program and activities at Lawrence Livermore National Laboratory, including the functions of the Secretary of Energy relating thereto, to the Secretary of Homeland Security, see sections 183(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

All national security functions and activities performed immediately before Oct. 5, 1999, by nuclear weapons laboratories and production facilities defined in this section, transferred to the Administrator for Nuclear Security of the National Nuclear Security Administration of the Department of Energy, see section 2481 of this title.

§ 2534. Repealed. Pub. L. 113–66, div. C, title XXXI, § 3146(c)(8)(A), Dec. 26, 2013, 127 Stat. 1075

Section, 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, related to plan for transformation of National Nuclear Security Administration nuclear security enterprise.

§ 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 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; amended Pub. L. 113–66, div. C, title XXXI, § 3146(c)(9), Dec. 26, 2013, 127 Stat. 1075.)

AMENDMENTS

2013—Subsec. (d)(2). Pub. L. 113–66 struck out ''National Nuclear Security'' before ''Administration''.

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, as amended by Pub. L. 113–66, div. C, title XXXI, § 3117, Dec. 26, 2013, 127 Stat. 1058, provided that:

''(c) LIMITATION ON ALTERNATIVE PLUTONIUM STRATEGY.—

''(1) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (2), 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).

''(2) USE OF FUNDS FOR MODULAR BUILDING STRATEGY.—The Administrator for Nuclear Security may obligate and expend funds referred to in paragraph (1) for activities relating to a modular building strategy on and after the date that is 60 days after the date on which the Nuclear Weapons Council established under section 179 of title 10, United States Code, notifies the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] that—

''(A) the modular building strategy—

''(i) meets requirements for maintaining the nuclear weapons stockpile over a 30-year period;

''(ii) meets requirements for implementation of a responsive infrastructure, including meeting plutonium pit production requirements; and

''(iii) will achieve full operating capability for not less than two modular structures by not later than 2027;

''(B) in fiscal year 2015, the National Nuclear Security Administration will begin the process of designing and building modular buildings in accordance with Department of Energy Order 413.3 (relating to relating to program management and project management for the acquisition of capital assets); and

''(C) the Administrator will include the costs of the modular building strategy in the estimated expenditures and proposed appropriations reflected in the future-years nuclear security program submitted under section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

''(3) MODULAR BUILDING STRATEGY DEFINED.—In this subsection, the term 'modular building strategy' means an alternative strategy to the replacement project that consists of repurposing existing facilities and constructing a series of modular structures, each of which is fully useable, to complement the function of the plutonium facility (PF–4) at Los Alamos National Laboratory, New Mexico, in accordance with all applicable safety and security standards of the Department of Energy.

''(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 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 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; amended Pub. L. 113–66, div. C, title XXXI, § 3146(a)(2)(B), Dec. 26, 2013, 127 Stat. 1072.)

AMENDMENTS

2013—Subsec. (a). Pub. L. 113–66 struck out ''established by section 179 of title 10'' after ''Nuclear Weapons Council'' in introductory provisions.

§ 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 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 submitted under this subsection before October 1, 2015, may not be prepared by the Department of Energy or the Administration.

(3) Each cost estimate submitted under this subsection shall be submitted in unclassified form, but may include a classified annex if necessary.

(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; amended Pub. L. 113–66, div. C, title XXXI, §§ 3112(b), 3146(a)(2)(C), Dec. 26, 2013, 127 Stat. 1053, 1072.)

AMENDMENTS

2013—Subsec. (b)(1). Pub. L. 113–66, § 3146(a)(2)(C), struck out ''established under section 179 of title 10'' after ''Council'' in introductory provisions.

Subsec. (b)(2). Pub. L. 113–66, § 3112(b)(1), substituted ''submitted under this subsection before October 1, 2015,'' for ''for purposes of this subsection''.

Subsec. (b)(3). Pub. L. 113–66, § 3112(b)(2), added par. (3).

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

(a) Policy

(1) In general

It is the policy of the United States—

(A) to maintain a safe, secure, effective, and reliable nuclear weapons stockpile; and

(B) as long as other nations control or actively seek to acquire nuclear weapons, to retain a credible nuclear deterrent.

(2) Nuclear weapons stockpile

It is in the security interest of the United States to sustain the United States nuclear weapons stockpile through a program of stockpile stewardship, carried out at the na-