

ments and processes of the Administration and the Department of Defense required to ensure stockpile responsiveness.

(6) The retention of the ability, in coordination with the Director of National Intelligence, to assess and develop prototype nuclear weapons of foreign countries if needed to meet intelligence requirements and, if necessary, to conduct no-yield testing of those prototypes.

(d) Joint nuclear weapons life cycle process defined

In this section, the term “joint nuclear weapons life cycle process” means the process developed and maintained by the Secretary of Defense and the Secretary of Energy for the development, production, maintenance, and retirement of nuclear weapons.

(Pub. L. 107–314, div. D, title XLII, §4220, as added Pub. L. 114–92, div. C, title XXXI, §3112(b)(1), Nov. 25, 2015, 129 Stat. 1189; amended Pub. L. 115–91, div. C, title XXXI, §3135(b), Dec. 12, 2017, 131 Stat. 1898; Pub. L. 116–92, div. C, title XXXI, §3114, Dec. 20, 2019, 133 Stat. 1951.)

Editorial Notes

AMENDMENTS

2019—Subsec. (c)(3). Pub. L. 116–92, §3114(1), substituted “capabilities as required, such as through the use of prototypes” for “capabilities required, including prototypes”.

Subsec. (c)(6). Pub. L. 116–92, §3114(2), substituted “in coordination with the Director of National Intelligence” for “in consultation with the Director of National Intelligence” and inserted “if needed to meet intelligence requirements” after “foreign countries”.

2017—Subsec. (c)(6). Pub. L. 115–91 added par. (6).

§ 2538c. Long-term plan for meeting national security requirements for unencumbered uranium

(a) In general

Not later than December 31 of each odd-numbered year through 2031, the Secretary of Energy shall submit to the congressional defense committees a plan for meeting national security requirements for unencumbered uranium through 2070.

(b) Plan requirements

The plan required by subsection (a) shall include the following:

(1) An inventory of unencumbered uranium (other than depleted uranium), by program source and enrichment level, that, as of the date of the plan, is allocated to national security requirements.

(2) An inventory of unencumbered uranium (other than depleted uranium), by program source and enrichment level, that, as of the date of the plan, is not allocated to national security requirements but could be allocated to such requirements.

(3) An identification of national security requirements for unencumbered uranium through 2070, by program source and enrichment level.

(4) An assessment of current and projected unencumbered uranium production by private industry in the United States that could support future defense requirements.

(5) A description of any shortfall in obtaining unencumbered uranium to meet national security requirements and an assessment of whether that shortfall could be mitigated through the blending down of uranium that is of a higher enrichment level.

(6) An inventory of unencumbered depleted uranium, an assessment of the portion of that uranium that could be allocated to national security requirements through re-enrichment, and an estimate of the costs of re-enriching that uranium.

(7) A description of the swap and barter agreements involving unencumbered uranium needed to meet national security requirements that are in effect on the date of the plan.

(8) An assessment of—

(A) when additional enrichment of uranium will be required to meet national security requirements; and

(B) the options the Secretary is considering to meet such requirements, including an estimated cost and timeline for each option and a description of any changes to policy or law that the Secretary determines would be required for each option.

(9) An assessment of how options to provide additional enriched uranium to meet national security requirements could, as an additional benefit, contribute to the establishment of a sustained domestic enrichment capacity and allow the commercial sector of the United States to reduce reliance on importing uranium from adversary countries.

(c) Form of plan

The plan required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) Comptroller General briefing

Not later than 180 days after the date on which the congressional defense committees receive each plan under subsection (a), the Comptroller General of the United States shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing that includes an assessment of the plan.

(e) Definitions

In this section:

(1) The term “depleted”, with respect to uranium, means that the uranium is depleted in uranium-235 compared with natural uranium.

(2) The term “unencumbered”, with respect to uranium, means that the United States has no obligation to foreign governments to use the uranium for only peaceful purposes.

(Pub. L. 107–314, div. D, title XLII, §4221, as added Pub. L. 114–92, div. C, title XXXI, §3131(a), Nov. 25, 2015, 129 Stat. 1201; amended Pub. L. 115–91, div. C, title XXXI, §3133(e), Dec. 12, 2017, 131 Stat. 1897; Pub. L. 117–263, div. C, title XXXI, §3112, Dec. 23, 2022, 136 Stat. 3051.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a). Pub. L. 117–263, §3112(a), substituted “each odd-numbered year through 2031” for “each even-numbered year through 2026” and “2070” for “2065”.

Subsec. (b)(3). Pub. L. 117-263, §3112(b)(1), inserted “through 2070” after “unencumbered uranium”.

Subsec. (b)(4) to (7). Pub. L. 117-263, §3112(b)(2), (3), added par. (4) and redesignated former pars. (4) to (6) as (5) to (7), respectively. Former par. (7) redesignated (8).

