

clear warheads are available to support such remanufacture or substitution if such action becomes necessary in order to satisfy reliability and safety requirements under a low-threshold or comprehensive test ban agreement.

(3) To assure that a vigorous program of research in areas related to nuclear weapons science and engineering is supported so that, if a low-threshold or comprehensive test ban agreement is entered into, the United States is able to maintain a base of technical knowledge about nuclear weapons design and nuclear weapons effects.

**(c) Conduct of program**

The Secretary of Energy shall carry out the program provided for in subsection (a). The program shall be carried out with the participation of representatives of the Department of Defense, the nuclear weapons production facilities, and the national security laboratories.

(Pub. L. 107-314, div. D, title XLII, § 4207, formerly Pub. L. 100-456, div. A, title XIV, § 1436, Sept. 29, 1988, 102 Stat. 2075; Pub. L. 105-85, div. C, title XXXI, § 3152(i), Nov. 18, 1997, 111 Stat. 2042; renumbered Pub. L. 107-314, div. D, title XLII, § 4207, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(e)(8), Nov. 24, 2003, 117 Stat. 1759; Pub. L. 113-66, div. C, title XXXI, § 3146(c)(4), Dec. 26, 2013, 127 Stat. 1074.)

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—Subsec. (a). Pub. L. 113-66, § 3146(c)(4)(A)–(C), redesignated subsec. (b) as (a), substituted “Russian Federation” for “Soviet Union”, and struck out former subsec. (a) which related to congressional findings regarding negotiations between the United States and the Soviet Union on nuclear test ban verification measures.

Subsec. (b). Pub. L. 113-66, § 3146(c)(4)(B), (D), redesignated subsec. (c) as (b) and substituted “subsection (a)” for “subsection (b)” in introductory provisions. Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 113-66, § 3146(c)(4)(B), (E), redesignated subsec. (d) as (c) and substituted “subsection (a)” for “subsection (b)” and “national security laboratories” for “national nuclear weapons laboratories”. Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 113-66, § 3146(c)(4)(B), redesignated subsec. (d) as (c).

2003—Pub. L. 108-136, § 3141(e)(8)(D), made technical amendment to section catchline.

1997—Subsec. (e). Pub. L. 105-85 struck out heading and text of subsec. (e). Text read as follows: “The Secretary of Energy shall submit to Congress each year an unclassified report (with a classified annex as necessary) that describes the progress made to the date of the report in achieving the purposes of the program required to be established under subsection (b).”

**§ 2528. Repealed. Pub. L. 112-239, div. C, title XXXI, § 3133(e)(1)(A), (2), Jan. 2, 2013, 126 Stat. 2192, 2193**

Section, Pub. L. 107-314, div. D, title XLII, § 4208, formerly Pub. L. 104-106, div. C, title XXXI, § 3152, Feb. 10, 1996, 110 Stat. 623; Pub. L. 106-398, § 1 [div. C, title XXXI, § 3192], Oct. 30, 2000, 114 Stat. 1654, 1654A-480; renumbered Pub. L. 107-314, div. D, title XLII, § 4208, by Pub.

L. 108-136, div. C, title XXXI, § 3141(e)(9), Nov. 24, 2003, 117 Stat. 1759; Pub. L. 110-181, div. C, title XXXI, § 3112(b)(1), Jan. 28, 2008, 122 Stat. 577, required the Secretary of Energy to submit to Congress in odd-numbered years reports on the nuclear test readiness of the United States.

CODIFICATION

Section 3133(e)(1)(A) of Pub. L. 112-239 repealed section 4208 of Pub. L. 107-314, which was classified to this section. Section 3133(e)(2) of Pub. L. 112-239 repealed section 3152 of Pub. L. 104-106, which was transferred and redesignated as section 4208 of Pub. L. 107-314, and section 3133(e)(2) is treated as also repealing this section, to reflect the probable intent of Congress.

