elements of biennial detailed report

Each detailed report on the plan submitted under subsection (b)(2) shall include, at a minimum, the following:

(1) With respect to stockpile stewardship and management—

(A) the status of the nuclear weapons stockpile, including the number and age of warheads (including both active and inactive) for each warhead type;

(B) for each five-year period occurring during the period beginning on the date of the report and ending on the date that is 20 years after the date of the report—

(i) the planned number of nuclear warheads (including active and inactive) for each warhead type in the nuclear weapons stockpile; and

(ii) the past and projected future total lifecycle cost of each type of nuclear weapon;

(C) the status, plans, budgets, and schedules for warhead life extension programs and any other programs to modify, update, or replace warhead types;

(D) a description of the process by which the Administrator assesses the lifetimes, and requirements for life extension or replacement, of the nuclear and non-nuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile;

(E) a description of the process used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile;

(F) any concerns of the Administrator that would affect the ability of the Administrator to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads);

(G) mechanisms to provide for the manufacture, maintenance, and modernization of each warhead type in the nuclear weapons stockpile, as needed;

(H) mechanisms to expedite the collection of information necessary for carrying out the stockpile management program required by section 2524 of this title, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials;

(I) mechanisms to ensure the appropriate assignment of roles and missions for each national security laboratory and nuclear weapons production facility, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel;

(J) mechanisms to ensure that each national security laboratory has full and com-

plete access to all weapons data to enable a rigorous peer-review process to support the annual assessment of the condition of the nuclear weapons stockpile required under section 2525 of this title;

(K) mechanisms for allocating funds for activities under the stockpile management program required by section 2524 of this title, including allocations of funds by weapon type and facility; and

(L) for each of the five fiscal years following the fiscal year in which the report is submitted, an identification of the funds needed to carry out the program required under section 2524 of this title.

(2) With respect to science-based tools—

(A) a description of the information needed to determine that the nuclear weapons stockpile is safe and reliable;

(B) for each science-based tool used to collect information described in subparagraph (A), the relationship between such tool and such information and the effectiveness of such tool in providing such information based on the criteria developed pursuant to section 2522(a) of this title; and

(C) the criteria developed under section 2522(a) of this title (including any updates to such criteria).

(3) An assessment of the stockpile stewardship program under section 2521(a) of this title by the Administrator, in consultation with the directors of the national security laboratories, which shall set forth—

(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; and

(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 Administration, 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.

(4) With respect to the nuclear security infrastructure—

(A) a description of the modernization and refurbishment measures the Administrator determines necessary to meet the requirements prescribed in—

(i) the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 404a of this title if such strategy has been submitted as of the date of the plan;

(ii) the most recent quadrennial defense review if such strategy has not been submitted as of the date of the plan; and

(iii) the most recent Nuclear Posture Review as of the date of the plan;

(B) a schedule for implementing the measures described under subparagraph (A) during the 10-year period following the date of the plan; and

(C) the estimated levels of annual funds the Administrator determines necessary to carry out the measures described under subparagraph (A), including a discussion of the criteria, evidence, and strategies on which such estimated levels of annual funds are based.

(5) With respect to the nuclear test readiness of the United States—

(A) an estimate of the period of time that would be necessary for the Administrator to conduct an underground test of a nuclear weapon once directed by the President to conduct such a test;

(B) a description of the level of test readiness that the Administrator, in consultation with the Secretary of Defense, determines to be appropriate;

(C) a list and description of the workforce skills and capabilities that are essential to carrying out an underground nuclear test at the Nevada National Security Site;

(D) a list and description of the infrastructure and physical plants that are essential to carrying out an underground nuclear test at the Nevada National Security Site; and

(E) an assessment of the readiness status of the skills and capabilities described in subparagraph (C) and the infrastructure and physical plants described in subparagraph (D).

(6) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

**(e) Nuclear Weapons Council assessment**

(1) For each detailed report on the plan submitted under subsection (b)(2), the Nuclear Weapons Council established by section 179 of title 10 shall conduct an assessment that includes the following:

(A) An analysis of the plan, including—

(i) whether the plan supports the requirements of the national security strategy of the United States or the most recent quadrennial defense review, as applicable under subsection (d)(4)(A), and the Nuclear Posture Review; and

(ii) whether the modernization and refurbishment measures described under subpara-

graph (A) of subsection (d)(4) and the schedule described under subparagraph (B) of such subsection are adequate to support such requirements.

(B) An analysis of whether the plan adequately addresses the requirements for infrastructure recapitalization of the facilities of the nuclear security enterprise.

(C) If the Nuclear Weapons Council determines that the plan does not adequately support modernization and refurbishment requirements under subparagraph (A) or the nuclear security enterprise facilities infrastructure recapitalization requirements under subparagraph (B), a risk assessment with respect to—

- (i) supporting the annual certification of the nuclear weapons stockpile; and
- (ii) maintaining the long-term safety, security, and reliability of the nuclear weapons stockpile.

(2) Not later than 180 days after the date on which the Administrator submits the plan under subsection (b)(2), the Nuclear Weapons Council shall submit to the congressional defense committees a report detailing the assessment required under paragraph (1).

#### (f) Definitions

In this section:

(1) The term “budget”, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

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

(3) The term “nuclear security budget materials”, with respect to a fiscal year, means the materials submitted to Congress by the Administrator in support of the budget for that fiscal year.

