

representatives" for "Committees on Armed Services of the Senate and the House of Representatives".

1989—Subsec. (g)(1). Pub. L. 101-189 inserted ", accept grants from, and make grants to" after "contracts with".

1983—Pub. L. 98-132, §2(a)(1)(A), inserted "The Henry M. Jackson" before "Foundation" in section catchline.

Subsec. (a). Pub. L. 98-132, §2(a)(1)(B), inserted "Henry M. Jackson".

CHANGE OF NAME

Pub. L. 98-132, §1, Oct. 17, 1983, 97 Stat. 849, provided: "That (a) the Foundation for the Advancement of Military Medicine established pursuant to section 178 of title 10, United States Code, shall be designated and hereafter known as the 'Henry M. Jackson Foundation for the Advancement of Military Medicine', in honor of the late Henry M. Jackson, United States Senator from the State of Washington. Any reference to the Foundation for the Advancement of Military Medicine in any law, regulation, document, record, or other paper of the United States shall be held and considered to be a reference to the 'Henry M. Jackson Foundation for the Advancement of Military Medicine'.

"(b) The Council of Directors referred to in subsection (c) of section 178 of such title shall take such action as is necessary under the Corporations and Associations Articles of the State of Maryland to amend the corporate name of the Foundation for the Advancement of Military Medicine established under such section to reflect the designation made by the first sentence of subsection (a)."

§ 179. Nuclear Weapons Council

(a) ESTABLISHMENT; MEMBERSHIP.—There is a Nuclear Weapons Council (hereinafter in this section referred to as the "Council") operated as a joint activity of the Department of Defense and the Department of Energy. The membership of the Council is comprised of the following officers of those departments:

- (1) The Under Secretary of Defense for Acquisition and Sustainment.
- (2) The Vice Chairman of the Joint Chiefs of Staff.
- (3) The Under Secretary for Nuclear Security of the Department of Energy.
- (4) The Under Secretary of Defense for Research and Engineering.
- (5) The Under Secretary of Defense for Policy.
- (6) The Commander of the United States Strategic Command.

(b) CHAIRMAN; MEETINGS.—(1) Except as provided in paragraph (2), the Chairman of the Council shall be the member designated under subsection (a)(1).

(2) A meeting of the Council shall be chaired by the Under Secretary for Nuclear Security of the Department of Energy whenever the matter under consideration is within the primary responsibility or concern of the Department of Energy, as determined by majority vote of the Council.

(3) The Council shall meet not less often than once every three months. To the extent possible, not later than seven days before a meeting, the Chairman shall disseminate to each member of the Council the agenda and documents for such meeting.

(c) STAFF AND ADMINISTRATIVE SERVICES; STAFF DIRECTOR.—(1) The Secretary of Defense and the Secretary of Energy shall enter into an agreement with the Council to furnish necessary staff and administrative services to the Council.

(2) The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall be the Staff Director of the Council.

(3)(A) Whenever the position of Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs has been vacant a period of more than 6 months, the Secretary of Energy shall designate a qualified individual to serve as acting staff director of the Council until the position of Assistant Secretary is filled.

(B) An individual designated under subparagraph (A) shall possess substantial technical and policy experience relevant to the management and oversight of nuclear weapons programs.

(d) RESPONSIBILITIES.—The Council shall be responsible for the following matters:

(1) Preparing the annual Nuclear Weapons Stockpile Memorandum.

(2) Developing nuclear weapons stockpiles options and the costs of such options and alternatives.

(3) Coordinating and approving programming and budget matters pertaining to nuclear weapons programs between the Department of Defense and the Department of Energy.

(4) Identifying various options for cost-effective schedules for nuclear weapons production.

(5) Considering safety, security, and control issues for existing weapons and for proposed new weapon program starts.

(6) Ensuring that adequate consideration is given to design, performance, and cost tradeoffs for all proposed new nuclear weapons programs.

(7) Providing specific guidance regarding priorities for research on nuclear weapons and priorities among activities, including production, surveillance, research, construction, and any other programs within the National Nuclear Security Administration.

(8) Coordinating and approving activities conducted by the Department of Energy for the study, development, production, and retirement of nuclear warheads, including concept definition studies, feasibility studies, engineering development, hardware component fabrication, warhead production, and warhead retirement.

(9) Preparing comments on annual proposals for budget levels for research on nuclear weapons and transmitting those comments to the Secretary of Defense and the Secretary of Energy before the preparation of the annual budget requests by the Secretaries of those departments.

(10) Coordinating and approving the annual budget proposals of the National Nuclear Security Administration.

