

(1), including with respect to the personnel and resources required to carry out such evaluations.

“(B) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017], the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] the plan under subparagraph (A).

“(3) WAIVER.—The Secretary may waive, on a case-by-case basis with respect to a weapons system, a program, or a system of systems, of a covered program, either the requirement to conduct an evaluation under paragraph (1) or the deadline specified in such paragraph if the Secretary certifies to the congressional defense committees before such date that all known supply chain vulnerabilities of such weapons system, program, or system of systems have minimal consequences for the capability of such weapons system, program, or system of systems to meet operational requirements or otherwise satisfy mission requirements.

“(4) RISK MITIGATION STRATEGIES.—In carrying out an evaluation under paragraph (1) with respect to a covered program specified in subparagraph (B) or (C) of subsection (c)(2), the Secretary shall develop strategies for mitigating the risks of supply chain vulnerabilities identified in the course of such evaluation.

“(b) PRIORITIZATION OF CERTAIN SUPPLY CHAIN RISK MANAGEMENT EFFORTS.—

“(1) INSTRUCTIONS.—Not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017], the Secretary shall issue a Department of Defense Instruction, or update such an Instruction, establishing the prioritization of supply chain risk management programs, including supply chain risk management threat assessment reporting, to ensure that acquisition and sustainment programs relating to covered programs receive the highest priority of such supply chain risk management programs and reporting.

“(2) REQUIREMENTS.—

“(A) ESTABLISHMENT.—The Secretary shall establish requirements to carry out supply chain risk management threat assessment collections and analyses under acquisition and sustainment programs relating to covered programs.

“(B) SUBMISSION.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees the requirements established under subparagraph (A).

“(c) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]; and

“(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

“(2) The term ‘covered programs’ means programs relating to any of the following:

“(A) Nuclear weapons.

“(B) Nuclear command, control, and communications.

“(C) Continuity of government.

“(D) Ballistic missile defense.”

STATEMENT OF POLICY ON THE NUCLEAR TRIAD

Pub. L. 114–92, div. A, title XVI, §1664, Nov. 25, 2015, 129 Stat. 1128, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) the triad of strategic nuclear delivery systems plays a critical role in ensuring the national security of the United States; and

“(2) retaining all three legs of the nuclear triad is among the highest priorities of the Department of Defense and will best maintain strategic stability at a reasonable cost, while hedging against potential technical problems and vulnerabilities.

“(b) STATEMENT OF POLICY.—It is the policy of the United States—

“(1) to operate, sustain, and modernize or replace the triad of strategic nuclear delivery systems consisting of—

“(A) heavy bombers equipped with nuclear gravity bombs and air-launched nuclear cruise missiles;

“(B) land-based intercontinental ballistic missiles equipped with nuclear warheads that are capable of carrying multiple independently targetable reentry vehicles; and

“(C) ballistic missile submarines equipped with submarine launched ballistic missiles and multiple nuclear warheads;

“(2) to operate, sustain, and modernize or replace a capability to forward-deploy nuclear weapons and dual-capable fighter-bomber aircraft;

“(3) to deter potential adversaries and assure allies and partners of the United States through strong and long-term commitment to the nuclear deterrent of the United States and the personnel, systems, and infrastructure that comprise such deterrent;

“(4) to ensure that the members of the Armed Forces who operate the nuclear deterrent of the United States have the training, resources, and national support required to execute the critical national security mission of the members; and

“(5) to achieve a modern and responsive nuclear infrastructure to support the full spectrum of deterrence requirements.”

Pub. L. 113–291, div. A, title XVI, §1652, Dec. 19, 2014, 128 Stat. 3654, provided that: “It is the policy of the United States—

“(1) to operate, sustain, and modernize or replace the triad of strategic nuclear delivery systems consisting of—

“(A) heavy bombers equipped with nuclear gravity bombs and air-launched nuclear cruise missiles;

“(B) land-based intercontinental ballistic missiles equipped with nuclear warheads that are capable of carrying multiple independently targetable reentry vehicles; and

“(C) ballistic missile submarines equipped with submarine launched ballistic missiles and multiple nuclear warheads;

“(2) to operate, sustain, and modernize or replace a capability to forward-deploy nuclear weapons and dual-capable fighter-bomber aircraft;

“(3) to deter potential adversaries and assure allies and partners of the United States through strong and long-term commitment to the nuclear deterrent of the United States and the personnel, systems, and infrastructure that comprise such deterrent; and

“(4) to ensure that the members of the Armed Forces who operate the nuclear deterrent of the United States have the training, resources, and national support required to execute the critical national security mission of the members.”

Executive Documents

DELEGATION OF REPORTING FUNCTIONS SPECIFIED IN SECTION 491 OF TITLE 10, UNITED STATES CODE

Memorandum of President of the United States, June 19, 2013, 78 F.R. 37923, provided:

Memorandum for the Secretary of Defense

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to you the reporting functions conferred upon the President by section 491 of title 10, United States Code.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 492. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system

(a) BIENNIAL ASSESSMENTS.—(1) For each even-numbered year, each covered official shall assess

the safety, security, reliability, sustainability, performance, and military effectiveness of, and the ability to meet operational availability requirements for, the systems described in paragraph (2) for which such official has responsibility.

