

“(1) the President should maintain the stated position of the United States that the follow-on treaty to the START Treaty not include any limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons systems of the United States;

“(2) the enhanced safety, security, and reliability of the nuclear weapons stockpile, modernization of the nuclear weapons complex, and maintenance of the nuclear delivery systems are key to enabling further reductions in the nuclear forces of the United States; and

“(3) the President should submit budget requests for fiscal year 2011 and subsequent fiscal years for the programs of the National Nuclear Security Administration of the Department of Energy that are adequate to sustain the needed capabilities to support the long-term maintenance of the nuclear stockpile of the United States.”

**INCLUSION IN 2005 STOCKPILE STEWARDSHIP PLAN OF CERTAIN INFORMATION RELATING TO STOCKPILE STEWARDSHIP CRITERIA**

Pub. L. 108-136, div. C, title XXXI, §3133, Nov. 24, 2003, 117 Stat. 1751, provided that:

“(a) **INCLUSION IN 2005 STOCKPILE STEWARDSHIP PLAN.**—In submitting to Congress the updated version of the 2005 stockpile stewardship plan, the Secretary of Energy shall include the matters specified in subsection (b).

“(b) **MATTERS INCLUDED.**—The matters referred to in subsection (a) are the following:

“(1) An update of any information or criteria described in the report on stockpile stewardship criteria submitted under section 4202 of the Atomic Energy Defense Act [50 U.S.C. 2522] (as transferred and redesignated by section 3161(e)(3) [probably should be “3141(e)(3)”] of this Act).

“(2) A description of any additional information identified, or criteria established, on matters covered by such section 4202 during the period beginning on the date of the submittal of the report under such section 4202 and ending on the date of the submittal of the updated version of the plan under subsection (a) of this section.

“(3) For each science-based tool developed by the Department of Energy during such period—

“(A) a description of the relationship of such science-based tool to the collection of information needed to determine that the nuclear weapons stockpile is safe and reliable; and

“(B) a description of the criteria for judging whether or not such science-based tool provides for the collection of such information.

“(c) **2005 STOCKPILE STEWARDSHIP PLAN DEFINED.**—In this section, the term ‘2005 stockpile stewardship plan’ means the updated version of the plan for maintaining the nuclear weapons stockpile developed under section 4203 of the Atomic Energy Defense Act [50 U.S.C. 2523] (as transferred and redesignated by section 3161(e)(4) [probably should be “3141(e)(4)”] of this Act) that is required to be submitted to Congress not later than March 15, 2005.”

**Executive Documents**

**ANNUAL UPDATE TO THE REPORT SPECIFIED IN SECTION 1251 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010 (PUBLIC LAW 111-84)**

Memorandum of President of the United States, Feb. 7, 2011, 76 F.R. 7477, provided:

Memorandum for the Secretary of Defense [and] the Secretary of Energy

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the Secretaries of Defense and Energy to jointly provide annual updates to the report specified in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84)

(the “1251 Report”) [set out as a note above]. I further authorize and direct the Secretaries of Defense and Energy to jointly submit this annual update to the 1251 Report concurrently with the President’s budget each year, beginning in calendar year 2011.

The Secretary of Defense is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

**§ 2523a. Repealed. Pub. L. 112-239, div. C, title XXXI, § 3133(c)(1), Jan. 2, 2013, 126 Stat. 2192**

Section, Pub. L. 107-314, div. D, title XLII, §4203A, as added Pub. L. 111-383, div. C, title XXXI, §3112(a), Jan. 7, 2011, 124 Stat. 4507, related to biennial plan on modernization and refurbishment of the nuclear security complex.

**§ 2523b. Transferred**

**Editorial Notes**

**CODIFICATION**

Section, Pub. L. 112-81, div. A, title X, §1045, Dec. 31, 2011, 125 Stat. 1577; Pub. L. 112-239, div. A, title X, §1076(a)(19), Jan. 2, 2013, 126 Stat. 1949, which related to nuclear force reductions, was transferred to section 494 of Title 10, Armed Forces, by Pub. L. 112-239, div. A, title X, §1033(b)(1)(A)–(C), Jan. 2, 2013, 126 Stat. 1920.

**§ 2523c. Major warhead refurbishment program**

In fiscal year 2015 and subsequent fiscal years, the Secretary of Energy shall submit to the congressional defense committees (as defined in U.S.C. 101(a)(16)<sup>1</sup>) a report, on each major warhead refurbishment program that reaches the Phase 6.3 milestone, that provides an analysis of alternatives. Such report shall include—

(1) a full description of alternatives considered prior to the award of Phase 6.3;

(2) a comparison of the costs and benefits of each of those alternatives, to include an analysis of trade-offs among cost, schedule, and performance objectives against each alternative considered;

(3) identification of the cost and risk of critical technology elements associated with each alternative, including technology maturity, integration risk, manufacturing feasibility, and demonstration needs;

(4) identification of the cost and risk of additional capital asset and infrastructure capabilities required to support production and certification of each alternative;

(5) a comparative analysis of the risks, costs, and scheduling needs for any military requirement intended to enhance warhead safety, security, or maintainability, including any requirement to consolidate and/or integrate warhead systems or mods as compared to at least one other feasible refurbishment alternative the Nuclear Weapons Council considers appropriate; and

(6) a life-cycle cost estimate for the alternative selected that details the overall cost, scope, and schedule planning assumptions.

(Pub. L. 113-235, div. D, title III, §308, Dec. 16, 2014, 128 Stat. 2324.)

**Editorial Notes**

**CODIFICATION**

Section was enacted as part of the Energy and Water Development and Related Agencies Appropriations Act,

<sup>1</sup> So in original. Probably should be “10 U.S.C. 101(a)(16)”.