

(d) Definitions

In this section:

(1) The term “modified nuclear weapon” means a nuclear weapon that contains a pit or canned subassembly, either of which—

(A) is in the nuclear weapons stockpile as of December 2, 2002; and

(B) is being modified in order to meet a military requirement that is other than the military requirements applicable to such nuclear weapon when first placed in the nuclear weapons stockpile.

(2) The term “new nuclear weapon” means a nuclear weapon that contains a pit or canned subassembly, either of which is neither—

(A) in the nuclear weapons stockpile on December 2, 2002; nor

(B) in production as of that date.

(Pub. L. 107-314, div. D, title XLII, § 4209, formerly div. C, title XXXI, § 3143, Dec. 2, 2002, 116 Stat. 2733; renumbered div. D, title XLII, § 4209, by Pub. L. 108-136, div. C, title XXXI, § 3141(e)(10), Nov. 24, 2003, 117 Stat. 1759; Pub. L. 111-84, div. C, title XXXI, § 3115, Oct. 28, 2009, 123 Stat. 2707.)

CODIFICATION

Section was formerly classified to section 7271d of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2009—Subsec. (c). Pub. L. 111-84, § 3115(1), substituted “necessary to address proliferation concerns.” for “necessary—

“(1) for the nuclear weapons life extension program;

“(2) to modify an existing nuclear weapon solely to address safety or reliability concerns; or

“(3) to address proliferation concerns.”

Subsec. (d). Pub. L. 111-84, § 3115(2), redesignated pars. (2) and (3) as (1) and (2), respectively, and struck out former par. (1), which read as follows: “The term ‘life extension program’ means the program to repair or replace non-nuclear components, or to modify the pit or canned subassembly, of nuclear weapons that are in the nuclear weapons stockpile on December 2, 2002, in order to assure that such nuclear weapons retain the ability to meet the military requirements applicable to such nuclear weapons when first placed in the nuclear weapons stockpile.”

LIMITATION ON DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS

Pub. L. 108-136, div. C, title XXXI, § 3116(c), Nov. 24, 2003, 117 Stat. 1746, provided that: “The Secretary of Energy may not commence the engineering development phase, or any subsequent phase, of a low-yield nuclear weapon unless specifically authorized by Congress.”

§ 2530. Limitation on underground nuclear weapons tests

No underground test of nuclear weapons may be conducted by the United States after September 30, 1996, unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted.

(Pub. L. 107-314, div. D, title XLII, § 4210, formerly Pub. L. 102-377, title V, § 507(f), Oct. 2, 1992, 106 Stat. 1345; renumbered Pub. L. 107-314, div. D, title XLII, § 4210, and amended Pub. L.

108-136, div. C, title XXXI, § 3141(e)(11), Nov. 24, 2003, 117 Stat. 1760.)

CODIFICATION

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

Pub. L. 108-136, div. C, title XXXI, § 3141(e)(11), Nov. 24, 2003, 117 Stat. 1760, which directed the transfer to this section of section 507(f) of the Energy and Water Development Appropriations Act, 1993, “(Public Law 102-337; 106 Stat. 1345)”, was executed by transferring section 507(f) of Pub. L. 102-377 to this section, to reflect the probable intent of Congress.

AMENDMENTS

2003—Pub. L. 108-136, § 3141(e)(11)(C)(i), inserted section catchline.

§ 2531. Testing of nuclear weapons**(a) In general**

Of the funds authorized to be appropriated under section 3101(a)(2) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) for the Department of Energy for fiscal year 1994 for weapons testing, \$211,326,000 shall be available for infrastructure maintenance at the Nevada Test Site, and for maintaining the technical capability to resume underground nuclear testing at the Nevada Test Site.

(b) Atmospheric testing of nuclear weapons

None of the funds appropriated pursuant to the National Defense Authorization Act for Fiscal Year 1994 or any other Act for any fiscal year may be available to maintain the capability of the United States to conduct atmospheric testing of a nuclear weapon.

(Pub. L. 107-314, div. D, title XLII, § 4211, formerly Pub. L. 103-160, div. C, title XXXI, § 3137, Nov. 30, 1993, 107 Stat. 1946; renumbered Pub. L. 107-314, div. D, title XLII, § 4211, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(e)(12), Nov. 24, 2003, 117 Stat. 1760.)

REFERENCES IN TEXT

The National Defense Authorization Act for Fiscal Year 1994, referred to in text, is Pub. L. 103-160, Nov. 30, 1993, 107 Stat. 1547. Section 3101(a)(2) of the Act, 107 Stat. 1936, is not classified to the Code. For complete classification of this Act to the Code, see Tables.

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

2003—Subsec. (a). Pub. L. 108-136, § 3141(e)(12)(D)(i), inserted “of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160)” after “section 3101(a)(2)”.

Subsec. (b). Pub. L. 108-136, § 3141(e)(12)(D)(ii), substituted “the National Defense Authorization Act for Fiscal Year 1994” for “this Act”.

§ 2532. Manufacturing infrastructure for refabrication and certification of nuclear weapons stockpile**(a) Manufacturing program**

(1) The Secretary of Energy shall carry out a program for purposes of establishing within the