

(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 1994¹ (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.