

1 **SEC. 3105. ENERGY SECURITY AND ASSURANCE.**

2 *Funds are hereby authorized to be appropriated to the*
3 *Department of Energy for fiscal year 2010 for energy secu-*
4 *rity and assurance programs necessary for national secu-*
5 *rity in the amount of \$6,188,000.*

6 **Subtitle B—Program Authoriza-**
7 **tions, Restrictions, and Limita-**
8 **tions**

9 **SEC. 3111. STOCKPILE STEWARDSHIP PROGRAM.**

10 *(a) IN GENERAL.—Subsection (a) of section 4201 of*
11 *the Atomic Energy Defense Act (division D of Public Law*
12 *107–314; 50 U.S.C. 2521) is amended to read as follows:*

13 *“(a) ESTABLISHMENT.—The Secretary of Energy, act-*
14 *ing through the Administrator for Nuclear Security, shall*
15 *establish a stewardship program to ensure—*

16 *“(1) the preservation of the core intellectual and*
17 *technical competencies of the United States in nuclear*
18 *weapons, including weapons design, system integra-*
19 *tion, manufacturing, security, use control, reliability*
20 *assessment, and certification; and*

21 *“(2) that the nuclear weapons stockpile is safe,*
22 *secure, and reliable without the use of underground*
23 *nuclear weapons testing.”.*

24 *(b) ELEMENTS.—Subsection (b) of such section is*
25 *amended—*

1 (1) *in paragraph (1), by inserting “and performance over time” after “detonation”; and*

2
3 (2) *by adding at the end the following new paragraphs:*

4
5 “(4) *Material support for the use of, and experiments facilitated by, the advanced experimental facilities of the United States, including—*

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8 “(A) *the National Ignition Facility at Lawrence Livermore National Laboratory;*

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10 “(B) *the Dual Axis Radiographic Hydrodynamic Test Facility at Los Alamos National Laboratory; and*

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12
13 “(C) *the Z Machine at Sandia National Laboratories.*

14
15 “(5) *Material support for the sustainment and modernization of facilities with production and manufacturing capabilities that are necessary to ensure the safety, security, and reliability of the nuclear weapons stockpile, including—*

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17
18 “(A) *the Pantex Plant;*

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20 “(B) *the Y-12 National Security Complex;*

21
22 “(C) *the Kansas City Plant; and*

23 “(D) *the Savannah River Site.”.*

1 (c) *PRIOR AUTHORIZATION OF APPROPRIATIONS FOR*
2 *FISCAL YEAR 1994.—Such section is further amended by*
3 *striking subsection (c).*

4 **SEC. 3112. STOCKPILE MANAGEMENT PROGRAM.**

5 (a) *IN GENERAL.—The Atomic Energy Defense Act*
6 *(division D of Public Law 107-314; 50 U.S.C. 2501 et seq.)*
7 *is amended—*

8 (1) *by repealing section 4204A (50 U.S.C.*
9 *2524a); and*

10 (2) *by amending section 4204 (50 U.S.C. 2524)*
11 *to read as follows:*

12 **“SEC. 4204. STOCKPILE MANAGEMENT PROGRAM.**

13 “(a) *PROGRAM REQUIRED.—The Secretary of Energy,*
14 *acting through the Administrator for Nuclear Security and*
15 *in consultation with the Secretary of Defense, shall carry*
16 *out a program, to be known as the stockpile management*
17 *program, to provide for the effective management of the*
18 *weapons in the nuclear weapons stockpile (including any*
19 *weapon proposed to be added to the stockpile). The program*
20 *shall have the following objectives:*

21 “(1) *To increase the reliability, safety, and secu-*
22 *rity of the nuclear weapons stockpile of the United*
23 *States.*

24 “(2) *To further reduce the likelihood of the re-*
25 *sumption of underground nuclear weapons testing.*

1 “(3) *To achieve reductions in the future size of*
2 *the nuclear weapons stockpile.*

3 “(4) *To reduce the risk of an accidental detona-*
4 *tion of an element of the stockpile.*

5 “(5) *To reduce the risk of an element of the*
6 *stockpile being used by a person or entity hostile to*
7 *the United States, its vital interests, or its allies.*

