

Pub. L. 112-239, §3164(a)(4), amended subsec. (f) generally. Prior to amendment, text read as follows: “A representative of the President may not take any action against, or otherwise constrain, a director of a nuclear weapons laboratory or a nuclear weapons production plant, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command for presenting individual views to the President, the National Security Council, or Congress regarding the safety, security, effectiveness, and reliability of the nuclear weapons stockpile.”

Subsec. (f)(1). Pub. L. 113-66, §3146(a)(2)(D)(ii), struck out “established under section 179 of title 10” after “Nuclear Weapons Council” in introductory provisions.

Subsec. (g). Pub. L. 113-66, §3146(c)(10)(B), redesignated subsec. (g) as (f).

Pub. L. 112-239, §3164(b)(5), amended subsec. (g) generally. Prior to amendment, subsec. (g) set out definitions.

#### TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the advanced scientific computing research 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 plants 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.

### § 2538a. Plutonium pit production capacity

#### (a) Requirement

Consistent with the requirements of the Secretary of Defense, the Secretary of Energy shall ensure that the nuclear security enterprise—

- (1) during 2021, begins production of qualification plutonium pits;
- (2) during 2024, produces not less than 10 war reserve plutonium pits;
- (3) during 2025, produces not less than 20 war reserve plutonium pits;
- (4) during 2026, produces not less than 30 war reserve plutonium pits; and
- (5) during a pilot period of not less than 90 days during 2027 (subject to subsection (b)), demonstrates the capability to produce war reserve plutonium pits at a rate sufficient to produce 80 pits per year.

#### (b) Authorization of two-year delay of demonstration requirement

The Secretary of Energy and the Secretary of Defense may jointly delay, for not more than two years, the requirement under subsection

(a)(5) if—

- (1) the Secretary of Defense and the Secretary of Energy jointly submit to the congressional defense committees a report describing—
  - (A) the justification for the proposed delay;
  - (B) the effects of the proposed delay on stockpile stewardship and modernization, life extension programs, future stockpile strategy, and dismantlement efforts; and
  - (C) whether the proposed delay is consistent with national policy regarding creation of a responsive nuclear infrastructure; and

(2) the Commander of the United States Strategic Command submits to the congressional defense committees a report containing the assessment of the Commander with respect to the potential risks to national security of the proposed delay in meeting—

- (A) the nuclear deterrence requirements of the United States Strategic Command; and
- (B) national requirements related to creation of a responsive nuclear infrastructure.

#### (c) Annual certification

Not later than March 1, 2015, and each year thereafter through 2027 (or, if the authority under subsection (b) is exercised, 2029), the Secretary of Energy shall certify to the congressional defense committees and the Secretary of Defense that the programs and budget of the Secretary of Energy will enable the nuclear security enterprise to meet the requirements under subsection (a).

#### (d) Plan

If the Secretary of Energy does not make a certification under subsection (c) by March 1 of any year in which a certification is required under that subsection, by not later than May 1 of such year, the Chairman of the Nuclear Weapons Council shall submit to the congressional defense committees a plan to enable the nuclear security enterprise to meet the requirements under subsection (a). Such plan shall include identification of the resources of the Department of Energy that the Chairman determines should be redirected to support the plan to meet such requirements.

(Pub. L. 107-314, div. D, title XLII, §4219, as added Pub. L. 113-291, div. C, title XXXI, §3112(b)(1), Dec. 19, 2014, 128 Stat. 3886.)

### § 2538b. Stockpile responsiveness program

#### (a) Statement of policy

It is the policy of the United States to identify, sustain, enhance, integrate, and continually exercise all capabilities required to conceptualize, study, design, develop, engineer, certify, produce, and deploy nuclear weapons to ensure the nuclear deterrent of the United States remains safe, secure, reliable, credible, and responsive.

#### (b) Program required

The Secretary of Energy, acting through the Administrator and in consultation with the Secretary of Defense, shall carry out a stockpile responsiveness program, along with the stockpile stewardship program under section 2521 of this title and the stockpile management program under section 2524 of this title, to identify, sustain, enhance, integrate, and continually exercise all capabilities required to conceptualize, study, design, develop, engineer, certify, produce, and deploy nuclear weapons.

#### (c) Objectives

The program under subsection (b) shall have the following objectives:

- (1) Identify, sustain, enhance, integrate, and continually exercise all of the capabilities, infrastructure, tools, and technologies across the science, engineering, design, certification,

and manufacturing cycle required to carry out all phases of the joint nuclear weapons life cycle process, with respect to both the nuclear security enterprise and relevant elements of the Department of Defense.

