

laboratory or facility, as the case may be, shall submit to the Administrator a report on the difficulty. The head of the laboratory or facility shall submit the report as soon as practicable after discovery of the difficulty.

(b) Transmittal by Administrator

Not later than 10 days after receipt of a report under subsection (a), the Administrator shall transmit the report (together with the comments of the Administrator) to the congressional defense committees, to the Secretary of Energy and the Secretary of Defense, and to the President.

(c) Omitted

(d) Inclusion of reports in annual stockpile assessment

Any report submitted pursuant to subsection (a) shall also be submitted to the President and Congress with the matters required to be submitted under section 2525(f) of this title for the year in which such report is submitted.

(Pub. L. 107-314, div. D, title XLII, § 4213, formerly Pub. L. 104-201, div. C, title XXXI, § 3159, Sept. 23, 1996, 110 Stat. 2842, § 4218(b), (c), formerly Pub. L. 105-85, div. A, title XIII, § 1305(c), (d), Nov. 18, 1997, 111 Stat. 1954; Pub. L. 106-65, div. C, title XXXI, § 3163(f), Oct. 5, 1999, 113 Stat. 946; renumbered Pub. L. 107-314, div. D, title XLII, § 4213, by Pub. L. 108-136, div. C, title XXXI, § 3141(e)(14), Nov. 24, 2003, 117 Stat. 1760; renumbered Pub. L. 107-314, div. D, title XLII, § 4218(c), (d), and amended Pub. L. 112-239, div. C, title XXXI, §§ 3131(f)(1), 3164(a)(3), Jan. 2, 2013, 126 Stat. 2181, 2206; renumbered Pub. L. 107-314, div. D, title XLII, § 4218(b), (c), and amended Pub. L. 113-66, div. C, title XXXI, § 3146(c)(7), (10)(B), Dec. 26, 2013, 127 Stat. 1074, 1075.)

Editorial Notes

CODIFICATION

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

Section is comprised in part of section 4213 of Pub. L. 107-314. See note below. Subsec. (c) of section 4213 of Pub. L. 107-314 amended section 179 of Title 10, Armed Forces.

Section is comprised of sections 4213 and 4218(b), (c) of Pub. L. 107-314. Section 4213, which was formerly part of Pub. L. 104-201, originally enacted this section, and section 4218(b), (c), which was formerly part of Pub. L. 105-85, originally amended this section. Both sections were renumbered to become part of Pub. L. 107-314 and, as a result, are shown in the source credit above as jointly comprising this section.

AMENDMENTS

2013—Pub. L. 113-66, § 3146(c)(10)(B), renumbered Pub. L. 107-314, § 4218(c), (d), as § 4218(b), (c). See 1997 Amendment note below.

Pub. L. 112-239, § 3164(a)(3), renumbered Pub. L. 105-85, § 1305(c), (d), as Pub. L. 107-314, § 4218(c), (d). See 1997 Amendment note below.

Pub. L. 112-239, § 3131(f)(1)(A), substituted “national security laboratories and nuclear weapons production facilities” for “nuclear weapons laboratories and nuclear weapons production plants” in section catchline.

Subsec. (a). Pub. L. 113-66, § 3146(c)(7)(A), substituted “facilities” for “plants” in heading and “laboratory or facility” for “laboratory or plant” in two places in text.

Pub. L. 112-239, § 3131(f)(1)(B), in first sentence, substituted “national security laboratory” for “nuclear weapons laboratory”, “production facility” for “production plant”, and “Administrator” for “Assistant Secretary of Energy for Defense Programs”.

Subsec. (b). Pub. L. 112-239, § 3131(f)(1)(C), substituted “Administrator” for “Assistant Secretary” in heading and in two places in text.

Subsec. (d). Pub. L. 113-66, § 3146(c)(7)(B), substituted “assessment” for “certification” in heading and “submitted to the President and Congress with the matters required to be submitted under section 2525(f) of this title” for “included with the decision documents that accompany the annual certification of the safety and reliability of the United States nuclear weapons stockpile which is provided to the President” in text.

Subsec. (e). Pub. L. 112-239, § 3131(f)(1)(D), struck out subsec. (e), which defined terms “nuclear weapons laboratory” and “nuclear weapons production plant”.