(2) The systems described in this paragraph are the following:

(A) Each type of delivery platform for nuclear weapons.

(B) The nuclear command and control system.

(b) BIENNIAL REPORT.—(1) Not later than December 1 of each even-numbered year, each covered official shall submit to the Secretary of Defense and the Nuclear Weapons Council established by section 179 of this title a report on the assessments conducted under subsection (a).

(2) Each report under paragraph (1) shall include the following:

(A) The results of the assessment.

(B) An identification and discussion of any capability gaps or shortfalls with respect to the systems described in subsection (a)(2) covered under the assessment.

(C) An identification and discussion of any risks with respect to meeting mission or capability requirements.

(D) In the case of an assessment by the Commander of the United States Strategic Command, if the Commander identifies any deficiency with respect to a nuclear weapons delivery platform covered under the assessment, a discussion of the relative merits of any other nuclear weapons delivery platform type or compensatory measure that would accomplish the mission of such nuclear weapons delivery platform.

(E) An identification and discussion of any matter having an adverse effect on the capability of the covered official to accurately determine the matters covered by the assessment.

(c) REPORT TO PRESIDENT AND CONGRESS.—(1) Not later than March 1 of each year following a year for which a report under subsection (b) is submitted, the Secretary of Defense shall submit to the President a report containing—

(A) each report under subsection (b) submitted during the previous year, as originally submitted to the Secretary;

(B) any comments that the Secretary considers appropriate with respect to each such report;

(C) any conclusions that the Secretary considers appropriate with respect to the safety, security, reliability, sustainability, performance, or military effectiveness of the systems described in subsection (a)(2); and

(D) any other information that the Secretary considers appropriate.

(2) Not later than March 15 of each year during which a report under paragraph (1) is submitted, the President shall transmit to the congressional defense committees the report submitted to the President under paragraph (1), including any comments the President considers appropriate.

(3) Each report under this subsection may be in classified form if the Secretary of Defense determines it necessary.

(d) COVERED OFFICIAL DEFINED.—In this section, the term “covered official” means—

(1) the Commander of the United States Strategic Command;

(2) the Director of the Strategic Systems Program of the Navy;

(3) the Commander of the Global Strike Command of the Air Force; and

(4) the Commander of the United States Air Forces in Europe.

(Added Pub. L. 112-81, div. A, title X, §1041(a), Dec. 31, 2011, 125 Stat. 1573, §490a; renumbered §492, Pub. L. 112-239, div. A, title X, §1031(b)(3)(A)(i), Jan. 2, 2013, 126 Stat. 1918; amended Pub. L. 113-291, div. A, title XVI, §1642, Dec. 19, 2014, 128 Stat. 3650; Pub. L. 116-92, div. A, title XVI, §1666, Dec. 20, 2019, 133 Stat. 1774.)

Editorial Notes

AMENDMENTS

2019—Subsec. (d)(4). Pub. L. 116-92 added par. (4).

2014—Subsec. (a)(1). Pub. L. 113-291 inserted “, and the ability to meet operational availability requirements for,” after “military effectiveness of”.

2013—Pub. L. 112-239 renumbered section 490a of this title as this section.

Statutory Notes and Related Subsidiaries

INITIAL ASSESSMENT AND REPORTS

Pub. L. 112-81, div. A, title X, §1041(b), Dec. 31, 2011, 125 Stat. 1574, as amended by Pub. L. 112-239, div. A, title X, §1031(b)(4), Jan. 2, 2013, 126 Stat. 1919; Pub. L. 113-66, div. A, title X, §1091(b)(6), Dec. 26, 2013, 127 Stat. 876, provided that: “Not later than 30 days after the date of enactment of this Act [Dec. 31, 2011], each covered official, as such term is defined in subsection (d) of section 492 of title 10, United States Code, shall conduct an initial assessment as described by subsection (a) of such section and submit an initial report as described by subsection (b) of such section. The requirements of subsection (c) of such section shall apply with respect to the report submitted under this subsection.”

[Pub. L. 113-66, div. A, title X, §1091(b), Dec. 26, 2013, 127 Stat. 876, provided in part that the amendment made by section 1091(b)(6) is effective as of Jan. 2, 2013, and as if included in Pub. L. 112-239 as enacted.]

§ 492a. Annual report on the plan for the nuclear weapons stockpile, nuclear weapons complex, nuclear weapons delivery systems, and nuclear weapons command and control system

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the submission to Congress of the budget of the President under section 1105(a) of title 31, United States Code, for each of fiscal years 2013 through 2024, the President, in consultation with the Secretary of Defense and the Secretary of Energy, shall transmit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a detailed report on the plan for the nuclear weapons stockpile, nuclear weapons complex, nuclear weapons delivery systems, and nuclear weapons command and control system.

(2) ELEMENTS.—Each report required under paragraph (1) shall include the following:

(A) A detailed description of the plan to enhance the safety, security, and reliability