

“(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. Biennial 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 the odd-numbered fiscal years 2013 through 2029, 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 of the nuclear weapons stockpile of the United States.

(B) A detailed description of the plan to sustain and modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A detailed description of the plan to maintain, modernize, and replace delivery systems for nuclear weapons.

(D) A detailed description of the plan to sustain and modernize the nuclear weapons command and control system.

(E) A detailed description of any plans to retire, dismantle, or eliminate any nuclear warheads or bombs, nuclear weapons delivery systems, or any platforms (including silos and submarines) which carry such nuclear warheads, bombs, or delivery systems.

(F) In accordance with paragraph (3), a detailed estimate of the budget requirements associated with sustaining and modernizing the nuclear deterrent of the United States and the nuclear weapons stockpile of the United States, including the costs associated

with the plans outlined under subparagraphs (A) through (E), over the 10-year period following the date of the report, including the applicable and appropriate costs associated with the procurement, military construction, operation and maintenance, and research, development, test, and evaluation accounts of the Department of Defense. The Secretary may include information and data for a period beyond such 10-year period if the Secretary determines that such information and data is accurate and useful in understanding the long-term nuclear modernization plan.

(G) A detailed description of the steps taken to implement the plan submitted in the previous report, including difficulties encountered in implementing the plan in the previous report.

(3) BUDGET ESTIMATE CONTENTS AND METHODOLOGY.— Each budget estimate under paragraph (2)(F) shall include a detailed description of the costs included in such estimate and the methodology used to create such estimate.

## (4) EXTENSION OF DEADLINE FOR REPORT.—

(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary of Defense and the Secretary of Energy jointly determine that a report required by paragraph (1) for a fiscal year will not be able to be transmitted to the committees specified in that paragraph by the time required under that paragraph, such Secretaries shall—

(i) promptly, and before the submission to Congress of the budget of the President for that fiscal year under section 1105(a) of title 31, United States Code, notify those committees of the expected date for the transmission of the report; and

(ii) not later than 30 days after the submission of that budget to Congress, provide a briefing to those committees on the content of the report.

(B) LIMITATION.—In no case may the President transmit a report required by paragraph (1) for a fiscal year to the committees specified in that paragraph later than 60 days after the submission to Congress of the budget of the President for that fiscal year.

(b) ESTIMATE OF COSTS BY CONGRESSIONAL BUDGET OFFICE.—Not later than July 1 of each year in which the President transmits a report required under subsection (a), the Director of the Congressional Budget Office shall submit to the congressional defense committees a report that includes—

(1) an estimate of the costs during the 10-year period beginning on the date of such report associated with fielding and maintaining the current nuclear weapons and nuclear weapon delivery systems of the United States;

(2) an estimate of the costs during such period of any life extension, modernization, or replacement of any current nuclear weapons or nuclear weapon delivery systems of the United States that is anticipated as of the date of such report, including an estimate of the acquisition costs during such period for programs relating to such life extension, modernization, or replacement;