8 “(b) *PROGRAM BUDGET.—For each budget submitted*
9 *by the President to Congress under section 1105 of title 31,*
10 *United States Code, the amounts requested for the program*
11 *shall be clearly identified in the budget justification mate-*
12 *rials submitted to Congress in support of that budget.*

13 “(c) *PROGRAM LIMITATIONS.—In carrying out the*
14 *stockpile management program under subsection (a), the*
15 *Secretary shall ensure that—*

16 “(1) *any changes made to the stockpile shall be*
17 *made to achieve the objectives identified in subsection*
18 *(a); and*

19 “(2) *any such changes made to the stockpile*
20 *shall—*

21 “(A) *remain consistent with basic design*
22 *parameters by including, to the maximum extent*
23 *feasible, components that are well understood or*
24 *are certifiable without the need to resume under-*
25 *ground nuclear weapons testing; and*

1 “(B) use the design, certification, and pro-
2 duction expertise resident in the nuclear complex
3 to fulfill current mission requirements of the ex-
4 isting stockpile.”.

5 (b) *CLERICAL AMENDMENT.*—The table of contents in
6 section 4001(b) of such Act (division D of Public Law 107-
7 314; 50 U.S.C. 2501 note) is amended by striking the items
8 relating to sections 4204 and 4204A and inserting the fol-
9 lowing new item:

 “Sec. 4204. Stockpile management program.”.

10 **SEC. 3113. PLAN FOR EXECUTION OF STOCKPILE STEWARD-**
11 **SHIP AND STOCKPILE MANAGEMENT PRO-**
12 **GRAMS.**

13 (a) *PLAN.*—Section 4203 of the Atomic Energy Defense
14 Act (division D of Public Law 107–314; 50 U.S.C. 2523)
15 is amended to read as follows:

16 **“SEC. 4203. PLAN FOR EXECUTION OF STOCKPILE STEW-**
17 **ARDSHIP AND STOCKPILE MANAGEMENT**
18 **PROGRAMS.**

19 “(a) *PLAN REQUIREMENT.*—The Secretary of Energy,
20 acting through the Administrator for Nuclear Security,
21 shall develop and annually update a plan for maintaining
22 the nuclear weapons stockpile. The plan shall cover, at a
23 minimum, stockpile stewardship, stockpile management,
24 and program direction and shall be consistent with the pro-

1 *grammatic and technical requirements of the most recent*
2 *annual Nuclear Weapons Stockpile Memorandum.*

3 “(b) *PLAN ELEMENTS.—The plan and each update of*
4 *the plan shall set forth the following:*

5 “(1) *The number of warheads (including active*
6 *and inactive warheads) for each warhead type in the*
7 *nuclear weapons stockpile.*

8 “(2) *The current age of each warhead type, and*
9 *any plans for stockpile lifetime extensions and modi-*
10 *fications or replacement of each warhead type.*

11 “(3) *The process by which the Secretary of En-*
12 *ergy is assessing the lifetime and requirements for*
13 *maintenance of the nuclear and nonnuclear compo-*
14 *nents of the warheads (including active and inactive*
15 *warheads) in the nuclear weapons stockpile.*

16 “(4) *The process used in recertifying the safety,*
17 *security, and reliability of each warhead type in the*
18 *nuclear weapons stockpile without the use of nuclear*
19 *testing.*

20 “(5) *Any concerns which would affect the ability*
21 *of the Secretary of Energy to recertify the safety, secu-*
22 *rity, or reliability of warheads in the nuclear weap-*
23 *ons stockpile (including active and inactive war-*
24 *heads).*

1 “(c) *ASSESSMENT.*—*In addition to the elements de-*
2 *scribed under subsection (b), the plan and each update of*
3 *the plan shall include a joint assessment of the stockpile*
4 *stewardship program by the heads of the national security*
5 *laboratories. Each assessment shall set forth the following:*

6 “(1) *An identification and description of—*

7 “(A) *any key technical challenges to the*
8 *program; and*

9 “(B) *the strategies to address such chal-*
10 *lenges without the use of nuclear testing.*

11 “(2) *A strategy for using the science-based tools*
12 *(including advanced simulation and computing capa-*
13 *bilities) of each national security laboratory to ensure*
14 *that the nuclear weapons stockpile is safe, secure, and*
15 *reliable without the use of nuclear testing.*

