

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–136, div. C, title XXXI, §3111, Nov. 24, 2003, 117 Stat. 1743, provided that the amendment made by section 3111 is effective December 31, 2004.

§ 2524a. Repealed. Pub. L. 111–84, div. C, title XXXI, §3113(a)(1), Oct. 28, 2009, 123 Stat. 2704

Section, Pub. L. 107–314, div. D, title XLII, §4204A, formerly §4204a, as added Pub. L. 109–163, div. C, title XXXI, §3111(a), Jan. 6, 2006, 119 Stat. 3539; renumbered §4204A, Pub. L. 110–181, div. C, title XXXI, §3117(1), Jan. 28, 2008, 122 Stat. 578, related to the Reliable Replacement Warhead program.

§ 2525. Annual assessments and reports to the President and Congress regarding the condition of the United States nuclear weapons stockpile

(a) Annual assessments required

For each nuclear weapon type in the stockpile of the United States, each official specified in subsection (b) on an annual basis shall, to the extent such official is directly responsible for the safety, reliability, performance, or military effectiveness of that nuclear weapon type, complete an assessment of the safety, reliability, performance, or military effectiveness (as the case may be) of that nuclear weapon type.

(b) Covered officials

The officials referred to in subsection (a) are the following:

- (1) The head of each national security laboratory.
- (2) The Commander of the United States Strategic Command.

(c) Dual validation teams in support of assessments

In support of the assessments required by subsection (a), the Administrator may establish teams, known as “dual validation teams”, to provide each national security laboratory responsible for weapons design with independent evaluations of the condition of each warhead for which such laboratory has lead responsibility. A dual validation team established by the Administrator shall—

- (1) be comprised of weapons experts from the laboratory that does not have lead responsibility for fielding the warhead being evaluated;
- (2) have access to all surveillance and underground test data for all stockpile systems for use in the independent evaluations;
- (3) use all relevant available data to conduct independent calculations; and
- (4) pursue independent experiments to support the independent evaluations.

(d) Use of teams of experts for assessments

The head of each national security laboratory shall establish and use one or more teams of experts, known as “red teams”, to assist in the assessments required by subsection (a). Each such team shall include experts from both of the other national security laboratories. Each such team for a national security laboratory shall—

- (1) review both the matters covered by the assessments under subsection (a) performed by

the head of that laboratory and any independent evaluations conducted by a dual validation team under subsection (c);

- (2) subject such matters to challenge; and

(3) submit the results of such review and challenge, together with the findings and recommendations of such team with respect to such review and challenge, to the head of that laboratory.

(e) Report on assessments

Not later than December 1 of each year, each official specified in subsection (b) shall submit to the Secretary concerned, and to the Nuclear Weapons Council, a report on the assessments that such official was required by subsection (a) to complete. The report shall include the following:

- (1) The results of each such assessment.

(2)(A) Such official’s determination as to whether or not one or more underground nuclear tests are necessary to resolve any issues identified in the assessments and, if so—

- (i) an identification of the specific underground nuclear tests that are necessary to resolve such issues; and

- (ii) a discussion of why options other than an underground nuclear test are not available or would not resolve such issues.

(B) An identification of the specific underground nuclear tests which, while not necessary, might have value in resolving any such issues and a discussion of the anticipated value of conducting such tests.

(C) Such official’s determination as to the readiness of the United States to conduct the underground nuclear tests identified under subparagraphs (A)(i) and (B), if directed by the President to do so.

(3) In the case of a report submitted by the head of a national security laboratory—

(A) a concise statement regarding the adequacy of the science-based tools and methods, including with respect to cyber assurance, being used to determine the matters covered by the assessments;

(B) a concise statement regarding the adequacy of the tools and methods employed by the manufacturing infrastructure required by section 2532 of this title to identify and fix any inadequacy with respect to the matters covered by the assessments, and the confidence of the head in such tools and methods;

(C) a concise summary of the findings and recommendations of any teams under subsection (d) that relate to the assessments, together with a discussion of those findings and recommendations;

(D) a concise summary of the results of any independent evaluation conducted by a dual validation team under subsection (c); and

(E) a concise summary of any significant finding investigations initiated or active during the previous year for which the head of the national security laboratory has full or partial responsibility.

(4) In the case of a report submitted by the Commander of the United States Strategic Command—

(A) a discussion of the relative merits of other nuclear weapon types (if any), or compensatory measures (if any) that could be taken, that could enable accomplishment of the missions of the nuclear weapon types to which the assessments relate, should such assessments identify any deficiency with respect to such nuclear weapon types;

(B) a summary of all major assembly releases in place as of the date of the report for the active and inactive nuclear weapon stockpiles; and

(C) the views of the Commander on the stockpile responsiveness program under section 2538b of this title, the activities conducted under such program, and any suggestions to improve such program.

(5) An identification and discussion of any matter having an adverse effect on the capability of the official submitting the report to accurately determine the matters covered by the assessments.