(11) Providing—

(A) broad guidance regarding priorities for research on improved conventional weapons, and

(B) comments on annual proposals for budget levels for research on improved conventional weapons,

and transmitting such guidance and comments to the Secretary of Defense before the preparation of the annual budget request of the Department of Defense.

(e) REPORT ON DIFFICULTIES RELATING TO SAFETY OR RELIABILITY.—The Council shall submit to

Congress a report on any analysis conducted by the Council with respect to difficulties at nuclear weapons laboratories or nuclear weapons production plants that have significant bearing on confidence in the safety or reliability of nuclear weapons or nuclear weapon types.

(f) BUDGET AND FUNDING MATTERS.—(1) The Council shall submit to Congress each year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105(a) of title 31, a certification whether or not the amounts requested for the National Nuclear Security Administration in such budget, and anticipated over the four fiscal years following such budget, meets nuclear stockpile and stockpile stewardship program requirements for such fiscal year and over such four fiscal years. If a member of the Council does not concur in a certification, the certification shall include the reasons for the member's non-concurrence.

(2) If a House of Congress adopts a bill authorizing or appropriating funds for the National Nuclear Security Administration for nuclear stockpile and stockpile stewardship program activities or other activities that, as determined by the Council, provides insufficient funds for such activities for the period covered by such bill, the Council shall notify the congressional defense committees of the determination.

(3)(A) With respect to the preparation of a budget for a fiscal year to be submitted by the President to Congress under section 1105(a) of title 31, the Secretary of Defense may not agree to a proposed transfer of estimated nuclear budget request authority unless the Secretary of Defense submits to the congressional defense committees a report described in subparagraph (B).

(B) A report described in this subparagraph is a report that includes the following:

(i) Except as provided by subparagraph (C), certification that, during the fiscal year prior to the fiscal year covered by the budget for which the report is submitted, the Secretary of Energy obligated or expended any amounts covered by a proposed transfer of estimated nuclear budget request authority made for such prior fiscal year in a manner consistent with a memorandum of agreement that was developed by the Nuclear Weapons Council and entered into by the Secretary of Defense and the Secretary of Energy.

(ii) A detailed assessment by the Nuclear Weapons Council regarding how the Administrator for Nuclear Security implemented any agreements and decisions of the Council made during such prior fiscal year.

(iii) An assessment from each of the Chairman of the Joint Chiefs of Staff and the Commander of the United States Strategic Command regarding any effects to the military during such prior fiscal year that were caused by the delay or failure of the Administrator to implement any agreements or decisions described in clause (ii).

(C) With respect to a report described in subparagraph (B), the Secretary may waive the requirement to include the certification described in clause (i) of such subparagraph if the Secretary—

(i) determines that such waiver is in the national security interests of the United States; and

(ii) instead of the certification described in such clause (i), includes as part of such report—

(I) a copy of the agreement that the Secretary has entered into with the Secretary of Energy regarding the manner and the purpose for which the Secretary of Energy will obligate or expend any amounts covered by a proposed transfer of estimated nuclear budget request authority for the fiscal year covered by the budget for which such report is submitted; and

(II) an explanation for why the Secretary did not include such certification in such report.

(4) The Secretary of Defense shall include with the defense budget materials for a fiscal year the memorandum of agreement described in subparagraph (B)(i) of paragraph (3), or the agreement described in subparagraph (C) of such paragraph, as the case may be, that covers such fiscal year.

(5)(A) Not later than 30 days after the President submits to Congress the budget for a fiscal year under section 1105(a) of title 31, the Commander of the United States Strategic Command shall submit to the Chairman of the Joint Chiefs of Staff an assessment of—

(i) whether such budget allows the Federal Government to meet the nuclear stockpile and stockpile stewardship program requirements during the fiscal year covered by the budget and the four subsequent fiscal years; and

(ii) if the Commander determines that such budget does not allow the Federal Government to meet such requirements, a description of the steps being taken to meet such requirements.

(B) Not later than 30 days after the date on which the Chairman of the Joint Chiefs of Staff receives the assessment of the Commander of the United States Strategic Command under subparagraph (A), the Chairman shall submit to the congressional defense committees—

(i) such assessment as it was submitted to the Chairman; and

(ii) any comments of the Chairman.

(6) If a House of Congress adopts a bill authorizing or appropriating funds for the Department of Defense that, as determined by the Council, provides funds in an amount that will result in a delay in the nuclear certification or delivery of F-35A dual-capable aircraft, the Council shall notify the congressional defense committees of the determination.

