

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 Repealed.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 L. 112–239 repealed section 4208 of Pub.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 L. 112–239 repealed section 3152 of Pub.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 Repealed.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 subsection (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