(f) Submittals to the President and Congress

(1) Not later than February 1 of each year, the Secretary of Defense and the Secretary of Energy shall submit to the President—

(A) each report, without change, submitted to either Secretary under subsection (e) during the preceding year;

(B) any comments that the Secretaries individually or jointly consider appropriate with respect to each such report;

(C) the conclusions that the Secretaries individually or jointly reach as to the safety, reliability, performance, and military effectiveness of the nuclear weapons stockpile of the United States; and

(D) any other information that the Secretaries individually or jointly consider appropriate.

(2) Not later than March 15 of each year, the President shall forward to Congress the matters received by the President under paragraph (1) for that year, together with any comments the President considers appropriate.

(3) If the President does not forward to Congress the matters required under paragraph (2) by the date required by such paragraph, the officials specified in subsection (b) shall provide a briefing to the congressional defense committees not later than March 30 on the report such officials submitted to the Secretary concerned under subsection (e).

(g) Classified form

Each submittal under subsection (f) shall be in classified form only, with the classification level required for each portion of such submittal marked appropriately.

(h) Definition

In this section, the term “Secretary concerned” means—

(1) the Secretary of Energy, with respect to matters concerning the Department of Energy; and

(2) the Secretary of Defense, with respect to matters concerning the Department of Defense.

(Pub. L. 107–314, div. D, title XLII, § 4205, formerly div. C, title XXXI, § 3141, Dec. 2, 2002, 116

Stat. 2730; renumbered div. D, title XLII, § 4205, and amended Pub. L. 108–136, div. C, title XXXI, § 3141(e)(6), Nov. 24, 2003, 117 Stat. 1759; Pub. L. 111–84, div. C, title XXXI, § 3114(a)(2)–(d), Oct. 28, 2009, 123 Stat. 2706, 2707; Pub. L. 112–239, div. C, title XXXI, § 3131(c), Jan. 2, 2013, 126 Stat. 2180; Pub. L. 113–66, div. C, title XXXI, § 3122, 3146(c)(3), Dec. 26, 2013, 127 Stat. 1061, 1074; Pub. L. 113–291, div. C, title XXXI, § 3142(d), Dec. 19, 2014, 128 Stat. 3900; Pub. L. 114–92, div. C, title XXXI, § 3112(d), Nov. 25, 2015, 129 Stat. 1191; Pub. L. 117–81, div. C, title XXXI, § 3133, Dec. 27, 2021, 135 Stat. 2230.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 7274s of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2021—Subsec. (e)(3)(A). Pub. L. 117–81, § 3133(1), inserted “, including with respect to cyber assurance,” after “methods”.

Subsec. (e)(3)(B). Pub. L. 117–81, § 3133(2), inserted “, and the confidence of the head in such tools and methods” after “the assessments”.

2015—Subsec. (e)(4)(C). Pub. L. 114–92 added subpar. (C).

2014—Subsec. (b)(2). Pub. L. 113–291 substituted “Commander” for “commander”.

2013—Subsec. (c). Pub. L. 113–66, § 3146(c)(3)(A), struck out “for Nuclear Security” before “may establish teams,” in introductory provisions.

Subsec. (e)(3)(E). Pub. L. 113–66, § 3122(a)(1), added subpar. (E).

Subsec. (e)(4). Pub. L. 113–66, § 3122(a)(2), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “In the case of a report submitted by the Commander of the United States Strategic Command, a discussion of the relative merits of other nuclear weapon types (if any), or compensatory measures (if any) that could be taken, that could enable accomplishment of the missions of the nuclear weapon types to which the assessments relate, should such assessments identify any deficiency with respect to such nuclear weapon types.”

Subsec. (f)(1). Pub. L. 113–66, § 3122(b)(1), substituted “February 1” for “March 1” in introductory provisions.

Subsec. (f)(3). Pub. L. 113–66, § 3122(b)(2), added par. (3).

Subsec. (h). Pub. L. 113–66, § 3146(c)(3)(B), in heading, substituted “Definition” for “Definitions” and, in text, substituted “section, the term” for “section:”, struck out par. (1) which defined “national security laboratory”, struck out par. (2) designation and “The term” before “Secretary concerned”, redesignated subpars. (A) and (B) of former par. (2) as pars. (1) and (2), respectively, and realigned margins.

Subsec. (i). Pub. L. 112–239 struck out subsec. (i) which related to first submissions under subsecs. (e) and (f).

2009—Subsec. (c). Pub. L. 111–84, § 3114(a)(2)(B), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 111–84, § 3114(a)(2)(A), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(1). Pub. L. 111–84, § 3114(b), inserted “both” after “review” and “and any independent evaluations conducted by a dual validation team under subsection (c)” after “that laboratory”.

Subsec. (e). Pub. L. 111–84, § 3114(a)(2)(A), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (e)(3)(C). Pub. L. 111–84, § 3114(d)(1), substituted “subsection (d)” for “subsection (c)”.

Subsec. (e)(3)(D). Pub. L. 111–84, § 3114(c), added subpar. (D).

Subsec. (f). Pub. L. 111-84, §3114(a)(2)(A), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsec. (f)(1)(A). Pub. L. 111-84, §3114(d)(2), substituted “subsection (e)” for “subsection (d)”.

