

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,

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.

(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; Pub. L. 112-239, div. C, title XXXI, § 3131(e), Jan. 2, 2013, 126 Stat. 2181; Pub. L. 113-66, div. C, title XXXI, § 3146(c)(6), 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)(2). Pub. L. 113-66, § 3146(c)(6)(A), substituted “Memorandum” for “Review”.

Subsec. (c). Pub. L. 113-66, § 3146(c)(6)(B), substituted “Congress” for “the Congress”.

Subsecs. (d), (e). Pub. L. 112-239 struck out subsecs. (d) and (e), which related, respectively, to funding and submission to Congress by Secretary of plans and reports.

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 national security laboratories and nuclear weapons production facilities

(a) Reports by heads of laboratories and facilities

In the event of a difficulty at a national security laboratory or a nuclear weapons production facility 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 facility, as the case may be, shall submit to the Administrator a report on the difficulty. The head of the laboratory or facility shall submit the report as soon as practicable after discovery of the difficulty.

(b) Transmittal by Administrator

Not later than 10 days after receipt of a report under subsection (a), the Administrator shall transmit the report (together with the comments of the Administrator) 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 assessment

Any report submitted pursuant to subsection (a) shall also be submitted to the President and Congress with the matters required to be submitted under section 2525(f) of this title for the year in which such report is submitted.

(Pub. L. 107-314, div. D, title XLII, § 4213, formerly Pub. L. 104-201, div. C, title XXXI, § 3159, Sept. 23, 1996, 110 Stat. 2842, § 4218(b), (c), formerly Pub. L. 105-85, div. A, title XIII, § 1305(c), (d), Nov. 18, 1997, 111 Stat. 1954; Pub. L. 106-65, div. C, title XXXI, § 3163(f), Oct. 5, 1999, 113 Stat. 946; renumbered Pub. L. 107-314, div. D, title XLII, § 4213, by Pub. L. 108-136, div. C, title XXXI, § 3141(e)(14), Nov. 24, 2003, 117 Stat. 1760; renumbered Pub. L. 107-314, div. D, title XLII, § 4218(c), (d), and amended Pub. L. 112-239, div. C,