

(4) Any official of the Office of Management and Budget.

(Pub. L. 107-314, div. D, title XLII, § 4218, formerly Pub. L. 105-85, div. A, title XIII, § 1305, Nov. 18, 1997, 111 Stat. 1952, renumbered Pub. L. 107-314, div. D, title XLII, § 4218, and amended Pub. L. 112-239, div. C, title XXXI, § 3164(a), (b), Jan. 2, 2013, 126 Stat. 2206.)

#### REFERENCES IN TEXT

Section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377), referred to in subsec. (a)(3), which is set out as a note under section 2121 of Title 42, The Public Health and Welfare, was amended by Pub. L. 108-136, div. C, title XXXI, § 3141(e)(11), Nov. 24, 2003, 117 Stat. 1760, and no longer contains the words “unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted”. Those words were transferred to section 2530 of this title.

Section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), referred to in subsec. (a)(4), was set out as a note under section 2121 of Title 42, The Public Health and Welfare, and was renumbered section 4207 of Pub. L. 107-314, the Bob Stump National Defense Authorization Act for Fiscal Year 2003, by Pub. L. 108-136, div. C, title XXXI, § 3141(e)(8)(A)–(C), Nov. 24, 2003, 117 Stat. 1759, which is classified to section 2527 of this title.

Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), referred to in subsec. (a)(5) and (7), was amended by Pub. L. 105-85, div. C, title XXXI, § 3152(e)(1), Nov. 18, 1997, 111 Stat. 2042, to strike out subsec. (d) and subsequently renumbered section 4201 of Pub. L. 107-314, the Bob Stump National Defense Authorization Act for Fiscal Year 2003, by Pub. L. 108-136, div. C, title XXXI, § 3141(e)(2), Nov. 24, 2003, 117 Stat. 1758, which is classified to section 2521 of this title.

Section 3159 of the National Defense Authorization Act for Fiscal Year 1997, referred to in subsecs. (a)(9) and (e), was classified to section 7274o of Title 42, The Public Health and Welfare, and was renumbered section 4213 of Pub. L. 107-314, the Bob Stump National Defense Authorization Act for Fiscal Year 2003, by Pub. L. 108-136, div. C, title XXXI, § 3141(e)(14), Nov. 24, 2003, 117 Stat. 1760, which is classified to section 2533 of this title.

#### CODIFICATION

Section is comprised of section 4218 of Pub. L. 107-314. Subsecs. (c) and (d) of section 4218 of Pub. L. 107-314 amended section 2533 of this title.

Section was formerly classified to section 7274p of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 112-239.

#### AMENDMENTS

2013—Subsec. (a)(9). Pub. L. 112-239, § 3164(b)(1), (3), substituted “national security laboratories” for “nuclear weapons laboratories” and “nuclear weapons production facilities” for “nuclear weapons production plants”.

Subsec. (a)(11). Pub. L. 112-239, § 3164(b)(1), substituted “national security laboratories” for “nuclear weapons laboratories”.

Subsec. (b)(2). Pub. L. 112-239, § 3164(b)(1), (3), substituted “national security laboratories” for “nuclear weapons laboratories” and “nuclear weapons production facilities” for “nuclear weapons production plants”.

Subsec. (e). Pub. L. 112-239, § 3164(b)(2), (4), substituted “national security laboratory” for “nuclear weapons laboratory” and “nuclear weapons production facility” for “nuclear weapons production plant”.

Subsec. (f). Pub. L. 112-239, § 3164(a)(4), amended subsec. (f) generally. Prior to amendment, text read as follows: “A representative of the President may not take

any action against, or otherwise constrain, a director of a nuclear weapons laboratory or a nuclear weapons production plant, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command for presenting individual views to the President, the National Security Council, or Congress regarding the safety, security, effectiveness, and reliability of the nuclear weapons stockpile.”

Subsec. (g). Pub. L. 112-239, § 3164(b)(5), amended subsec. (g) generally. Prior to amendment, subsec. (g) set out definitions.

#### 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 plants 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.

#### PART B—TRITIUM

### § 2541. Tritium production program

#### (a) Establishment of program

The Secretary of Energy shall establish a tritium production program that is capable of meeting the tritium requirements of the United States for nuclear weapons.

#### (b) Location of tritium production facility

The Secretary shall locate any new tritium production facility of the Department of Energy at the Savannah River Site, South Carolina.

(Pub. L. 107-314, div. D, title XLII, § 4231, formerly Pub. L. 104-106, div. C, title XXXI, § 3133, Feb. 10, 1996, 110 Stat. 618; renumbered Pub. L. 107-314, div. D, title XLII, § 4231, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(e)(16), Nov. 24, 2003, 117 Stat. 1761; Pub. L. 112-239, div. C, title XXXI, § 3131(h), Jan. 2, 2013, 126 Stat. 2182.)

#### 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

2013—Pub. L. 112-239 amended section generally. Prior to amendment, section related to tritium production program.

2003—Subsec. (a)(1). Pub. L. 108-136, § 3141(e)(16)(D)(i), substituted “February 10, 1996” for “the date of the enactment of this Act”.

Subsec. (b). Pub. L. 108-136, § 3141(e)(16)(D)(ii), inserted “of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106)” after “section 3101”.

Subsecs. (d)(2)(B), (e). Pub. L. 108-136, § 3141(e)(16)(D)(i), substituted “February 10, 1996” for “the date of the enactment of this Act”.