Subsec. (g). Pub. L. 111-84, §3114(d)(3), substituted “subsection (f)” for “subsection (e)”.

Pub. L. 111-84, §3114(a)(2)(A), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 111-84, §3114(a)(2)(A), redesignated subsec. (g) as (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 111-84, §3114(a)(2)(A), redesignated subsec. (h) as (i).

Subsec. (i)(1). Pub. L. 111-84, §3114(d)(4)(A), substituted “subsection (e)” for “subsection (d)”.

Subsec. (i)(2). Pub. L. 111-84, §3114(d)(4)(B), substituted “subsection (f)” for “subsection (e)”.

2003—Subsec. (d)(3)(B). Pub. L. 108-136, §3141(e)(6)(D), substituted “section 2532 of this title” for “section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (42 U.S.C. 2121 note)”.

§ 2526. Form of certifications regarding the safety or reliability of the nuclear weapons stockpile

Any certification submitted to the President by the Secretary of Defense or the Secretary of Energy regarding confidence in the safety or reliability of a nuclear weapon type in the United States nuclear weapons stockpile shall be submitted in classified form only.

(Pub. L. 107-314, div. D, title XLII, §4206, formerly Pub. L. 106-398, §1 [div. C, title XXXI, §3194], Oct. 30, 2000, 114 Stat. 1654, 1654A-481; renumbered Pub. L. 107-314, div. D, title XLII, §4206, by Pub. L. 108-136, div. C, title XXXI, §3141(e)(7), Nov. 24, 2003, 117 Stat. 1759.)

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.

§ 2527. Nuclear test ban readiness program

(a) Establishment of program

The Secretary of Energy shall establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive ban on nuclear explosives testing is negotiated and ratified within the framework agreed to by the United States and the Russian Federation.

(b) Purposes of program

The purposes of the program under subsection (a) shall be the following:

(1) To assure that the United States maintains a vigorous program of stockpile inspection and non-explosive testing so that, if a low-threshold or comprehensive test ban is entered into, the United States remains able to detect and identify potential problems in stockpile reliability and safety in existing designs of nuclear weapons.

(2) To assure that the specific materials, components, processes, and personnel needed for the remanufacture of existing nuclear weapons or the substitution of alternative nu-

clear warheads are available to support such remanufacture or substitution if such action becomes necessary in order to satisfy reliability and safety requirements under a low-threshold or comprehensive test ban agreement.

(3) To assure that a vigorous program of research in areas related to nuclear weapons science and engineering is supported so that, if a low-threshold or comprehensive test ban agreement is entered into, the United States is able to maintain a base of technical knowledge about nuclear weapons design and nuclear weapons effects.

(c) Conduct of program

The Secretary of Energy shall carry out the program provided for in subsection (a). The program shall be carried out with the participation of representatives of the Department of Defense, the nuclear weapons production facilities, and the national security laboratories.

(Pub. L. 107-314, div. D, title XLII, §4207, formerly Pub. L. 100-456, div. A, title XIV, §1436, Sept. 29, 1988, 102 Stat. 2075; Pub. L. 105-85, div. C, title XXXI, §3152(i), Nov. 18, 1997, 111 Stat. 2042; renumbered Pub. L. 107-314, div. D, title XLII, §4207, and amended Pub. L. 108-136, div. C, title XXXI, §3141(e)(8), Nov. 24, 2003, 117 Stat. 1759; Pub. L. 113-66, div. C, title XXXI, §3146(c)(4), Dec. 26, 2013, 127 Stat. 1074.)

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

2013—Subsec. (a). Pub. L. 113-66, §3146(c)(4)(A)–(C), redesignated subsec. (b) as (a), substituted “Russian Federation” for “Soviet Union”, and struck out former subsec. (a) which related to congressional findings regarding negotiations between the United States and the Soviet Union on nuclear test ban verification measures.

Subsec. (b). Pub. L. 113-66, §3146(c)(4)(B), (D), redesignated subsec. (c) as (b) and substituted “subsection (a)” for “subsection (b)” in introductory provisions. Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 113-66, §3146(c)(4)(B), (E), redesignated subsec. (d) as (c) and substituted “subsection (a)” for “subsection (b)” and “national security laboratories” for “national nuclear weapons laboratories”. Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 113-66, §3146(c)(4)(B), redesignated subsec. (d) as (c).

2003—Pub. L. 108-136, §3141(e)(8)(D), made technical amendment to section catchline.

1997—Subsec. (e). Pub. L. 105-85 struck out heading and text of subsec. (e). Text read as follows: “The Secretary of Energy shall submit to Congress each year an unclassified report (with a classified annex as necessary) that describes the progress made to the date of the report in achieving the purposes of the program required to be established under subsection (b).”

§ 2528. Repealed. Pub. L. 112-239, div. C, title XXXI, § 3133(e)(1)(A), (2), Jan. 2, 2013, 126 Stat. 2192, 2193

Section, Pub. L. 107-314, div. D, title XLII, §4208, formerly Pub. L. 104-106, div. C, title XXXI, §3152, Feb. 10, 1996, 110 Stat. 623; Pub. L. 106-398, §1 [div. C, title XXXI,