

the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Council shall prescribe.

(2) The rate of compensation of the Executive Director shall be fixed by the Council.

(e) The initial members of the Council shall serve as incorporators and take whatever actions as are necessary to establish under the Corporations and Associations Articles of the State of Maryland the corporation authorized by subsection (a).

(f) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner in which the original designation or appointment was made.

(g) In order to carry out the purposes of this section, the Foundation is authorized to—

(1) enter into contracts with, accept grants from, and make grants to the Uniformed Services University of the Health Sciences for the purpose of carrying out cooperative enterprises in medical research, medical consultation, and medical education, including contracts for provision of such personnel and services as may be necessary to carry out such cooperative enterprises;

(2) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

(3) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees;

(4) accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

(5) enter into contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Foundation;

(6) enter into such other contracts, leases, cooperative agreements, and other transactions as the Executive Director considers appropriate to conduct the activities of the Foundation; and

(7) charge such fees for professional services furnished by the Foundation as the Executive Director determines reasonable and appropriate.

(h) A person who is a full-time or part-time employee of the Foundation may not be an employee (full-time or part-time) of the Federal Government.

(i) The Council shall transmit to the President annually, and at such other times as the Council considers desirable, a report on the operations, activities, and accomplishments of the Foundation.

(Added Pub. L. 98-36, §2(a), May 27, 1983, 97 Stat. 200; amended Pub. L. 98-132, §2(a)(1), Oct. 17, 1983, 97 Stat. 849; Pub. L. 101-189, div. A, title VII, §726(b)(2), Nov. 29, 1989, 103 Stat. 1480; Pub. L. 104-106, div. A, title XV, §1502(a)(2), Feb. 10, 1996, 110 Stat. 502; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 115-232, div. A, title VII, §739, Aug. 13, 2018, 132 Stat. 1822; Pub. L. 116-92, div. A, title VII, §733(a), (b), Dec. 20, 2019, 133 Stat. 1461.)

Editorial Notes

AMENDMENTS

2019—Subsec. (c)(1)(C). Pub. L. 116-92, §733(a), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “six members appointed by the ex officio members of the Council designated in clauses (A) and (B).”

Subsec. (c)(2). Pub. L. 116-92, §733(b), substituted “except that any person” for “except that—

“(A) any person”, substituted period at end for “; and”, and struck out subpar. (B) which read as follows: “the terms of office of members first taking office shall expire, as designated by the ex officio members of the Council at the time of the appointment, two at the end of two years and two at the end of four years.”

2018—Subsec. (c)(1)(C). Pub. L. 115-232 substituted “six members” for “four members”.

1999—Subsec. (c)(1)(A). Pub. L. 106-65 substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

1996—Subsec. (c)(1)(A). Pub. L. 104-106 substituted “Committee on Armed Services of the Senate and the Committee on National Security of the House of 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”.

Statutory Notes and Related Subsidiaries

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).”

EFFECTIVE DATE OF 2019 AMENDMENT; CONSTRUCTION

Pub. L. 116-92, div. A, title VII, §733(c), Dec. 20, 2019, 133 Stat. 1461, provided that:

“(1) IN GENERAL.—The amendments made by this section [amending this section] shall take effect on the date of the enactment of this Act [Dec. 20, 2019].

“(2) CONSTRUCTION FOR CURRENT MEMBERS.—Nothing in the amendments made by this section shall be construed to terminate or otherwise alter the appointment or term of service of members of the Henry M. Jackson Foundation for the Advancement of Military Medicine who are so serving on the date of the enactment of this Act pursuant to an appointment under paragraph (1)(C) or (2) of section 178(c) of title 10, United States Code, made before that date.”

§ 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 Deterrence, Chemical, and Biological Defense Policy and Programs shall be the Staff Director of the Council.

(3)(A) Whenever the position of Assistant Secretary of Defense for Nuclear Deterrence, Chemical, and Biological Defense Policy and 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 trade-offs 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) Reviewing proposed capabilities, and, in coordination with the Joint Requirements Oversight Council, establishing and validating performance requirements (as defined in section 181(h) of this title), for nuclear warhead programs.