**§ 2542. Tritium recycling****(a) In general**

Except as provided in subsection (b), the following activities shall be carried out at the Savannah River Site, South Carolina:

- (1) All tritium recycling for weapons, including tritium refitting.
- (2) All activities regarding tritium formerly carried out at the Mound Plant, Ohio.

**(b) Exception**

The following activities may be carried out at the Los Alamos National Laboratory, New Mexico:

- (1) Research on tritium.
- (2) Work on tritium in support of the defense inertial confinement fusion program.
- (3) Provision of technical assistance to the Savannah River Site regarding the weapons surveillance program.

(Pub. L. 107-314, div. D, title XLII, § 4232, formerly Pub. L. 104-106, div. C, title XXXI, § 3136, Feb. 10, 1996, 110 Stat. 620; renumbered Pub. L. 107-314, div. D, title XLII, § 4232, by Pub. L. 108-136, div. C, title XXXI, § 3141(e)(17), Nov. 24, 2003, 117 Stat. 1761.)

**§ 2543. Tritium production****(a) New tritium production facility**

The Secretary of Energy shall commence planning and design activities and infrastructure development for a new tritium production facility.

**(b) In-reactor tests**

The Secretary may perform in-reactor tests of tritium target rods as part of the activities carried out under the commercial light water reactor program.

(Pub. L. 107-314, div. D, title XLII, § 4233, formerly Pub. L. 104-201, div. C, title XXXI, § 3133(c), (d), Sept. 23, 1996, 110 Stat. 2830; renumbered Pub. L. 107-314, div. D, title XLII, § 4233, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(e)(18), Nov. 24, 2003, 117 Stat. 1761.)

## AMENDMENTS

2003—Pub. L. 108-136, § 3141(e)(18)(C)(i), (ii), inserted section catchline and redesignated subsecs. (c) and (d) of section 3133 of Pub. L. 104-201, which were transferred to this section, as subsecs. (a) and (b), respectively, of this section.

Subsec. (a). Pub. L. 108-136, § 3141(e)(18)(C)(iii), inserted “of Energy” after “The Secretary”.

**§ 2544. Modernization and consolidation of tritium recycling facilities**

The Secretary of Energy shall carry out activities at the Savannah River Site, South Carolina, to—

- (1) modernize and consolidate the facilities for recycling tritium from weapons; and
- (2) provide a modern tritium extraction facility so as to ensure that such facilities have a capacity to recycle tritium from weapons that is adequate to meet the requirements for tritium for weapons specified in the Nuclear Weapons Stockpile Memorandum.

(Pub. L. 107-314, div. D, title XLII, § 4234, formerly Pub. L. 104-201, div. C, title XXXI, § 3134,

Sept. 23, 1996, 110 Stat. 2830; renumbered Pub. L. 107-314, div. D, title XLII, § 4234, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(e)(19), Nov. 24, 2003, 117 Stat. 1762; Pub. L. 112-239, div. C, title XXXI, § 3131(i), Jan. 2, 2013, 126 Stat. 2182.)

## AMENDMENTS

2013—Pub. L. 112-239 struck out subsec. (a) designation and heading “In general” and struck out subsec. (b), which limited funding to \$9,000,000 for activities under subsec. (a).

2003—Subsec. (b). Pub. L. 108-136, § 3141(e)(19)(D), inserted “of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201)” after “section 3101”.

**§ 2545. Procedures for meeting tritium production requirements****(a) Production of new tritium**

The Secretary of Energy shall produce new tritium to meet the requirements of the Nuclear Weapons Stockpile Memorandum at the Tennessee Valley Authority Watts Bar or Sequoyah nuclear power plants consistent with the Secretary's December 22, 1998, decision document designating the Secretary's preferred tritium production technology.

**(b) Support**

To support the method of tritium production set forth in subsection (a), the Secretary shall design and construct a new tritium extraction facility in the H-Area of the Savannah River Site, Aiken, South Carolina.

**(c) Design and engineering development**

The Secretary shall—

(1) complete preliminary design and engineering development of the Accelerator Production of Tritium technology design as a backup source of tritium to the source set forth in subsection (a) and consistent with the Secretary's December 22, 1998, decision document; and

(2) make available those funds necessary to complete engineering development and demonstration, preliminary design, and detailed design of key elements of the system consistent with the Secretary's decision document of December 22, 1998.

(Pub. L. 107-314, div. D, title XLII, § 4235, formerly Pub. L. 106-65, div. C, title XXXI, § 3134, Oct. 5, 1999, 113 Stat. 927; renumbered Pub. L. 107-314, div. D, title XLII, § 4235, by Pub. L. 108-136, div. C, title XXXI, § 3141(e)(20), Nov. 24, 2003, 117 Stat. 1762.)

SUBCHAPTER III—PROLIFERATION  
MATTERS**§ 2561. Repealed. Pub. L. 111-84, div. C, title XXXI, § 3117(a), Oct. 28, 2009, 123 Stat. 2709**

Section, Pub. L. 107-314, div. D, title XLIII, § 4301, formerly Pub. L. 105-85, div. C, title XXXI, § 3133, Nov. 18, 1997, 111 Stat. 2036; Pub. L. 105-261, div. A, title X, § 1069(b)(3), div. C, title XXXI, § 3131, Oct. 17, 1998, 112 Stat. 2136, 2246; renumbered Pub. L. 107-314, div. D, title XLIII, § 4301, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(f)(2), Nov. 24, 2003, 117 Stat. 1762, related to international cooperative stockpile stewardship.