

September 1 each year, the Secretary of Energy shall submit to the congressional defense committees the report entitled ‘Annual Report to the President on the Status of Safeguards and Security of Domestic Nuclear Weapons Facilities’, or any successor report to such report.’

2003—Subsec. (b). Pub. L. 108-136, §3141(h)(7)(D), which directed the amendment of subsec. (b) by inserting “of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2048; 42 U.S.C. 7251 note)” after “section 3161”, could not be executed because of the repeal of subsec. (b) by Pub. L. 106-65. See 1999 Amendment note below.

1999—Pub. L. 106-65 struck out subsec. (a) designation and heading and struck out heading and text of subsec. (b). Text read as follows: “The Secretary shall include with each report submitted under subsection (a) in fiscal years 1998 through 2000 any comments on such report by the members of the Department of Energy Security Management Board established under section 3161 that such members consider appropriate.”

**§ 2658. Repealed. Pub. L. 113-66, div. C, title XXXI, § 3132(a)(1), Dec. 26, 2013, 127 Stat. 1068**

Section, Pub. L. 107-314, div. D, title XLV, § 4507, formerly Pub. L. 106-65, div. C, title XXXI, § 3152, Oct. 5, 1999, 113 Stat. 940; renumbered Pub. L. 107-314, div. D, title XLV, § 4507, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(h)(8), Nov. 24, 2003, 117 Stat. 1773; Pub. L. 112-239, div. C, title XXXI, § 3131(n)(1), Jan. 2, 2013, 126 Stat. 2183, related to the annual submission and contents of a report on counterintelligence and security practices at national security laboratories.

**§ 2659. Repealed. Pub. L. 114-113, div. M, title VII, § 701(f), Dec. 18, 2015, 129 Stat. 2930**

Section, Pub. L. 107-314, div. D, title XLV, § 4508, formerly Pub. L. 106-65, div. C, title XXXI, § 3153, Oct. 5, 1999, 113 Stat. 940; renumbered Pub. L. 107-314, div. D, title XLV, § 4508, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(h)(9), Nov. 24, 2003, 117 Stat. 1774; Pub. L. 112-239, div. C, title XXXI, § 3131(o)(1), Jan. 2, 2013, 126 Stat. 2183, related to report on security vulnerabilities of national security laboratory computers.

**§ 2660. Design and use of prototypes of nuclear weapons for intelligence purposes**

**(a) Prototypes**

(1) Not later than the date on which the President submits to Congress under section 1105(a) of title 31 the budget for fiscal year 2016, the directors of the national security laboratories shall jointly develop a multiyear plan to design and build prototypes of nuclear weapons to further intelligence estimates with respect to foreign nuclear weapons activities and capabilities.

(2) Not later than the date on which the President submits to Congress under section 1105(a) of title 31 the budget for an even-numbered fiscal year occurring after fiscal year 2017, the directors shall jointly develop an update to the plan developed under paragraph (1).

(3)(A) The directors shall jointly submit to the Secretary of Energy and the Director of National Intelligence the plan and each update developed under paragraphs (1) and (2), respectively.

(B) Not later than 30 days after the date on which the directors submit the plan or an update under subparagraph (A), the Secretary—

(i) shall submit to the congressional defense committees and the congressional intelligence committees the plan or update, as the case may be, without change; and

(ii) may include, with the plan or update submitted under clause (i), the views of the Secretary with respect to the plan or update.

(4)(A) The Secretary, in coordination with the directors, shall carry out the plan developed under paragraph (1), including the updates to the plan developed under paragraph (2).

(B) The Secretary may determine the manner in which the designing and building of prototypes of nuclear weapons is carried out under such plan.

(C) The Secretary shall promptly submit to the congressional defense committees and the congressional intelligence committees written notification of any changes the Secretary makes to such plan pursuant to subparagraph (B), including justifications for such changes.

**(b) Matters included**

(1) The directors shall ensure that the plan developed and updated under subsection (a) provides increased information upon which to base intelligence assessments and emphasizes the competencies of the national security laboratories with respect to designing and building prototypes of nuclear weapons.

(2) To carry out paragraph (1), the plan developed and updated under subsection (a) shall include the following:

(A) Design and system engineering activities of full-scale engineering prototypes (using surrogate special nuclear materials), including weaponization features as required.

(B) Design, system engineering, and experimental testing (using surrogate special nuclear materials) of above-ground experiment test hardware.

(C) Design and system engineering of scaled or subcomponent experimental test articles (using special nuclear materials) for conducting experiments at the Nevada National Security Site.

**(c) Prohibition on production of nuclear yields**

In carrying out this section, the Secretary may not conduct any experiments that produce a nuclear yield.

(Pub. L. 107-314, div. D, title XLV, § 4509, as added Pub. L. 112-239, div. C, title XXXI, § 3115(a), Jan. 2, 2013, 126 Stat. 2172; amended Pub. L. 113-291, div. C, title XXXI, § 3111, Dec. 19, 2014, 128 Stat. 3884.)

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-291, § 3111(a), amended subsec. (a) generally. Prior to amendment, text read as follows: “The Administrator shall develop and carry out a plan for the national security laboratories and nuclear weapons production facilities to design and build prototypes of nuclear weapons to further intelligence estimates with respect to foreign nuclear weapons activities.”

Subsec. (b). Pub. L. 113-291, § 3111(b)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 113-291, § 3111(c), substituted “this section, the Secretary” for “subsection (a), the Administrator”.

Pub. L. 113-291, § 3111(b)(1), redesignated subsec. (b) as (c).