16 “(3) *An assessment of the science-based tools (in-*
17 *cluding advanced simulation and computing capa-*
18 *bilities) of each national security laboratory that exist*
19 *at the time of the plan compared with the science-*
20 *based tools expected to exist during the period covered*
21 *by the future-years nuclear security program.*

22 “(4) *Clear and specific criteria for judging*
23 *whether the science-based tools being used by the De-*
24 *partment of Energy for determining the safety and*
25 *reliability of the nuclear weapons stockpile are per-*

1 *forming in a manner that will provide an adequate*
2 *degree of certainty that the stockpile is safe and reli-*
3 *able.*

4 “(5) *An assessment of the core scientific and*
5 *technical competencies required to achieve the objec-*
6 *tives of the stockpile stewardship program and other*
7 *weapons and weapons-related activities of the Depart-*
8 *ment of Energy, including—*

9 “(A) *the number of scientists, engineers,*
10 *and technicians, by discipline, required to main-*
11 *tain such competencies; and*

12 “(B) *a description of any shortage of such*
13 *individuals that exists at the time of the plan*
14 *compared with any shortage expected to exist*
15 *during the period covered by the future-years nu-*
16 *clear security program.*

17 “(d) *REPORTS TO CONGRESS.—Not later than Feb-*
18 *ruary 1 of each year, beginning with February 1, 2010,*
19 *the Secretary of Energy shall submit to the congressional*
20 *defense committees a report describing the plan required by*
21 *subsection (a).*

22 “(e) *DEFINITIONS.—In this section:*

23 “(1) *The term ‘future-years nuclear security pro-*
24 *gram’ means the program required by section 3253 of*

1 *the National Nuclear Security Administration Act*
2 *(50 U.S.C. 2453).*

3 “(2) *The term ‘national security laboratory’ has*
4 *the meaning given such term in section 3281 of the*
5 *National Nuclear Security Administration Act (50*
6 *U.S.C. 2471).*

7 “(3) *The term ‘weapons activities’ means each*
8 *activity within the budget category of weapons activi-*
9 *ties in the budget of the National Nuclear Security*
10 *Administration.*

11 “(4) *The term ‘weapons–related activities’ means*
12 *each activity under the Department of Energy that*
13 *involves nuclear weapons, nuclear weapons tech-*
14 *nology, or fissile or radioactive materials, including*
15 *activities related to—*

16 “(A) *nuclear non-proliferation;*

17 “(B) *nuclear forensics;*

18 “(C) *nuclear intelligence;*

19 “(D) *nuclear safety; and*

20 “(E) *nuclear incident response.”*

21 (b) *CLERICAL AMENDMENT.—The item relating to sec-*
22 *tion 4203 in the table of contents for such Act is amended*
23 *to read as follows:*

“Sec. 4203. Plan for execution of stockpile stewardship and stockpile management programs.”

1 (c) *CONFORMING REPEAL.*—Section 4202 of the Atom-
2 *ic Energy Defense Act (division D of Public Law 107–314;*
3 *50 U.S.C. 2522) is repealed.*

4 **SEC. 3114. DUAL VALIDATION OF ANNUAL WEAPONS AS-**
5 **SESSMENT AND CERTIFICATION.**

6 (a) *DUAL VALIDATION.*—

7 (1) *IN GENERAL.*—Section 4205 of the Atomic
8 *Energy Defense Act (division D of Public Law 107–*
9 *314; 50 U.S.C. 2525) is amended—*

10 (A) *by redesignating subsections (c) through*
11 *(h) as subsections (d) through (i), respectively;*
12 *and*

13 (B) *by inserting after subsection (b) the fol-*
14 *lowing new subsection (c):*

15 “(c) *DUAL VALIDATION TEAMS IN SUPPORT OF AS-*
16 *SESSMENTS.*—*In support of the assessments required by*
17 *subsection (a), the Administrator for Nuclear Security shall*
18 *establish teams, known as ‘dual validation teams’, to pro-*
19 *vide Lawrence Livermore National Laboratory and Los Al-*
20 *amos National Laboratory with independent evaluations of*
21 *the condition of each warhead for which such laboratory*
22 *has lead responsibility. Each such team shall—*

23 “(1) *be comprised of weapons experts from the*
24 *laboratory that does not have lead responsibility for*
25 *fielding the warhead being evaluated;*

1 “(2) have access to all surveillance and under-
2 ground test data for all stockpile systems for use in
3 the independent evaluations;

4 “(3) use all relevant available data to conduct
5 independent calculations; and

6 “(4) pursue independent experiments to support
7 the independent evaluations.”.

8 (2) *PLAN*.—Not later than March 1, 2010, the
9 Administrator for Nuclear Security shall submit to
10 the congressional defense committees a plan (includ-
11 ing a schedule) to carry out subsection (c) of section
12 4205 of such Act, as added by paragraph (1) of this
13 subsection.

14 (b) *RED TEAM REVIEWS*.—Subsection (d)(1) of such
15 section, as redesignated by subsection (a)(1)(A) of this sec-
16 tion, is amended—

17 (1) by inserting “both” after “review”; and

18 (2) by inserting after “that laboratory” the fol-
19 lowing: “and the independent evaluations conducted
20 by a dual validation team under subsection (c)”.

21 (c) *SUMMARY*.—Subsection (e)(3) of such section, as re-
22 designated by subsection (a)(1)(A) of this section, is amend-
23 ed—

24 (1) in subparagraph (B), by striking “and” at
25 the end;

1 (2) *in subparagraph (C), by striking the period*
2 *and inserting “; and”; and*

3 (3) *by adding at the end the following new sub-*
4 *paragraph:*

5 “(D) *a concise summary of the results of*
6 *any independent evaluation conducted by a dual*
7 *validation team under subsection (c).”.*

8 (d) *CONFORMING AMENDMENTS.—Such section is fur-*
9 *ther amended—*

10 (1) *in paragraph (3)(C) of subsection (e), as re-*
11 *designated by subsection (a)(1)(A) of this section, by*
12 *striking “subsection (c)” and inserting “subsection*
13 *(d)”;*

14 (2) *in paragraph (1)(A) of subsection (f), as re-*
15 *designated by subsection (a)(1)(A) of this section, by*
16 *striking “subsection (d)” and inserting “subsection*
17 *(e)”;*

18 (3) *in subsection (g), as redesignated by sub-*
19 *section (a)(1)(A) of this section, by striking “sub-*
20 *section (e)” and inserting “subsection (f)”;* and

21 (4) *in subsection (i), as redesignated by sub-*
22 *section (a)(1)(A) of this section—*

23 (A) *in paragraph (1), by striking “sub-*
24 *section (d)” and inserting “subsection (e)”;* and

1 (B) in paragraph (2), by striking “sub-
2 section (e)” and inserting “subsection (f)”.

3 **SEC. 3115. ANNUAL LONG-TERM PLAN FOR THE MOD-**
4 **ERNIZATION AND REFURBISHMENT OF THE**
5 **NUCLEAR SECURITY COMPLEX.**

6 (a) *POLICY.*—It is the policy of the United States that
7 sustainment, modernization, and refurbishment of the nu-
8 clear security complex is mandatory for maintaining the
9 future viability of the United States nuclear deterrent and
10 a prerequisite for any reductions to the nuclear weapons
11 stockpile of the United States.

12 (b) *GENERAL REQUIREMENT.*—Subtitle D of the Na-
13 tional Nuclear Security Administration Act (50 U.S.C.
14 2451 et seq.) is amended by adding at the end the following
15 new section:

16 **“SEC. 3255. BUDGETING FOR MODERNIZATION AND REFUR-**
17 **BISHMENT OF THE NUCLEAR SECURITY COM-**
18 **PLEX: ANNUAL PLAN AND CERTIFICATION.**

19 “(a) *ANNUAL NUCLEAR SECURITY COMPLEX MOD-*
20 *ERNIZATION AND REFURBISHMENT PLAN AND CERTIFI-*
21 *CATION.*—The Administrator for Nuclear Security shall in-
22 clude with the nuclear security budget materials for each
23 fiscal year—

1 “(1) a plan for the modernization and refurbish-
2 ment of the nuclear security complex developed in ac-
3 cordance with this section; and

4 “(2) a certification by the Administrator that
5 both the budget for that fiscal year and the future-
6 years nuclear security program submitted to Congress
7 in relation to such budget under section 3253 provide
8 for funding of the nuclear security complex at a level
9 that is sufficient for the modernization and refurbish-
10 ment of the nuclear security complex provided for in
11 the plan under paragraph (1) on the schedule pro-
12 vided in the plan.

13 “(b) ANNUAL NUCLEAR SECURITY COMPLEX MOD-
14 ERNIZATION AND REFURBISHMENT PLAN.—(1) The annual
15 nuclear security complex modernization and refurbishment
16 plan developed for a fiscal year for purposes of subsection
17 (a)(1) should be designed so that the nuclear security com-
18 plex provided for under that plan is capable of sup-
19 porting—

20 “(A) the National Security Strategy of the
21 United States as set forth in the most recent na-
22 tional security strategy report of the President
23 under section 108 of the National Security Act
24 of 1947 (50 U.S.C. 404a), except that, if at the
25 time such plan is submitted with the nuclear se-

1 *curity budget materials for that fiscal year, a*
2 *national security strategy report required under*
3 *such section 108 has not been submitted to Con-*
4 *gress as required by paragraph (2) or paragraph*
5 *(3), if applicable, of subsection (a) of such sec-*
6 *tion, then such annual plan should be designed*
7 *so that the nuclear security complex moderniza-*
8 *tion and refurbishment provided for under that*
9 *plan is capable of supporting the nuclear secu-*
10 *urity complex recommended in the report of the*
11 *most recent Quadrennial Defense Review; and*

12 “(B) *the nuclear posture of the United*
13 *States as set forth in the most recent Nuclear*
14 *Posture Review.*

15 “(2) *Each such nuclear security complex mod-*
16 *ernization and refurbishment plan shall include the*
17 *following:*

18 “(A) *A detailed program with schedule and*
19 *associated funding for the modernization and re-*
20 *furbishment of the nuclear security complex for*
21 *the National Nuclear Security Administration*
22 *over the next 30 fiscal years.*

23 “(B) *A description of the necessary mod-*
24 *ernization and refurbishment measures to meet*
25 *the requirements of the national security strategy*

1 *of the United States or the most recent Quadren-*
2 *ennial Defense Review, whichever is applicable*
3 *under paragraph (1), and the Nuclear Posture*
4 *Review.*

5 “(C) *The estimated levels of annual funding*
6 *necessary to carry out the program, together with*
7 *a discussion of the implementation strategies on*
8 *which such estimated levels of annual funding*
9 *are based.*

10 “(c) *ASSESSMENT WHEN NUCLEAR SECURITY COM-*
11 *PLEX MODERNIZATION AND REFURBISHMENT BUDGET IS*
12 *INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If*
13 *the budget for a fiscal year provides for funding of the mod-*
14 *ernization and refurbishment of the nuclear security com-*
15 *plex at a level that is not sufficient to sustain the require-*
16 *ments specified in the plan for that fiscal year under sub-*
17 *section (a), the Administrator shall include with the nuclear*
18 *security budget materials for that fiscal year an assessment*
19 *that describes and discusses the risks and implications asso-*
20 *ciated with the ability of the nuclear security complex to*
21 *support the annual certification of the nuclear stockpile of*
22 *the United States and maintain its long-term safety, secu-*
23 *rity, and reliability. Such assessment shall be coordinated*
24 *in advance with the Secretary of Defense and the Com-*
25 *mander of the United States Strategic Command.*

1 “(d) *DEFINITIONS.—In this section:*

2 “(1) *The term ‘nuclear security complex’ means*
3 *the physical facilities, technology, and human capital*
4 *of—*

5 “(A) *the national security laboratories;*

6 “(B) *the Pantex Plant;*

7 “(C) *the Y-12 National Security Complex;*

8 “(D) *the Kansas City Plant;*

9 “(E) *the Savannah River Site; and*

10 “(F) *the Nevada test site.*

11 “(2) *The term ‘budget’ with respect to a fiscal*
12 *year, means the budget for that fiscal year that is*
13 *submitted to Congress by the President under section*
14 *1105(a) of title 31.*

15 “(3) *The term ‘nuclear security budget mate-*
16 *rials’, with respect to a fiscal year, means the mate-*
17 *rials submitted to Congress by the Administrator for*
18 *Nuclear Security in support of the budget for that fis-*
19 *cal year.*

20 “(4) *The term ‘Quadrennial Defense Review’*
21 *means the review of the defense programs and policies*
22 *of the United States that is carried out every four*
23 *years under section 118 of title 10, United States*
24 *Code.’’.*