1999—Subsecs. (d), (e). Pub. L. 106-65 added subsec. (d) and redesignated former subsec. (d) as (e).

1997—Subsec. (b). Pub. L. 107-314, § 4218(b), (c), formerly § 4218(c), (d), formerly Pub. L. 105-85, § 1305(c), (d), substituted “Not later than 10 days” for “As soon as practicable” and “committees,” for “committees and” and inserted before period at end “, and to the President”.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the advanced scientific computing research program and activities at Lawrence Livermore National Laboratory, including the functions of the Secretary of Energy relating thereto, to the Secretary of Homeland Security, see sections 183(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

All national security functions and activities performed immediately before Oct. 5, 1999, by nuclear weapons laboratories and production facilities defined in this section, transferred to the Administrator for Nuclear Security of the National Nuclear Security Administration of the Department of Energy, see section 2481 of this title.

§ 2534. Repealed. Pub. L. 113-66, div. C, title XXXI, § 3146(c)(8)(A), Dec. 26, 2013, 127 Stat. 1075

Section, Pub. L. 107-314, div. D, title XLII, § 4214, as added Pub. L. 109-364, div. C, title XXXI, § 3111(a), Oct. 17, 2006, 120 Stat. 2502; amended Pub. L. 112-239, div. C, title XXXI, § 3131(g)(1), Jan. 2, 2013, 126 Stat. 2181, related to plan for transformation of National Nuclear Security Administration nuclear security enterprise.

§ 2535. Repealed. Pub. L. 117-263, div. C, title XXXI, § 3132(a)(1)(A)(i), Dec. 23, 2022, 136 Stat. 3060

Section, Pub. L. 107-314, div. D, title XLII, § 4215, as added Pub. L. 112-239, div. C, title XXXI, § 3114(a)(1), Jan. 2, 2013, 126 Stat. 2170; amended Pub. L. 113-66, div. C, title XXXI, § 3146(c)(9), Dec. 26, 2013, 127 Stat. 1075, related to the replacement project for the Chemistry and Metallurgy Research Building at Los Alamos National Laboratory, New Mexico.

Statutory Notes and Related Subsidiaries

ALTERNATIVE PLUTONIUM STRATEGY; FULL OPERATIONAL CAPABILITY OF REPLACEMENT PROJECT

Pub. L. 112-239, div. C, title XXXI, § 3114(c)-(e), Jan. 2, 2013, 126 Stat. 2171, 2172, as amended by Pub. L. 113-66, div. C, title XXXI, § 3117, Dec. 26, 2013, 127 Stat. 1058, provided that:

“(c) LIMITATION ON ALTERNATIVE PLUTONIUM STRATEGY.—

“(1) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (2), no funds authorized to be appropriated by this Act [see Tables for classification] or any other Act may be obligated or expended on any activities associated with a plutonium strategy for the National Nuclear Security Administration that does not include achieving full operational capability of the replacement project by December 31, 2026, as required by section 4215(e) of the Atomic Energy Defense Act [50 U.S.C. 2535(e)], as added by subsection (a).

“(2) USE OF FUNDS FOR MODULAR BUILDING STRATEGY.—The Administrator for Nuclear Security may obligate and expend funds referred to in paragraph (1) for activities relating to a modular building strategy on and after the date that is 60 days after the date on which the Nuclear Weapons Council established under section 179 of title 10, United States Code, notifies the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] that—

“(A) the modular building strategy—

“(i) meets requirements for maintaining the nuclear weapons stockpile over a 30-year period;

“(ii) meets requirements for implementation of a responsive infrastructure, including meeting plutonium pit production requirements; and

“(iii) will achieve full operating capability for not less than two modular structures by not later than 2027;

“(B) in fiscal year 2015, the National Nuclear Security Administration will begin the process of designing and building modular buildings in accordance with Department of Energy Order 413.3 (relating to relating to program management and project management for the acquisition of capital assets); and

“(C) the Administrator will include the costs of the modular building strategy in the estimated expenditures and proposed appropriations reflected in the future-years nuclear security program submitted under section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

“(3) MODULAR BUILDING STRATEGY DEFINED.—In this subsection, the term ‘modular building strategy’ means an alternative strategy to the replacement project that consists of repurposing existing facilities and constructing a series of modular structures, each of which is fully useable, to complement the function of the plutonium facility (PF-4) at Los Alamos National Laboratory, New Mexico, in accordance with all applicable safety and security standards of the Department of Energy.

