

**(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

Government a manufacturing infrastructure that has the capabilities of meeting the following objectives as specified in the Nuclear Posture Review:

(A) To provide a stockpile surveillance engineering base.

(B) To refabricate and certify weapon components and types in the enduring nuclear weapons stockpile, as necessary.

(C) To fabricate and certify new nuclear warheads, as necessary.

(D) To support nuclear weapons.

(E) To supply sufficient tritium in support of nuclear weapons to ensure an upload hedge in the event circumstances require.

(2) The purpose of the program carried out under paragraph (1) shall also be to develop manufacturing capabilities and capacities necessary to meet the requirements specified in the annual Nuclear Weapons Stockpile Review.

**(b) Required capabilities**

The manufacturing infrastructure established under the program under subsection (a) shall include the following capabilities (modernized to attain the objectives referred to in that subsection):

(1) The weapons assembly capabilities of the Pantex Plant.

(2) The weapon secondary fabrication capabilities of the Y-12 Plant, Oak Ridge, Tennessee.

(3) The capabilities of the Savannah River Site relating to tritium recycling and fissile materials components processing and fabrication.

(4) The non-nuclear component capabilities of the Kansas City Plant.

**(c) Nuclear Posture Review**

For purposes of subsection (a), the term “Nuclear Posture Review” means the Department of Defense Nuclear Posture Review as contained in the Report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or subsequent such reports.

**(d) Funding**

Of the funds authorized to be appropriated under section 3101(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106), \$143,000,000 shall be available for carrying out the program required under this section, of which—

(1) \$35,000,000 shall be available for activities at the Pantex Plant;

(2) \$30,000,000 shall be available for activities at the Y-12 Plant, Oak Ridge, Tennessee;

(3) \$35,000,000 shall be available for activities at the Savannah River Site; and

(4) \$43,000,000 shall be available for activities at the Kansas City Plant.

**(e) Plan and report**

The Secretary shall develop a plan for the implementation of this section. Not later than March 1, 1996, the Secretary shall submit to Congress a report on the obligations the Secretary has incurred, and plans to incur, during fiscal year 1996 for the program referred to in subsection (a).

(Pub. L. 107-314, div. D, title XLII, §4212, formerly Pub. L. 104-106, div. C, title XXXI, §3137,

Feb. 10, 1996, 110 Stat. 620; Pub. L. 104-201, div. C, title XXXI, §3132(a), (b), Sept. 23, 1996, 110 Stat. 2829; renumbered Pub. L. 107-314, div. D, title XLII, §4212, and amended Pub. L. 108-136, div. C, title XXXI, §3141(e)(13), Nov. 24, 2003, 117 Stat. 1760.)

REFERENCES IN TEXT

Section 3101(b) of the National Defense Authorization Act for Fiscal Year 1996, referred to in subsec. (d), is section 3101(b) of Pub. L. 104-106, div. C, title XXXI, Feb. 10, 1996, 110 Stat. 609, which is not classified to the Code.

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. (d). Pub. L. 108-136, §3141(e)(13)(D), inserted “of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106)” after “section 3101(b)”.

1996—Subsec. (a). Pub. L. 104-201, §3132(a), designated existing provisions as par. (1), redesignated former pars. (1) to (5) as subpars. (A) to (E), respectively, and added par. (2).

Subsec. (b)(3). Pub. L. 104-201, §3132(b), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “The tritium production, recycling, and other weapons-related capabilities of the Savannah River Site.”

**§ 2533. Reports on critical difficulties at nuclear weapons laboratories and nuclear weapons production plants**

**(a) Reports by heads of laboratories and plants**

In the event of a difficulty at a nuclear weapons laboratory or a nuclear weapons production plant that has a significant bearing on confidence in the safety or reliability of a nuclear weapon or nuclear weapon type, the head of the laboratory or plant, as the case may be, shall submit to the Assistant Secretary of Energy for Defense Programs a report on the difficulty. The head of the laboratory or plant shall submit the report as soon as practicable after discovery of the difficulty.

**(b) Transmittal by Assistant Secretary**

Not later than 10 days after receipt of a report under subsection (a), the Assistant Secretary shall transmit the report (together with the comments of the Assistant Secretary) 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 certification**

Any report submitted pursuant to subsection (a) shall also be 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 for the year in which such report is submitted.

**(e) Definitions**

In this section:

(1) The term “nuclear weapons laboratory” means the following: