interim pit production) at a national security laboratory.

(8) To employ a risk-based approach to ensure compliance with Design Basis Threat security requirements.

(9) To expeditiously dismantle inactive nuclear weapons to reduce the size of the stockpile to the lowest level required by the Nuclear Weapons Council.

(10) To operate the nuclear security enterprise in a more cost-effective manner.

(b) Consultation

The Secretary of Energy shall develop the transformation plan required by subsection (a) in consultation with the Secretary of Defense and the Nuclear Weapons Council.

(Pub. L. 107–314, div. D, title XLII, § 4214, as added Pub. L. 109–364, div. C, title XXXI, § 3111(a), Oct. 17, 2006, 120 Stat. 2502; amended Pub. L. 112–239, div. C, title XXXI, § 3131(g)(1), Jan. 2, 2013, 126 Stat. 2181.)

AMENDMENTS

2013—Pub. L. 112–239 substituted ''nuclear security enterprise'' for ''nuclear weapons complex'' in section catchline and wherever appearing in text, redesignated subsec. (c) as (b) and struck out former subsecs. (b) and (d), which, respectively, required a report on the transformation plan required by subsection (a) and defined ''national security laboratory''.

§ 2535. Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico

(a) Replacement building required

The Secretary of Energy shall construct at Los Alamos National Laboratory, New Mexico, a building to replace the functions of the existing Chemistry and Metallurgy Research Building at Los Alamos National Laboratory associated with Department of Energy Hazard Category 2 special nuclear material operations.

(b) Limitation on cost

The cost of the building constructed under subsection (a) may not exceed $3,700,000,000. If the Secretary determines the cost will exceed such amount, the Secretary shall submit a detailed justification for such increase to the congressional defense committees.

(c) Project basis

The construction authorized by subsection (a) shall use as its basis the facility project in the Department of Energy Readiness and Technical Base designated 04–D–125 (chemistry and metallurgy facility replacement project at Los Alamos National Laboratory).

(d) Assistance

(1) In carrying out this section, the Secretary shall procure the services of the Commander of the Naval Facilities Engineering Command to assist the Secretary with respect to the program management, oversight, and design activities of the project authorized by subsection (a).

(2) The Secretary shall carry out this subsection using funds made available for the National Nuclear Security Administration.

(e) Deadline for commencement of operations

The building constructed under subsection (a) shall commence operations by not later than December 31, 2026.

(Pub. L. 107–314, div. D, title XLII, § 4215, as added Pub. L. 112–239, div. C, title XXXI, § 3114(a)(1), Jan. 2, 2013, 126 Stat. 2170.)

ALTERNATIVE PLUTONIUM STRATEGY; FULL OPERATIONAL CAPABILITY OF REPLACEMENT PROJECT

Pub. L. 112–239, div. C, title XXXI, § 3114(c)–(e), Jan. 2, 2013, 126 Stat. 2171, 2172, provided that:

''(c) LIMITATION ON ALTERNATIVE PLUTONIUM STRATEGY.—No funds authorized to be appropriated by this Act [see Tables for classification] or any other Act may be obligated or expended on any activities associated with a plutonium strategy for the National Nuclear Security Administration that does not include achieving full operational capability of the replacement project by December 31, 2026, as required by section 4215(e) of the Atomic Energy Defense Act [50 U.S.C. 2535(e)], as added by subsection (a).

''(d) NAVAL REACTOR STUDY.—

''(1) IN GENERAL.—The Deputy Administrator for Naval Reactors shall conduct a study of the replacement project, including an analysis of the cost, benefits, and risks with respect to nuclear safety.

''(2) SUBMISSION.—Not later than 18 months after the date of the enactment of this Act [Jan. 2, 2013], the Deputy Administrator shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the study under paragraph (1), including recommendations of the Deputy Administrator with respect to the project structure, oversight model, and potential cost savings of the replacement project.

''(3) CONSIDERATION OF RECOMMENDATIONS.—In carrying out the replacement project, the Secretary of Energy shall consider the recommendations made by the Deputy Administrator in the report under paragraph (2) and incorporate such recommendations into the project as the Secretary considers appropriate.

''(4) FUNDING.—The Secretary of Energy and the Deputy Administrator shall carry out this subsection using funds authorized to be appropriated by this Act [see Tables for classification] or otherwise made available for the National Nuclear Security Administration that are not made available for the Naval Nuclear Propulsion Program.

''(e) REPLACEMENT PROJECT DEFINED.—In this section [enacting this section and this note], the term 'replacement project' means the replacement project for the Chemistry and Metallurgy Research Building authorized by section 4215 of the Atomic Energy Defense Act [50 U.S.C. 2535], as added by subsection (a).''

