

**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;

(3) an estimate of the relative percentage of total defense spending during such period represented by the costs estimated under subparagraphs (A) and (B); and

(4) an estimate of the relative percentage of total acquisition costs of the military departments and of the Department of Defense during such period represented by the acquisition costs estimated under subparagraph (B).

(c) **COMPTROLLER GENERAL REVIEW.**—The Comptroller General of the United States shall—

(1) periodically review reports submitted under subsection (a) for accuracy and completeness with respect to the matters described in paragraphs (2)(F) and (3) of such subsection; and

(2) submit to the congressional defense committees a summary of each such review.

(d) **INDEPENDENT ASSESSMENT BY UNITED STATES STRATEGIC COMMAND.**—

(1) **IN GENERAL.**—Not later than 150 days after the submission to Congress of the budget of the President under section 1105(a) of title 31, for each fiscal year the Commander of United States Strategic Command shall complete an independent assessment of any operational effects of the sufficiency of the execution, as of the date of the assessment, of the acquisition, construction, and recapitalization programs of the Department of Defense and the National Nuclear Security Administration to modernize the nuclear forces of the United States and meet current and future deterrence requirements.

(2) **CONTENTS.**—Each assessment required under paragraph (1) shall include an evaluation of the ongoing execution of modernization programs associated with—

(A) the nuclear weapons design, production, and sustainment infrastructure;

(B) the nuclear weapons stockpile;

(C) the delivery systems for nuclear weapons; and

(D) the nuclear command, control, and communications system.

(3) **ROUTING AND SUBMISSION.**—

(A) **SUBMISSION TO NUCLEAR WEAPONS COUNCIL.**—Not later than 15 days after completion of an assessment required by paragraph (1), the Commander of United States Strategic Command shall—

(i) submit the assessment to the Chairman of the Nuclear Weapons Council; and

(ii) notify the congressional defense committees that the assessment has been submitted to the Chairman of the Nuclear Weapons Council.

(B) **SUBMISSION TO CONGRESS.**—Not later than 15 days after the Chairman of the Nuclear Weapons Council receives an assessment required by paragraph (1), the Chairman shall transmit the assessment, without change, to the congressional defense committees.

(Added and amended Pub. L. 116-92, div. A, title XVI, §1665(c)(1), Dec. 20, 2019, 133 Stat. 1773; Pub. L. 116-283, div. A, title XVI, §1633, Jan. 1, 2021, 134 Stat. 4059; Pub. L. 117-263, div. A, title XVI, §1635, Dec. 23, 2022, 136 Stat. 2939; Pub. L. 118-31,

div. A, title XVI, §1633, Dec. 22, 2023, 137 Stat. 592; Pub. L. 118-159, div. A, title XVI, §1624, Dec. 23, 2024, 138 Stat. 2173.)

## Editorial Notes

### CODIFICATION

Section, as added and amended by Pub. L. 116-92, is based on Pub. L. 112-81, div. A, title X, §1043, Dec. 31, 2011, 125 Stat. 1576, as amended by Pub. L. 112-239, div. A, title X, §1041(a), Jan. 2, 2013, 126 Stat. 1931; Pub. L. 113-66, div. A, title X, §1054, Dec. 26, 2013, 127 Stat. 861; Pub. L. 113-291, div. A, title XVI, §1643, Dec. 19, 2014, 128 Stat. 3650; Pub. L. 115-91, div. A, title XVI, §1665, Dec. 12, 2017, 131 Stat. 1767; Pub. L. 115-232, div. A, title XVI, §1670, Aug. 13, 2018, 132 Stat. 2157; Pub. L. 116-92, div. A, title XVI, §1665(a), (b), Dec. 20, 2019, 133 Stat. 1773, which was transferred to this chapter and renumbered as this section.

### AMENDMENTS

2024—Pub. L. 118-159, §1624(1), substituted “Biennial” for “Annual” in section catchline.

Subsec. (a)(1). Pub. L. 118-159, §1624(2)(A), inserted “the odd-numbered” after “for each of”.

Subsec. (a)(2)(G). Pub. L. 118-159, §1624(2)(B), substituted “report” for “year” in two places.

Subsec. (b). Pub. L. 118-159, §1624(3), struck out par. (1) designation and heading “Budgets for odd-numbered fiscal years” before “Not later than July 1”; redesignated subpars. (A) to (D) of former par. (1) as pars. (1) to (4), respectively; substituted “report required under subsection (a)” for “covered odd-numbered fiscal year report” in introductory provisions; struck out “covered odd-numbered fiscal year” before “report” in pars. (1) and (2); and struck out former pars. (2) and (3) which provided for budget updates in even-numbered fiscal years and defined terms for covered even-numbered and odd-numbered fiscal year reports, respectively.

2023—Subsec. (d). Pub. L. 118-31 added subsec. (d).

2022—Subsec. (a)(1). Pub. L. 117-263 substituted “2029” for “2024”.

2021—Subsec. (c)(1). Pub. L. 116-283, §1633(1), substituted “periodically review reports submitted” for “review each report”.

Subsec. (c)(2). Pub. L. 116-283, §1633(2), struck out “not later than 180 days after the date on which such report under subsection (a) is submitted,” before “submit to the congressional defense committees”.

2019—Pub. L. 116-92, §1665(c)(1)(D), conformed section designation and catchline to the style of this title.

Pub. L. 116-92, §1665(c)(1)(A)–(C), transferred section 1043 of Pub. L. 112-81, as amended, to this chapter and renumbered it as this section. See Codification note above.

## § 492b. Biannual briefing on nuclear weapons and related activities

(a) **IN GENERAL.**—On or about May 1 and November 1 of each year, the officials specified in subsection (b) shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on matters relating to nuclear weapons policies, operations, technology development, and other similar topics as requested by such committees.

(b) **OFFICIALS SPECIFIED.**—The officials specified in this subsection are the following:

(1) The Assistant Secretary of Defense for Acquisition.

(2) The Assistant Secretary of Defense for Nuclear Deterrence, Chemical, and Biological Defense Policy and Programs.

(3) The Assistant Secretary of Defense for Space Policy.

(4) The Deputy Administrator for Defense Programs of the National Nuclear Security Administration.