

“(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))¹ 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,

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

2015, and also as part of the Consolidated and Further Continuing Appropriations Act, 2015, and not as part of the Atomic Energy Defense Act which comprises this chapter.

§ 2524. Stockpile management program

(a) Program required

The Secretary of Energy, acting through the Administrator and in consultation with the Secretary of Defense, shall carry out a program, in support of the stockpile stewardship program, to provide for the effective management, modernization, and replacement, as required, of the weapons in the nuclear weapons stockpile. The program shall have the following objectives:

- (1) To enhance the performance and reliability of the nuclear weapons stockpile of the United States.
- (2) To further reduce the likelihood of the resumption of underground nuclear weapons testing.
- (3) To maintain the safety and security of the nuclear weapons stockpile.
- (4) To optimize the future size of the nuclear weapons stockpile.
- (5) To reduce the risk of an accidental detonation of an element of the stockpile.
- (6) To reduce the risk of an element of the stockpile being used by a person or entity hostile to the United States, its vital interests, or its allies.

(b) Program limitations

In carrying out the stockpile management program under subsection (a), the Secretary of Energy shall ensure that—

- (1) any changes made to the stockpile shall be consistent with the objectives identified in subsection (a);
- (2) any changes made to the stockpile consistent with the objectives identified in subsection (a) are carried out in a cost effective manner; and
- (3) any such changes made to the stockpile shall—
 - (A) be well understood and certifiable without the need to resume underground nuclear weapons testing;
 - (B) use the design, certification, and production expertise resident in the nuclear security enterprise to fulfill current mission requirements of the existing stockpile; and
 - (C) develop future generations of design, certification, and production expertise in the nuclear security enterprise to support the fulfillment of mission requirements of the future stockpile.

(c) Program budget

In accordance with the requirements under section 2529 of this title, for each budget submitted by the President to Congress under section 1105 of title 31, the amounts requested for the program under this section shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.

(Pub. L. 107–314, div. D, title XLII, § 4204, formerly Pub. L. 106–65, div. C, title XXXI, § 3133, Oct. 5, 1999, 113 Stat. 926; renumbered Pub. L. 107–314, div. D, title XLII, § 4204, and amended Pub. L. 108–136, div. C, title XXXI, §§ 3111,

3141(e)(5), Nov. 24, 2003, 117 Stat. 1743, 1758; Pub. L. 111–84, div. C, title XXXI, § 3113(a)(2), Oct. 28, 2009, 123 Stat. 2704; Pub. L. 112–239, div. C, title XXXI, § 3133(d), Jan. 2, 2013, 126 Stat. 2192; Pub. L. 113–66, div. C, title XXXI, § 3146(c)(2), Dec. 26, 2013, 127 Stat. 1073; Pub. L. 118–159, div. C, title XXXI, § 3111(c)(2), Dec. 23, 2024, 138 Stat. 2294.)

Editorial Notes

CODIFICATION

Section was formerly set out as a note under section 2121 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2024—Subsec. (a). Pub. L. 118–159, § 3111(c)(2)(A)(i), inserted “, modernization, and replacement, as required,” after “effective management” and struck out “, including the extension of the effective life of such weapons” after “nuclear weapons stockpile” in introductory provisions.

Subsec. (a)(1). Pub. L. 118–159, § 3111(c)(2)(A)(ii), substituted “enhance the performance and reliability” for “increase the reliability, safety, and security”.

Subsec. (a)(3). Pub. L. 118–159, § 3111(c)(2)(A)(iv), added par. (3). Former par. (3) redesignated (4).

Subsec. (a)(4). Pub. L. 118–159, § 3111(c)(2)(A)(iii), (v), redesignated par. (3) as (4) and amended it generally. Prior to amendment, par. (4) read as follows: “To achieve reductions in the future size of the nuclear weapons stockpile.” Former par. (4) redesignated (5).

Subsec. (a)(5), (6). Pub. L. 118–159, § 3111(c)(2)(A)(iii), redesignated pars. (4) and (5) as (5) and (6), respectively.

Subsec. (b)(1). Pub. L. 118–159, § 3111(c)(2)(B)(i), substituted “consistent with” for “made to achieve” and semicolon at end for “; and”.

Subsec. (b)(2). Pub. L. 118–159, § 3111(c)(2)(B)(iii), added par. (2). Former par. (2) redesignated (3).

Subsec. (b)(3). Pub. L. 118–159, § 3111(c)(2)(B)(ii), redesignated par. (2) as (3).

Subsec. (b)(3)(A). Pub. L. 118–159, § 3111(c)(2)(B)(iv)(I), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “remain consistent with basic design parameters by including, to the maximum extent feasible, components that are well understood or are certifiable without the need to resume underground nuclear weapons testing; and”.

Subsec. (b)(3)(C). Pub. L. 118–159, § 3111(c)(2)(B)(iv)(II), (III), added subpar. (C).

2013—Subsec. (a). Pub. L. 113–66 struck out “for Nuclear Security” after “Administrator” in introductory provisions.

Subsec. (b)(2)(B). Pub. L. 112–239, § 3133(d)(1), substituted “nuclear security enterprise” for “nuclear complex”.

Subsecs. (c) to (e). Pub. L. 112–239, § 3133(d)(2), (3), redesignated subsec. (e) as (c) and struck out former subsecs. (c) and (d), which related, respectively, to program plan and annual updates.

2009—Pub. L. 111–84 amended section generally. Prior to amendment, section related to the nuclear weapons stockpile life extension program.

2003—Subsec. (c). Pub. L. 108–136, § 3111, struck out subsec. (c), which related to a plan for the extension of the effective life of the weapons in the nuclear weapons stockpile.

Subsec. (c)(1). Pub. L. 108–136, § 3141(e)(5)(D), substituted “October 5, 1999” for “the date of the enactment of this Act”.

Subsecs. (d) to (f). Pub. L. 108–136, § 3111, struck out subsecs. (d) to (f). Prior to amendment, subsec. (d) required submittal to committees of the House and Senate of a plan for the extension of the effective life of the weapons in the nuclear weapons stockpile and annual updates of the plan, subsec. (e) required a GAO assessment of the plan and updates, and subsec. (f) stated the sense of Congress regarding funding of the program under subsec. (a).