§ 2536. Reports on lifetime extension programs

(a) Reports required

Before proceeding beyond phase 6.2 activities with respect to any lifetime extension program, the Nuclear Weapons Council established by section 179 of title 10 shall submit to the congressional defense committees a report on such phase 6.2 activities, including—

(1) an assessment of the lifetime extension options considered for the phase 6.2 activities, including whether the subsystems and components in each option are considered to be a refurbishment, reuse, or replacement of such subsystem or component; and

(2) an assessment of the option selected for the phase 6.2 activities, including—

(A) whether the subsystems and components will be refurbished, reused, or replaced; and

(B) the advantages and disadvantages of refurbishment, reuse, and replacement for each such subsystem and component.

(b) Phase 6.2 activities defined

In this section, the term ''phase 6.2 activities'' means, with respect to a lifetime extension program, the phase 6.2 feasibility study and option down-select.

(Pub. L. 107–314, div. D, title XLII, § 4216, as added Pub. L. 112–239, div. C, title XXXI, § 3141(a), Jan. 2, 2013, 126 Stat. 2193.)

§ 2537. Selected Acquisition Reports and independent cost estimates on life extension programs and new nuclear facilities

(a) Selected Acquisition Reports

(1) At the end of each fiscal-year quarter, the Secretary of Energy, acting through the Administrator, shall submit to the congressional defense committees a report on each nuclear weapon system undergoing life extension. The reports shall be known as Selected Acquisition Reports for the weapon system concerned.

(2) The information contained in the Selected Acquisition Report for a fiscal-year quarter for a nuclear weapon system shall be the information contained in the Selected Acquisition Report for such fiscal-year quarter for a major defense acquisition program under section 2432 of title 10, expressed in terms of the nuclear weapon system.

(b) Independent cost estimates

(1) The Secretary, acting through the Administrator, shall submit to the congressional defense committees and the Nuclear Weapons Council established under section 179 of title 10 an independent cost estimate of the following:

(A) Each nuclear weapon system undergoing life extension at the completion of phase 6.2A, relating to design definition and cost study.

(B) Each nuclear weapon system undergoing life extension before initiation of phase 6.5, relating to first production.

(C) Each new nuclear facility within the nuclear security enterprise that is estimated to cost more than $500,000,000 before such facility achieves critical decision 2 in the acquisition process.

(2) A cost estimate for purposes of this subsection may not be prepared by the Department of Energy or the Administration.

(c) Authority for further assessments

Upon the request of the Administrator, the Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation and in consultation with the Administrator, may conduct an independent cost assessment of any initiative or program of the Administration that is estimated to cost more than $500,000,000.

(Pub. L. 107–314, div. D, title XLII, § 4217, as added Pub. L. 112–239, div. C, title XXXI, § 3162(a), Jan. 2, 2013, 126 Stat. 2204.)

§ 2538. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile

(a) Findings

Congress makes the following findings:

(1) Nuclear weapons are the most destructive weapons on earth. The United States and its allies continue to rely on nuclear weapons to deter potential adversaries from using weapons of mass destruction. The safety and reliability of the nuclear weapons stockpile are essential to ensure its credibility as a deterrent.

(2) On September 24, 1996, President Clinton signed the Comprehensive Test Ban Treaty.

(3) Effective as of September 30, 1996, the United States is prohibited by section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377; 42 U.S.C. 2121 note)[1] from conducting underground nuclear tests ''unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted''.

(4) Section 1436(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 42 U.S.C. 2121 note)[1] requires the Secretary of Energy to ''establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive test ban on nuclear explosive testing is negotiated and ratified.''.

(5) Section 3138(d) of the National Defense Authorization Act for Fiscal Year 1994[1] (Public Law 103–160; 42 U.S.C. 2121 note) required the President to submit an annual report to Congress which sets forth ''any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Stewardship Program of the Department of Energy''.

(6) President Clinton declared in July 1993 that ''to assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, reliability, and the performance of our weapons''. This decision was incorporated in a Presidential Directive.

(7) Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 42 U.S.C. 2121 note)[1] also requires that the Secretary of Energy establish a ''stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons''.

(8) The plan of the Department of Energy to maintain the safety and reliability of the United States nuclear weapons stockpile is known as the Stockpile Stewardship and Management Program. The ability of the United States to maintain and certify the safety, security, effectiveness, and reliability of the nuclear weapons stockpile without testing will require utilization of new and sophisticated computational capabilities and diagnostic technologies, methods, and procedures. Current diagnostic technologies and laboratory testing techniques are insufficient to certify the safety and reliability of the United States nuclear weapons stockpile into the future. Whereas in the past laboratory and diagnostic tools were used in conjunction with nuclear

[1] See References in Text note below.