

in text as reference to “December 2, 2002” in two places.

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. Testing of nuclear weapons

(a) Underground testing

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.

(b) Atmospheric testing

None of the funds appropriated pursuant to the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1547) 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, §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; Pub. L. 112-239, div. C, title XXXI, §3131(d)(1), Jan. 2, 2013, 126 Stat. 2180.)

REFERENCES IN TEXT

The National Defense Authorization Act for Fiscal Year 1994, referred to in subsec. (b), is Pub. L. 103-160, Nov. 30, 1993, 107 Stat. 1547. For complete classification of this Act to the Code, see Tables.

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

2013—Pub. L. 112-239 amended section generally. Prior to amendment, text read as follows: “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.”

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

§ 2531. Repealed. Pub. L. 112-239, div. C, title XXXI, § 3131(d)(3), Jan. 2, 2013, 126 Stat. 2181

Section, 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, provided for availability of funds for maintaining the technical capability to resume underground nuclear testing at the Nevada Test Site.

§ 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 Memorandum.

(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 Congress dated February 19, 1995, or subsequent such reports.