**§ 2528a. Repealed. Pub. L. 110-181, div. C, title XXXI, § 3112(a), Jan. 28, 2008, 122 Stat. 577**

Section, Pub. L. 108-136, div. C, title XXXI, § 3113, Nov. 24, 2003, 117 Stat. 1743, related to readiness posture for resumption by the United States of underground nuclear weapons tests.

**§ 2529. Requirements for specific request for new or modified nuclear weapons**

**(a) Requirement for request for funds for development**

(1) In any fiscal year after fiscal year 2002 in which the Secretary of Energy plans to carry out activities described in paragraph (2) relating to the development of a new nuclear weapon or modified nuclear weapon, the Secretary—

(A) shall specifically request funds for such activities in the budget of the President for that fiscal year under section 1105(a) of title 31; and

(B) may carry out such activities only if amounts are authorized to be appropriated for such activities by an Act of Congress consistent with section 7270 of title 42.

(2) The activities described in this paragraph are as follows:

(A) The conduct, or provision for conduct, of research and development which could lead to the production of a new nuclear weapon by the United States.

(B) The conduct, or provision for conduct, of engineering or manufacturing to carry out the production of a new nuclear weapon by the United States.

(C) The conduct, or provision for conduct, of research and development which could lead to the production of a modified nuclear weapon by the United States.

(D) The conduct, or provision for conduct, of engineering or manufacturing to carry out the production of a modified nuclear weapon by the United States.

**(b) Budget request format**

The Secretary shall include in a request for funds under subsection (a) the following:

(1) In the case of funds for activities described in subparagraph (A) or (C) of subsection (a)(2), a single dedicated line item for all such activities for new nuclear weapons or modified nuclear weapons that are in phase 1, 2, or 2A or phase 6.1, 6.2, or 6.2A (as the case may be), or any concept work prior to phase 1 or 6.1 (as the case may be), of the nuclear weapons acquisition process.

(2) In the case of funds for activities described in subparagraph (B) or (D) of sub-

section (a)(2), a dedicated line item for each such activity for a new nuclear weapon or modified nuclear weapon that is in phase 3 or higher or phase 6.3 or higher (as the case may be) of the nuclear weapons acquisition process.

**(c) Exception**

Subsection (a) shall not apply to funds for purposes of conducting, or providing for the conduct of, research and development, or manufacturing and engineering, determined by the Secretary to be necessary to address proliferation concerns.

**(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; Pub. L. 113–66, div. C, title XXXI, § 3146(c)(5), Dec. 26, 2013, 127 Stat. 1074; Pub. L. 115–232, div. C, title XXXI, § 3111(c), Aug. 13, 2018, 132 Stat. 2289.)

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

2018—Subsec. (a)(1). Pub. L. 115–232 inserted dash after “weapon, the Secretary”, designated remainder of existing provisions as subpar. (A), and added subpar. (B).

2013—Subsec. (d). Pub. L. 113–66 made technical amendment to reference in original act which appears 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.”

DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS;  
AUTHORIZATION AND LIMITATION

Pub. L. 115–232, div. C, title XXXI, § 3111(a), Aug. 13, 2018, 132 Stat. 2289, provided that: “The Secretary of Energy, acting through the Administrator for Nuclear Security, may carry out the engineering development phase, and any subsequent phase, to modify or develop a low-yield nuclear warhead for submarine-launched ballistic missiles.”

Pub. L. 108–136, div. C, title XXXI, § 3116(c), Nov. 24, 2003, 117 Stat. 1746, as amended by Pub. L. 115–232, div. C, title XXXI, § 3111(b), Aug. 13, 2018, 132 Stat. 2289, provided that: “The Secretary of Energy may not commence the engineering development phase, or any subsequent phase, of a low-yield nuclear weapon unless the Secretary specifically requests funding for the development of that weapon pursuant to section 4209(a) of the Atomic Energy Defense Act (50 U.S.C. 2529(a)).”

**§ 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,