“(d) NAVAL REACTOR STUDY.—

“(1) IN GENERAL.—The Deputy Administrator for Naval Reactors shall conduct a study of the replacement project, including an analysis of the cost, benefits, and risks with respect to nuclear safety.

“(2) SUBMISSION.—Not later than 18 months after the date of the enactment of this Act [Jan. 2, 2013], the Deputy Administrator shall submit to the congressional defense committees a report on the study under paragraph (1), including recommendations of the Deputy Administrator with respect to the project structure, oversight model, and potential cost savings of the replacement project.

“(3) CONSIDERATION OF RECOMMENDATIONS.—In carrying out the replacement project, the Secretary of Energy shall consider the recommendations made by the Deputy Administrator in the report under paragraph (2) and incorporate such recommendations into the project as the Secretary considers appropriate.

“(4) FUNDING.—The Secretary of Energy and the Deputy Administrator shall carry out this subsection using funds authorized to be appropriated by this Act [see Tables for classification] or otherwise made available for the National Nuclear Security Administration that are not made available for the Naval Nuclear Propulsion Program.

“(e) REPLACEMENT PROJECT DEFINED.—In this section [enacting this section and this note], the term ‘replacement project’ means the replacement project for the Chemistry and Metallurgy Research Building authorized by section 4215 of the Atomic Energy Defense Act [former 50 U.S.C. 2535], as added by subsection (a).”

§ 2536. Repealed. Pub. L. 118–159, div. C, title XXXI, § 3111(c)(5), Dec. 23, 2024, 138 Stat. 2295

Section, Pub. L. 107–314, div. D, title XLII, § 4216, as added Pub. L. 112–239, div. C, title XXXI, § 3141(a), Jan. 2, 2013, 126 Stat. 2193; amended Pub. L. 113–66, div. C, title XXXI, § 3146(a)(2)(B), Dec. 26, 2013, 127 Stat. 1072; Pub. L. 116–92, div. C, title XXXI, § 3139(b)(4)(A), Dec. 20, 2019, 133 Stat. 1962, related to reports on life extension programs by the Nuclear Weapons Council.

§ 2537. Selected Acquisition Reports and independent cost estimates and reviews of certain programs and facilities

(a) Selected Acquisition Reports

(1) At the end of the first quarter of each fiscal year, the Secretary of Energy, acting through the Administrator, shall submit to the congressional defense committees a report on each nuclear weapon system undergoing life extension and each major alteration project (as defined in section 2753(a)(2) of this title) during the preceding fiscal year. The reports shall be known as Selected Acquisition Reports for the weapon system concerned.

(2) The information contained in the Selected Acquisition Report for a fiscal year for a nuclear weapon system shall be the information contained in the Selected Acquisition Report for each fiscal-year quarter in that fiscal year for a major defense acquisition program under section 4351 of title 10 or any successor system, expressed in terms of the nuclear weapon system.

(b) Independent cost estimates and reviews

(1) The Secretary, acting through the Administrator, shall submit to the congressional defense committees and the Nuclear Weapons Council the following:

(A) An independent cost estimate of the following:

(i) Each nuclear weapon system undergoing life extension at the completion of phase 6.2A or new weapon system at the completion of phase 2A, relating to design definition and cost study.

(ii) Each nuclear weapon system undergoing life extension at the completion of phase 6.3 or new weapon system at the completion of phase 3, relating to development engineering.

(iii) Each nuclear weapon system undergoing life extension at the completion of phase 6.4, relating to production engineering, and before the initiation of phase 6.5, relating to first production.

(iv) Each new weapon system at the completion of phase 4, relating to production engineering, and before the initiation of phase 5, relating to first production.

(v) Each new nuclear facility within the nuclear security enterprise that is estimated to cost more than \$500,000,000 before such facility achieves critical decision 1 and before such facility achieves critical decision 2 in the acquisition process.