(4) The term “quadrennial defense review” means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10.

(5) The term “weapons activities” means each activity within the budget category of weapons activities in the budget of the Administration.

(6) 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, § 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; Pub. L. 112–239, div. C, title XXXI, § 3133(a)(1), Jan. 2, 2013, 126 Stat. 2187.)

#### 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

2013—Pub. L. 112–239 amended section generally. Prior to amendment, section related to the plan for stewardship, management, and certification of warheads in the nuclear weapons stockpile.

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 Energy shall include the matters specified in subsection (b).

“(b) **MATTERS INCLUDED.**—The matters referred to in subsection (a) are the following:

“(1) An update of any information or criteria described in the report on stockpile stewardship criteria submitted under section 4202 of the Atomic Energy Defense Act [50 U.S.C. 2522] (as transferred and redesignated by section 3161(e)(3) [probably should be ‘3141(e)(3)’] of this Act).

“(2) A description of any additional information identified, or criteria established, on matters covered by such section 4202 during the period beginning on the date of the submittal of the report under such section 4202 and ending on the date of the submittal of the updated version of the plan under subsection (a) of this section.

“(3) For each science-based tool developed by the Department of Energy during such period—

“(A) a description of the relationship of such science-based tool to the collection of information needed to determine that the nuclear weapons stockpile is safe and reliable; and

“(B) a description of the criteria for judging whether or not such science-based tool provides for the collection of such information.

“(c) **2005 STOCKPILE STEWARDSHIP PLAN DEFINED.**—In this section, the term ‘2005 stockpile stewardship plan’ means the updated version of the plan for maintaining the nuclear weapons stockpile developed under section 4203 of the Atomic Energy Defense Act [50 U.S.C. 2523] (as transferred and redesignated by section 3161(e)(4) [probably should be ‘3141(e)(4)’] of this Act) that is required to be submitted to Congress not later than March 15, 2005.”

**ANNUAL UPDATE TO THE REPORT SPECIFIED IN SECTION 1251 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010 (PUBLIC LAW 111-84)**

Memorandum of President of the United States, Feb. 7, 2011, 76 F.R. 7477, provided:

Memorandum for the Secretary of Defense [and] the Secretary of Energy

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the Secretaries of Defense and Energy to jointly provide annual updates to the report specified in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) (the “1251 Report”) [set out as a note above]. I further authorize and direct the Secretaries of Defense and Energy to jointly submit this annual update to the 1251 Report concurrently with the President’s budget each year, beginning in calendar year 2011.

The Secretary of Defense is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

**§ 2523a. Repealed. Pub. L. 112-239, div. C, title XXXI, § 3133(c)(1), Jan. 2, 2013, 126 Stat. 2192**

Section, Pub. L. 107-314, div. D, title XLII, § 4203A, as added Pub. L. 111-383, div. C, title XXXI, § 3112(a), Jan.

7, 2011, 124 Stat. 4507, related to biennial plan on modernization and refurbishment of the nuclear security complex.

**§ 2523b. Transferred**

**CODIFICATION**

Section, Pub. L. 112-81, div. A, title X, § 1045, Dec. 31, 2011, 125 Stat. 1577; Pub. L. 112-239, div. A, title X, § 1076(a)(19), Jan. 2, 2013, 126 Stat. 1949, which related to nuclear force reductions, was transferred to section 494 of Title 10, Armed Forces, by Pub. L. 112-239, div. A, title X, § 1033(b)(1)(A)–(C), Jan. 2, 2013, 126 Stat. 1920.

**§ 2524. Stockpile management program**

**(a) Program required**

The Secretary of Energy, acting through the Administrator for Nuclear Security and in consultation with the Secretary of Defense, shall carry out a program, in support of the stockpile stewardship program, to provide for the effective management of the weapons in the nuclear weapons stockpile, including the extension of the effective life of such weapons. The program shall have the following objectives:

(1) To increase the reliability, safety, and security of the nuclear weapons stockpile of the United States.

(2) To further reduce the likelihood of the resumption of underground nuclear weapons testing.

(3) To achieve reductions in the future size of the nuclear weapons stockpile.

(4) To reduce the risk of an accidental detonation of an element of the stockpile.

(5) To reduce the risk of an element of the stockpile being used by a person or entity hostile to the United States, its vital interests, or its allies.

**(b) Program limitations**

In carrying out the stockpile management program under subsection (a), the Secretary of Energy shall ensure that—

(1) any changes made to the stockpile shall be made to achieve the objectives identified in subsection (a); and

(2) any such changes made to the stockpile shall—

(A) remain consistent with basic design parameters by including, to the maximum extent feasible, components that are well understood or are certifiable without the need to resume underground nuclear weapons testing; and

(B) use the design, certification, and production expertise resident in the nuclear security enterprise to fulfill current mission requirements of the existing stockpile.

**(c) Program budget**

In accordance with the requirements under section 2529 of this title, for each budget submitted by the President to Congress under section 1105 of title 31, the amounts requested for the program under this section shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.

(Pub. L. 107-314, div. D, title XLII, § 4204, formerly Pub. L. 106-65, div. C, title XXXI, § 3133, Oct. 5, 1999, 113 Stat. 926; renumbered Pub. L. 107-314, div. D, title XLII, § 4204, and amended