(7) In this subsection:

(A) The term “budget” has the meaning given that term in section 231(f) of this title.

(B) The term “defense budget materials” has the meaning given that term in section 231(f) of this title.

(C) The term “proposed transfer of estimated nuclear budget request authority” means, in preparing a budget, a request for the Secretary of Defense to transfer an estimated amount of the proposed budget authority of the Secretary to the Secretary of Energy for purposes relating to nuclear weapons.

(Added Pub. L. 99-661, div. C, title I, § 3137(a)(1), Nov. 14, 1986, 100 Stat. 4065; amended Pub. L. 100-180, div. A, title XII, § 1231(2), Dec. 4, 1987, 101 Stat. 1160; Pub. L. 100-456, div. A, title XII, § 1233(h), Sept. 29, 1988, 102 Stat. 2058; Pub. L. 102-484, div. C, title XXXI, § 3133, Oct. 23, 1992, 106 Stat. 2639; Pub. L. 103-160, div. A, title IX, § 904(d)(1), Nov. 30, 1993, 107 Stat. 1728; Pub. L. 103-337, div. C, title XXXI, § 3152, Oct. 5, 1994, 108 Stat. 3090; Pub. L. 104-106, div. A, title IX, § 904(b)(1), title XV, § 1502(a)(7), Feb. 10, 1996, 110 Stat. 403, 502; Pub. L. 106-65, div. A, title X, § 1067(1), div. C, title XXXI, § 3163(a), (c), Oct. 5, 1999, 113 Stat. 774, 944; Pub. L. 106-398, § 1 [div. C, title XXXI, § 3152(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-464; Pub. L. 107-107, div. A, title X, § 1048(b)(2), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 107-314, div. D, title XLII, § 4213(c), formerly Pub. L. 104-201, div. C, title XXXI, § 3159(c), Sept. 23, 1996, 110 Stat. 2842, renumbered § 4213(c) of Pub. L. 107-314 by Pub. L. 108-136, div. C, title XXXI, § 3141(e)(14), Nov. 24, 2003, 117 Stat. 1760; Pub. L. 108-375, div. A, title IX, § 902(a)-(d), Oct. 28, 2004, 118 Stat. 2025; Pub. L. 109-364, div. A, title IX, § 903, Oct. 17, 2006, 120 Stat. 2351; Pub. L. 111-383, div. A, title IX, § 901(j)(1), Jan. 7, 2011, 124 Stat. 4324; Pub. L. 112-239, div. A, title X, § 1039, Jan. 2, 2013, 126 Stat. 1927; Pub. L. 113-66, div. A, title X, §§ 1053, 1091(a)(3), Dec. 26, 2013, 127 Stat. 861, 875; Pub. L. 113-291, div. A, title XVI, § 1641, Dec. 19, 2014, 128 Stat. 3648; Pub. L. 114-92, div. A, title X, § 1076(a), Nov. 25, 2015, 129 Stat. 997; Pub. L. 115-91, div. A, title X, § 1081(a)(14), title XVI, § 1653, Dec. 12, 2017, 131 Stat. 1595, 1758; Pub. L. 115-232, div. A, title XVI, § 1661, Aug. 13, 2018, 132 Stat. 2152.)

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-232, § 1661(1), substituted “Acquisition and Sustainment” for “Acquisition, Technology, and Logistics”.

Subsec. (a)(4) to (6). Pub. L. 115-232, § 1661(2), (3), added par. (4) and redesignated former pars. (4) and (5) as (5) and (6), respectively.

2017—Subsec. (f)(3)(B)(iii). Pub. L. 115-91, § 1081(a)(14), substituted “Joint” for “Joints”.

Subsec. (f)(6), (7). Pub. L. 115-91, § 1653, added par. (6) and redesignated former par. (6) as (7).

2015—Subsec. (g). Pub. L. 114-92 struck out subsec. (g) which related to annual report.

2014—Subsec. (f)(3) to (6). Pub. L. 113-291 added pars. (3) to (6).

2013—Subsec. (a)(5). Pub. L. 113-66, § 1091(a)(3), substituted “Commander” for “commander”.

Subsec. (b)(3). Pub. L. 112-239, § 1039(c), inserted at end “To the extent possible, not later than seven days before a meeting, the Chairman shall disseminate to each member of the Council the agenda and documents for such meeting.”

Subsec. (d)(2). Pub. L. 112-239, § 1039(a)(1), inserted “and alternatives” before period at end.

Subsec. (d)(3). Pub. L. 112-239, § 1039(a)(2), inserted “and approving” after “Coordinating”.

