

tion, or withdrawal of nuclear weapons of the United States that are based in Europe made to ensure the safety, security, reliability, and credibility of such weapons.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

- (1) the Committees on Armed Services of the House of Representatives and the Senate; and
- (2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Added Pub. L. 112-239, div. A, title X, §1037(b)(1), Jan. 2, 2013, 126 Stat. 1926; amended Pub. L. 117-81, div. A, title XVI, §1635, Dec. 27, 2021, 135 Stat. 2091.)

#### Editorial Notes

##### AMENDMENTS

2021—Subsec. (b)(1). Pub. L. 117-81 substituted “120 days” for “60 days”.

#### § 497a. Notification required for reduction or consolidation of dual-capable aircraft based in Europe

(a) NOTIFICATION.—Not less than 90 days before the date on which the Secretary of Defense reduces or consolidates the dual-capable aircraft of the United States that are based in Europe, the Secretary shall submit to the congressional defense committees a notification of such planned reduction or consolidation, including the following:

- (1) The reasons for such planned reduction or consolidation.
- (2) Any effects of such planned reduction or consolidation on the extended deterrence mission of the United States.
- (3) The manner in which the military requirements of the North Atlantic Treaty Organization (NATO) will continue to be met in light of such planned reduction or consolidation.
- (4) A statement by the Secretary on the response of NATO to such planned reduction or consolidation.
- (5) Whether there is any change in the force posture of the Russian Federation as a result of such planned reduction or consolidation, including with respect to the nonstrategic nuclear weapons of Russia that are within range of the member states of NATO.

(b) DUAL-CAPABLE AIRCRAFT DEFINED.—In this section, the term “dual-capable aircraft” means aircraft that can perform both conventional and nuclear missions.

(Added Pub. L. 113-66, div. A, title X, §1051(b)(1), Dec. 26, 2013, 127 Stat. 858.)

#### § 498. Unilateral change in nuclear weapons stockpile of the United States

(a) IN GENERAL.—Other than pursuant to a treaty to which the Senate has provided advice and consent pursuant to section 2 of article II of the Constitution of the United States, if the President has under consideration to unilaterally change the size of the total stockpile of nuclear weapons of the United States, or the total

number of deployed nuclear weapons (as defined under the New START Treaty), by more than 20 percent, prior to doing so the President shall initiate a Nuclear Posture Review.

(b) TERMS OF REFERENCE.—Prior to the initiation of a Nuclear Posture Review under this section, the President shall determine the terms of reference for the Nuclear Posture Review, which the President shall provide to the congressional defense committees.

(c) NUCLEAR POSTURE REVIEW.—Upon completion of a Nuclear Posture Review under this section, the President shall submit the Nuclear Posture Review to the congressional defense committees prior to implementing any change described in subsection (a).

(d) CONSTRUCTION.—This section shall not apply to changes to the nuclear weapons stockpile resulting from obligations pursuant to a treaty to which the Senate has provided advice and consent pursuant to section 2 of article II of the Constitution.

(e) FORM.—A Nuclear Posture Review under this section shall be submitted in unclassified form, but may include a classified annex.

(f) NEW START TREATY DEFINED.—In this section, the term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

(Added Pub. L. 112-239, div. A, title X, §1038(a), Jan. 2, 2013, 126 Stat. 1927; amended Pub. L. 113-66, div. A, title X, §1091(a)(6), Dec. 26, 2013, 127 Stat. 875; Pub. L. 117-81, div. A, title XVI, §1633, Dec. 27, 2021, 135 Stat. 2090.)

#### Editorial Notes

##### AMENDMENTS

2021—Subsec. (a). Pub. L. 117-81, §1633(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “Other than pursuant to a treaty, if the President has under consideration to unilaterally change the size of the total stockpile of nuclear weapons of the United States by more than 25 percent, prior to doing so the President shall initiate a Nuclear Posture Review.”

Subsec. (c). Pub. L. 117-81, §1633(2), substituted “described in subsection (a)” for “in the nuclear weapons stockpile by more than 25 percent”.

Subsec. (d). Pub. L. 117-81, §1633(3), substituted “obligations pursuant to a treaty to which the Senate has provided advice and consent pursuant to section 2 of article II of the Constitution” for “treaty obligations”.

Subsec. (f). Pub. L. 117-81, §1633(4), added subsec. (f). 2013—Pub. L. 113-66 inserted a period after the enumerator in section catchline.

#### § 499. Annual assessment of cyber resiliency of nuclear command and control system

(a) IN GENERAL.—Not less frequently than annually, the Commander of the United States Strategic Command and the Commander of the United States Cyber Command (in this section referred to collectively as the “Commanders”) shall jointly conduct an assessment of the cyber resiliency of the nuclear command and control system.

(b) ELEMENTS.—In conducting the assessment required by subsection (a), the Commanders shall—