

111–84, div. A, title X, §1073(a)(6), Oct. 28, 2009, 123 Stat. 2472, related to management of space cadre personnel and submission of a biennial report.

[§ 490a. Renumbered § 492]

CHAPTER 24—NUCLEAR POSTURE

- Sec.
491. Nuclear weapons employment strategy of the United States: reports on modification of strategy.
492. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.
493. Reports to Congress on the modification of the force structure for the strategic nuclear weapons delivery systems of the United States.
494. Nuclear force reductions.
495. Strategic delivery systems.
496. Consideration of expansion of nuclear forces of other countries.
497. Notification required for reduction, consolidation, or withdrawal of nuclear forces based in Europe.
497a. Notification required for reduction or consolidation of dual-capable aircraft based in Europe.
498. Unilateral change in nuclear weapons stockpile of the United States.

AMENDMENTS

2013—Pub. L. 113–66, div. A, title X, §1051(b)(2), Dec. 26, 2013, 127 Stat. 859, added item 497a.

Pub. L. 112–239, div. A, title X, §§1031(b)(1), (3)(C)(i), 1033(b)(2)(A), 1035(b), 1036(b), 1037(b)(2), 1038(b), Jan. 2, 2013, 126 Stat. 1918, 1919, 1921, 1924, 1925, 1927, added chapter heading and items 491 to 498.

§ 491. Nuclear weapons employment strategy of the United States: reports on modification of strategy

(a) **REPORTS.**—By not later than 60 days before the date on which the President implements a nuclear weapons employment strategy of the United States that differs from the nuclear weapons employment strategy of the United States then in force, the President shall submit to Congress a report setting forth the following:

(1) A description of the modifications to the nuclear weapons employment strategy, plans, and options of the United States made by the strategy so issued.

(2) An assessment of effects of such modification for the nuclear posture of the United States.

(3) The implication of such changes on the flexibility and resilience of the strategic forces of the United States and the ability of such forces to support the goals of the United States with respect to nuclear deterrence, extended deterrence, assurance, and defense.

(4) The extent to which such modifications include an increased reliance on conventional or non-nuclear global strike capabilities or missile defenses of the United States.

(b) **ANNUAL BRIEFINGS.**—Not later than March 15 of each year, the Secretary of Defense shall provide to the congressional defense committees a briefing regarding the nuclear weapons employment strategy, plans, and options of the United States.

(c) **REPORTS ON 2010 NUCLEAR POSTURE REVIEW IMPLEMENTATION STUDY DECISIONS.**—During each

of fiscal years 2012 through 2021, not later than 60 days before the date on which the President carries out the results of the decisions made pursuant to the 2010 Nuclear Posture Review Implementation Study that would alter the nuclear weapons employment strategy, guidance, plans, or options of the United States, the President shall—

(1) ensure that the annual report required under section 1043(a)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1576) is transmitted to Congress, if so required;

(2) ensure that the report required under section 494(a)(2)(A) of this title is transmitted to Congress, if so required under such section; and

(3) transmit to the congressional defense committees a report providing the high-, medium-, and low- confidence assessments of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))) as to whether the United States will have significant warning of a strategic surprise or breakout caused by foreign nuclear weapons developments.

(Added Pub. L. 112–81, div. A, title X, §1046(b)(1), Dec. 31, 2011, 125 Stat. 1579; amended Pub. L. 112–239, div. A, title X, §§1031(a), 1032, Jan. 2, 2013, 126 Stat. 1917, 1919; Pub. L. 113–66, div. A, title X, §1052(b), Dec. 26, 2013, 127 Stat. 861; Pub. L. 113–291, div. A, title X, §1071(c)(10), Dec. 19, 2014, 128 Stat. 3509.)

CODIFICATION

Section was formerly part of chapter 23 of this title, prior to being transferred to this chapter by Pub. L. 112–239, §1031(a)(1).

REFERENCES IN TEXT

Section 1043(a)(1) of the National Defense Authorization Act for Fiscal Year 2012, referred to in subsec. (c)(1), is section 1043(a)(1) of title X of Pub. L. 112–81, div. A, Dec. 31, 2011, 125 Stat. 1579, which is not classified to the Code.

AMENDMENTS

2014—Subsec. (c)(3). Pub. L. 113–291 substituted “(50 U.S.C. 3003(4))” for “(50 U.S.C. 401a(4))”.

2013—Pub. L. 112–239, §1031(a)(2)(A)–(D), inserted “weapons” after “Nuclear” in section catchline, substituted “nuclear weapons employment strategy” for “nuclear employment strategy” in two places in introductory provisions and “to the nuclear weapons employment strategy, plans, and options of” for “to nuclear employment strategy of” in par. (1), and added par. (4).

Subsec. (a). Pub. L. 112–239, §1032(a), substituted “By not later than 60 days before the date on which the President implements” for “On the date on which the President issues” in introductory provisions.

Pub. L. 112–239, §1031(a)(2)(E), designated existing provisions as subsec. (a) and inserted heading.

Subsec. (b). Pub. L. 112–239, §1031(a)(2)(F), added subsec. (b).

Subsec. (c). Pub. L. 113–66, §1052(b), redesignated subsec. (d) as (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows:

“(1) The Secretary of Defense shall submit to the congressional defense committees written notification of an anomaly in the nuclear command, control, and communications system of the United States that is reported to the Secretary of Defense or the Nuclear Weapons Council by not later than 14 days after the