Subsec. (d)(7). Pub. L. 112-239, § 1039(a)(3), substituted “specific” for “broad” and inserted before period at end “and priorities among activities, including production, surveillance, research, construction, and any other programs within the National Nuclear Security Administration”.

Subsec. (d)(10). Pub. L. 113-66, § 1053(a), redesignated par. (11) as (10) and struck out former par. (10) which read as follows: “Coordinating and providing guidance and oversight on nuclear command, control, and communications systems.”

Pub. L. 112-239, § 1039(a)(5), added par. (10). Former par. (10) redesignated (12).

Subsec. (d)(11). Pub. L. 113-66, § 1053(a)(2), redesignated par. (12) as (11).

Pub. L. 112-239, § 1039(b)(1), added par. (11).

Subsec. (d)(12). Pub. L. 113-66, § 1053(a)(2), redesignated par. (12) as (11).

Pub. L. 112-239, § 1039(a)(4), redesignated par. (10) as (12).

Subsec. (f). Pub. L. 112-239, § 1039(b)(3), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 113-66, § 1053(c), substituted “that includes the following” for “on the following” in introductory provisions.

Pub. L. 112-239, § 1039(b)(2), redesignated subsec. (f) as (g).

Subsec. (g)(6). Pub. L. 113-66, § 1053(b), added par. (6).

2011—Subsec. (c)(2). Pub. L. 111-383, § 901(j)(1)(A), substituted “Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs” for “Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs”.

Subsec. (c)(3)(A). Pub. L. 111-383 substituted “Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs” for “Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs” and “Assistant Secretary” for “that Assistant to the Secretary”.

2006—Subsec. (a)(5). Pub. L. 109-364 added par. (5).

2004—Subsec. (a). Pub. L. 108-375, § 902(b), (d)(1), inserted heading and, in introductory provisions, struck out “Joint” before “Nuclear Weapons Council” and substituted “operated as a joint activity of the Department of Defense and the Department of Energy. The membership of the Council is comprised of the following officers of those departments:” for “composed of three members as follows:”.

Subsec. (a)(4). Pub. L. 108-375, § 902(a), added par. (4).

Subsec. (b). Pub. L. 108-375, § 902(d)(2), inserted heading.

Subsec. (c). Pub. L. 108-375, § 902(d)(3), inserted heading.

Subsec. (c)(3)(B). Pub. L. 108-375, § 902(c)(1), substituted “designated” for “appointed”.

Subsec. (d). Pub. L. 108-375, § 902(d)(4), inserted heading.

Subsec. (e). Pub. L. 108-375, § 902(c)(2), (d)(5), inserted heading and substituted “The Council shall” for “In addition to the responsibilities set forth in subsection (d), the Council shall also” in text.

Subsec. (f). Pub. L. 108-375, § 902(c)(3), (d)(6), inserted heading and substituted “congressional defense committees” for “Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives” in introductory provisions.

2001—Subsec. (a)(1). Pub. L. 107-107 substituted “Under Secretary of Defense for Acquisition, Technology, and Logistics” for “Under Secretary of Defense for Acquisition and Technology”.

2000—Subsec. (a)(3). Pub. L. 106-398, § 1 [div. C, title XXXI, § 3152(a)(1)], added par. (3) and struck out former par. (3) which read as follows: “One senior representative of the Department of Energy designated by the Secretary of Energy.”

Subsec. (b)(2). Pub. L. 106-398, § 1 [div. C, title XXXI, § 3152(a)(2)], substituted “the Under Secretary for Nuclear Security of the Department of Energy” for “the representative designated under subsection (a)(3)”.

1999—Subsec. (b)(3). Pub. L. 106-65, § 3163(a)(1), added par. (3).

Subsec. (c)(3). Pub. L. 106-65, § 3163(a)(2), added par. (3).

Subsec. (f). Pub. L. 106-65, § 1067(1), substituted “and the Committee on Armed Services” for “and the Committee on National Security” in introductory provisions.

Subsec. (f)(3) to (5). Pub. L. 106-65, § 3163(c), added pars. (3) to (5).

1996—Subsec. (c)(2). Pub. L. 104-106, § 904(b)(1), substituted “Nuclear and Chemical and Biological Defense Programs” for “Atomic Energy”.

Subsec. (e). Pub. L. 107-314, § 4213(c)(2), formerly Pub. L. 104-201, § 3159(c)(2), as renumbered by Pub. L. 108-136, added subsec. (e). Former subsec. (e) redesignated (f).