(10) With respect to nuclear warheads—

(A) reviewing military requirements, performance requirements, and planned delivery schedules to evaluate whether such requirements and schedules create significant risks to cost, schedules, or other matters regarding production, surveillance, research, and other programs relating to nuclear weapons within the National Nuclear Security Administration; and

(B) if any such risk exists, proposing and analyzing adjustments to such requirements and schedules.

(11) 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.

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

(13) Coordinating risk management efforts between the Department of Defense and the National Nuclear Security Administration relating to the nuclear weapons stockpile, the nuclear security enterprise (as defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)), and the delivery platforms for nuclear weapons, including with respect to identifying and analyzing risks and proposing actions to mitigate risks.

(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 annually review the plans and budget of the National Nuclear Security Administration and assess whether such plans and budget meet the current and projected requirements relating to nuclear weapons.

(2)(A) The Council shall review each budget request transmitted by the Secretary of Energy to the Council under section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757) and make a determination under subparagraph (B) regarding the adequacy of each such request. Not later than 30 days after making such a determination, the Council shall notify the congressional defense committees that such a determination has been made.

(B)(i) If the Council determines that a budget request for a fiscal year transmitted to the Council under section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757) is inadequate, in whole or in part, to implement the objectives of the Department of Defense with respect to nuclear weapons for that fiscal year, the Council shall submit to the Secretary of Energy a written description of funding levels and specific initiatives that would, in the determination of the Council, make the budget request adequate to implement those objectives.

(ii) If the Council determines that a budget request for a fiscal year transmitted to the Council under section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757) is adequate to implement the objectives described in clause (i) for that fiscal year, the Council shall submit to the Secretary of Energy a written statement confirming the adequacy of the request.

(iii) The Council shall maintain a record of each description submitted under clause (i) and each statement submitted under clause (ii).

(3) 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 Council shall submit to the congressional defense committees a report containing the following:

(A) The results of the assessment conducted under paragraph (1) with respect to that budget.

(B) An evaluation of—

(i) whether the funding requested for the National Nuclear Security Administration in such budget—

(I) enables the Administrator for Nuclear Security to meet requirements relating to nuclear weapons for such fiscal year; and

(II) is adequate to implement the objectives of the Department of Defense with respect to nuclear weapons for that fiscal year; and

(ii) whether the plans and budget reviewed under paragraph (1) will enable the Administrator to meet—

(I) the requirements to produce war reserve plutonium pits under section 4219(a) of such Act (50 U.S.C. 2538a(a)); and

(II) any other requirements under Federal law.

(C) If the evaluation under subparagraph (B)(ii) determines that the plans and budget reviewed under paragraph (1) will not enable the Administrator to meet the requirements to produce war reserve plutonium pits under section 4219(a) of the Atomic Energy Defense Act (50 U.S.C. 2538a(a))—

(i) an explanation for why the plans and budget will not enable the Administrator to meet such requirements; and

(ii) proposed alternative plans, budget, or requirements by the Council to meet such requirements.

(4) If a member of the Council does not concur in any assessment or evaluation under this subsection, the report or other information required to be submitted to the congressional defense committees regarding such assessment or evaluation shall include a written explanation from the non-concurring member describing the reasons for the member's nonconcurrence.

(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) In this subsection, the term "budget" has the meaning given that term in section 231(f)¹ of this title.

(g) SEMI-ANNUAL UPDATES ON COUNCIL MEETINGS.—(1) Not later than February 1 and August 1 of each year, the Council shall provide to the congressional defense committees a semiannual update including, with respect to the six-month period preceding the update—

(A) the dates on which the Council met and the members who attended each meeting; and

(B) except as provided by paragraph (2), a summary of any decisions made by the Council pursuant to subsection (d) at each such meeting and the rationale for and options that informed such decisions.

(2) The Council shall not be required to include in a semiannual update under paragraph (1) the matters described in subparagraph (B) of that paragraph with respect to decisions of the Council relating to the budget of the President for a fiscal year if the budget for that fiscal year has not been submitted to Congress under section 1105 of title 31 as of the date of the semiannual update.

(3) The Council may provide a semiannual update under paragraph (1) either in the form of a briefing or a written report.