(2) Identify, enhance, and transfer knowledge, skills, and direct experience with respect to all phases of the joint nuclear weapons life cycle process from one generation of nuclear weapon designers and engineers to the following generation.

(3) Periodically demonstrate stockpile responsiveness throughout the range of capabilities required, including prototypes, flight testing, and development of plans for certification without the need for nuclear explosive testing.

(4) Shorten design, certification, and manufacturing cycles and timelines to minimize the amount of time and costs leading to an engineering prototype and production.

(5) Continually exercise processes for the integration and coordination of all relevant elements and processes of the Administration and the Department of Defense required to ensure stockpile responsiveness.

(6) The retention of the ability, in consultation with the Director of National Intelligence, to assess and develop prototype nuclear weapons of foreign countries and, if necessary, to conduct no-yield testing of those prototypes.

**(d) Joint nuclear weapons life cycle process defined**

In this section, the term “joint nuclear weapons life cycle process” means the process developed and maintained by the Secretary of Defense and the Secretary of Energy for the development, production, maintenance, and retirement of nuclear weapons.

(Pub. L. 107–314, div. D, title XLII, §4220, as added Pub. L. 114–92, div. C, title XXXI, §3112(b)(1), Nov. 25, 2015, 129 Stat. 1189; amended Pub. L. 115–91, div. C, title XXXI, §3135(b), Dec. 12, 2017, 131 Stat. 1898.)

AMENDMENTS

2017—Subsec. (c)(6). Pub. L. 115–91 added par. (6).

**§ 2538c. Long-term plan for meeting national security requirements for unencumbered uranium**

**(a) In general**

Not later than December 31 of each even-numbered year through 2026, the Secretary of Energy shall submit to the congressional defense committees a plan for meeting national security requirements for unencumbered uranium through 2065.

**(b) Plan requirements**

The plan required by subsection (a) shall include the following:

(1) An inventory of unencumbered uranium (other than depleted uranium), by program source and enrichment level, that, as of the date of the plan, is allocated to national security requirements.

(2) An inventory of unencumbered uranium (other than depleted uranium), by program source and enrichment level, that, as of the

date of the plan, is not allocated to national security requirements but could be allocated to such requirements.

(3) An identification of national security requirements for unencumbered uranium, by program source and enrichment level.

(4) A description of any shortfall in obtaining unencumbered uranium to meet national security requirements and an assessment of whether that shortfall could be mitigated through the blending down of uranium that is of a higher enrichment level.

(5) An inventory of unencumbered depleted uranium, an assessment of the portion of that uranium that could be allocated to national security requirements through re-enrichment, and an estimate of the costs of re-enriching that uranium.

(6) A description of the swap and barter agreements involving unencumbered uranium needed to meet national security requirements that are in effect on the date of the plan.

(7) An assessment of whether additional enrichment of uranium will be required to meet national security requirements and an estimate of the time for production operations and the cost for each type of enrichment being considered.

(8) A description of changes in policy that would mitigate any shortfall in obtaining unencumbered uranium to meet national security requirements and the implications of those changes.

**(c) Form of plan**

The plan required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**(d) Definitions**

In this section:

(1) The term “depleted”, with respect to uranium, means that the uranium is depleted in uranium-235 compared with natural uranium.

(2) The term “unencumbered”, with respect to uranium, means that the United States has no obligation to foreign governments to use the uranium for only peaceful purposes.

(Pub. L. 107–314, div. D, title XLII, §4221, as added Pub. L. 114–92, div. C, title XXXI, §3131(a), Nov. 25, 2015, 129 Stat. 1201; amended Pub. L. 115–91, div. C, title XXXI, §3133(e), Dec. 12, 2017, 131 Stat. 1897.)

AMENDMENTS

2017—Subsec. (a). Pub. L. 115–91 substituted “Not later than December 31 of each even-numbered year through 2026” for “Concurrent with the submission to Congress of the budget of the President under section 1105(a) of title 31, in each even-numbered year beginning in 2016 and ending in 2026”.

**§ 2538d. Incorporation of integrated surety architecture**

**(a) Shipments**

(1) The Administrator shall ensure that shipments described in paragraph (2) incorporate surety technologies relating to transportation and shipping developed by the Integrated Surety Architecture program of the Administration.

(2) A shipment described in this paragraph is an over-the-road shipment of the Administra-