Pub. L. 104-106, § 1502(a)(7), substituted “to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the” for “to the Committees on Armed Services and Appropriations of the Senate and”.

Subsec. (f). Pub. L. 107-314, § 4213(c)(1), formerly Pub. L. 104-201, § 3159(c)(1), as renumbered by Pub. L. 108-136, redesignated subsec. (e) as (f).

1994—Subsecs. (a)(3), (b). Pub. L. 103-337, § 3152(c), substituted “designated” for “appointed” wherever appearing.

Subsec. (d)(8) to (10). Pub. L. 103-337, § 3152(a), added par. (8) and redesignated former pars. (8) and (9) as (9) and (10), respectively.

Subsec. (e). Pub. L. 103-337, § 3152(b), added subsec. (e). 1993—Subsec. (a)(1). Pub. L. 103-160 substituted “Under Secretary of Defense for Acquisition and Technology” for “Under Secretary of Defense for Acquisition”.

1992—Subsec. (a)(1). Pub. L. 102-484 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The Director of Defense Research and Engineering.”

1988—Subsec. (e). Pub. L. 100-456 struck out subsec. (e) which read as follows: “The Council shall submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a report on the actions that have been taken by the Department of Defense and the Department of Energy to implement the recommendations of the President’s Blue Ribbon Task Group on Nuclear Weapons Program Management. The Council shall include in such report its recommendation on the role and composition of the staff on the Council. The Council shall submit such report to the Committees not later than March 1, 1987.”

1987—Subsec. (e). Pub. L. 100-180 realigned margins of subsec. (e).

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-383 effective Jan. 1, 2011, see section 901(p) of Pub. L. 111-383, set out as a note under section 131 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (f) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

CHAIRMAN OF JCS TO SERVE ON COUNCIL IF THERE IS NO VICE CHAIRMAN OF JCS

Pub. L. 99-661, div. C, title I, § 3137(b), Nov. 14, 1986, 100 Stat. 4066, provided that, if on Nov. 14, 1986, the position of Vice Chairman of the Joint Chiefs of Staff had not been established by law, the Chairman of the Joint Chiefs of Staff would be a member of the Nuclear Weapons Council established by section 179 of this title, and would remain a member of such Council until an individual had been appointed Vice Chairman of the Joint Chiefs of Staff.

§ 180. Service academy athletic programs: review board

(a) INDEPENDENT REVIEW BOARD.—The Secretary of Defense shall appoint a board to review the administration of the athletics programs of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

(b) COMPOSITION OF BOARD.—The Secretary shall appoint the members of the board from among distinguished administrators of institutions of higher education, members of Congress, members of the Boards of Visitors of the acad-

emies, and other experts in collegiate athletics programs. The Superintendents of the three academies shall be members of the board. The Secretary shall designate one member of the board, other than a Superintendent of an academy, as Chairman.

(c) DUTIES.—The board shall, on an annual basis—

(1) review all aspects of the athletics programs of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy, including—

(A) the policies relating to the administration of such programs;

(B) the appropriateness of the balance between the emphasis placed by each academy on athletics and the emphasis placed by such academy on academic pursuits; and

(C) the extent to which all athletes in all sports are treated equitably under the athletics program of each academy; and

(2) determine ways in which the administration of the athletics programs at the academies can serve as models for the administration of athletics programs at civilian institutions of higher education.

(d) ADMINISTRATIVE PROVISIONS.—(1) Each member of the board who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Executive Schedule Level IV under section 5315 of title 5, for each day (including travel time) during which such member is engaged in the performance of the duties of the board. Members of the board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the board.

(Added Pub. L. 102-190, div. A, title V, § 513(a), Dec. 5, 1991, 105 Stat. 1360; amended Pub. L. 106-65, div. A, title X, § 1066(a)(2), Oct. 5, 1999, 113 Stat. 770; Pub. L. 106-398, § 1 [[div. A], title X, § 1087(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-290.)

AMENDMENTS

2000—Subsec. (d). Pub. L. 106-398 substituted “section 5315” for “section 5376”.

1999—Subsec. (d)(1). Pub. L. 106-65 substituted “Executive Schedule Level IV under section 5376 of title 5” for “grade GS-18 of the General Schedule under section 5332 of title 5”.

§ 181. Joint Requirements Oversight Council

(a) IN GENERAL.—There is a Joint Requirements Oversight Council in the Department of Defense.

(b) MISSION.—In addition to other matters assigned to it by the President or Secretary of Defense, the Joint Requirements Oversight Council shall assist the Chairman of the Joint Chiefs of Staff in—