Subsec. (b)(8), (9). Pub. L. 117-263, §3112(b)(2), (4), redesignated pars. (7) and (8) as (8) and (9), respectively, struck them out, and added new pars. (8) and (9). Prior to amendment, pars. (8) and (9), as redesignated, read as follows:

“(8) An assessment of whether additional enrichment of uranium will be required to meet national security requirements and an estimate of the time for production operations and the cost for each type of enrichment being considered.

“(9) A description of changes in policy that would mitigate any shortfall in obtaining unencumbered uranium to meet national security requirements and the implications of those changes.”

Subsecs. (d), (e). Pub. L. 117-263, §3112(c), added subsec. (d) and redesignated former subsec. (d) as (e).

2017—Subsec. (a). Pub. L. 115-91 substituted “Not later than December 31 of each even-numbered year through 2026” for “Concurrent with the submission to Congress of the budget of the President under section 1105(a) of title 31, in each even-numbered year beginning in 2016 and ending in 2026”.

Statutory Notes and Related Subsidiaries

PLAN FOR DOMESTIC ENRICHMENT CAPABILITY TO SATISFY DEPARTMENT OF DEFENSE URANIUM REQUIREMENTS

Pub. L. 118-31, div. C, title XXXI, §3133, Dec. 22, 2023, 137 Stat. 804, provided that:

“(a) REPORT.—Not later than 120 days after the date of the enactment of this Act [Dec. 22, 2023], the Administrator of the National Nuclear Security Administration shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report that contains a plan to establish a domestic enrichment capability sufficient to meet defense requirements for enriched uranium. Such plan shall include—

“(1) a description of defense requirements for enriched uranium expected to be necessary between the date of the enactment of this Act and 2060 to meet the requirements of the Department of Defense, including quantities, material assay, and the dates by which new enrichment is required;

“(2) key milestones, steps, and policy decisions required to achieve the domestic uranium enrichment capability;

“(3) the dates by which such key milestones are to be achieved;

“(4) a funding profile, broken down by project and sub-project, for obtaining such capability;

“(5) a description of any changes in the requirement of the Department of Defense for highly enriched uranium due to AUKUS; and

“(6) any other elements or information the Administrator determines appropriate.

“(b) ANNUAL CERTIFICATION REQUIREMENT.—

“(1) IN GENERAL.—Not later than February 1 of each year after the year during which the report required by subsection (a) is submitted until the date specified in paragraph (2), the Administrator shall submit to the congressional defense committees a certification that—

“(A) the Administration is in compliance with the plan and milestones contained in the report; or

“(B) the Administration is not in compliance with such plan or milestones, together with—

“(i) a description of the nature of the non-compliance;

“(ii) the reasons for the non-compliance; and

“(iii) a plan to achieve compliance.

“(2) TERMINATION DATE.—No report shall be required under paragraph (1) after the date on which

the Administrator certifies to the congressional defense committees that the final key milestone under the plan has been met.

“(c) FORM OF REPORTS.—The report under subsection (a) and each annual certification under subsection (b) shall be submitted in unclassified form, but may include a classified annex.”

§ 2538d. Incorporation of integrated surety architecture

(a) Shipments

(1) The Administrator shall ensure that shipments described in paragraph (2) incorporate surety technologies relating to transportation and shipping developed by the Integrated Surety Architecture program of the Administration.

(2) A shipment described in this paragraph is an over-the-road shipment of the Administration that involves any nuclear weapon planned to be in the active stockpile after 2025.

(b) Certain programs

(1) The Administrator, in coordination with the Chairman of the Nuclear Weapons Council, shall ensure that each program described in paragraph (2) incorporates integrated designs compatible with the Integrated Surety Architecture program.

(2) A program described in this subsection is a program of the Administration that is a warhead development program, a life extension program, or a warhead major alteration program.

(c) Determination

(1) If, on a case-by-case basis, the Administrator determines that a shipment under subsection (a) will not incorporate some or all of the surety technologies described in such subsection, or that a program under subsection (b) will not incorporate some or all of the integrated designs described in such subsection, the Administrator shall submit such determination to the congressional defense committees, including the results of an analysis conducted pursuant to paragraph (2).

(2) Each determination made under paragraph (1) shall be based on a documented, system risk analysis that considers security risk reduction, operational impacts, and technical risk.

(d) Termination

The requirements of subsections (a) and (b) shall terminate on December 31, 2029.

(Pub. L. 107-314, div. D, title XLII, §4222, as added Pub. L. 115-91, div. C, title XXXI, §3112(a), Dec. 12, 2017, 131 Stat. 1883.)

§ 2538e. W93 nuclear warhead acquisition process

(a) Reporting requirements

(1) Phase 1

Upon receiving a concept definition study under phase 1 of the joint nuclear weapons life cycle for the W93 nuclear weapon, the Nuclear Weapons Council shall submit to the congressional defense committees a report that includes the following:

(A) A description of the potential military characteristics of the weapon.

(B) A description of the stockpile-to-target sequence requirements of the weapon.