(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

¹ See References in Text note below.

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; Pub. L. 116-92, div. A, title XVI, § 1663, Dec. 20, 2019, 133 Stat. 1772; Pub. L. 116-283, div. A, title XVI, §§ 1631(a), 1632(a), Jan. 1, 2021, 134 Stat. 4056, 4057; Pub. L. 117-263, div. A, title XVI, § 1633(a), (b), (d), Dec. 23, 2022, 136 Stat. 2935, 2936, 2938; Pub. L. 118-159, div. A, title XVI, § 1621(d)(1), Dec. 23, 2024, 138 Stat. 2171.)

Editorial Notes

REFERENCES IN TEXT

Section 231(f) of this title, referred to in subsec. (f)(6), was redesignated as section 231(g) of this title by Pub. L. 117-263, div. A, title III, § 352(a)(2), Dec. 23, 2022, 136 Stat. 2533, and was subsequently redesignated as section 231(h) of this title by Pub. L. 118-159, div. A, title X, § 1021(1), Dec. 23, 2024, 138 Stat. 2052.

AMENDMENTS

2024—Subsec. (c)(2), (3)(A). Pub. L. 118-159 substituted “Nuclear Deterrence, Chemical, and Biological Defense Policy and Programs” for “Nuclear, Chemical, and Biological Defense Programs”.

2022—Subsec. (d)(9). Pub. L. 117-263, § 1633(a)(1), inserted “, in coordination with the Joint Requirements Oversight Council,” after “capabilities, and”.

Subsec. (d)(10) to (12). Pub. L. 117-263, § 1633(a)(2), (3), added par. (10) and redesignated former pars. (10) and (11) as (11) and (12), respectively.

Subsec. (d)(13). Pub. L. 117-263, § 1633(a)(2), (4), redesignated par. (12) as (13), struck it out, and added a new par. (13). Prior to amendment, such par. related to Council’s responsibility to provide guidance regarding priorities and comments on annual proposals for research on improved conventional weapons.

Subsec. (f). Pub. L. 117-263, § 1633(b), amended subsec. (f) generally. Prior to amendment, subsec. (f) related to budget and funding matters.

Subsec. (g)(1)(A). Pub. L. 117-263, § 1633(d), inserted “and the members who attended each meeting” before the semicolon.

2021—Subsec. (d)(9) to (12). Pub. L. 116-283, § 1632(a), added par. (9) and redesignated former pars. (9) to (11) as (10) to (12), respectively.

Subsec. (g). Pub. L. 116-283, § 1631(a), amended subsec. (g) generally. Prior to amendment, subsec. (g) related to semiannual briefings to Congress.

2019—Subsec. (g). Pub. L. 116-92 added subsec. (g).

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).

Statutory Notes and Related Subsidiaries

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.

CONSIDERATION OF BUDGET MATTERS AT MEETINGS OF NUCLEAR WEAPONS COUNCIL

Pub. L. 116-92, div. A, title XVI, §1664, Dec. 20, 2019, 133 Stat. 1773, provided that:

“(a) ATTENDANCE.—

“(1) REQUIREMENT.—Except as provided by subsection (b), each official described in paragraph (2) shall attend the meetings of the Nuclear Weapons Council established by section 179 of title 10, United States Code, and the meetings of the Standing and Safety Committee of the Council, or such a successor committee. Each such official shall attend such meetings as advisors on matters within the authority and expertise of the official.

“(2) OFFICIALS DESCRIBED.—The officials described in this paragraph are each of the following officials (or the designees of the officials):

“(A) The Director of Cost Assessment and Program Evaluation of the Department of Defense.

“(B) The Director of the Office of Management and Budget of the National Nuclear Security Administration.

“(C) The Director for Cost Estimating and Program Evaluation of the National Nuclear Security Administration.

“(D) The Director of the Office of Management and Budget.

“(b) EXCEPTION.—On a case-by-case basis, the Chairman of the Nuclear Weapons Council, without delegation, may exclude the attendance of an official at a meeting pursuant to subsection (a) because of specific requirements relating to classified information or other exigent circumstances as determined by the Chairman.”

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 academies, 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.