

Subsec. (f). Pub. L. 111-84, §3114(a)(2)(A), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsec. (f)(1)(A). Pub. L. 111-84, §3114(d)(2), substituted “subsection (e)” for “subsection (d)”.

Subsec. (g). Pub. L. 111-84, §3114(d)(3), substituted “subsection (f)” for “subsection (e)”.

Pub. L. 111-84, §3114(a)(2)(A), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 111-84, §3114(a)(2)(A), redesignated subsec. (g) as (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 111-84, §3114(a)(2)(A), redesignated subsec. (h) as (i).

Subsec. (i)(1). Pub. L. 111-84, §3114(d)(4)(A), substituted “subsection (e)” for “subsection (d)”.

Subsec. (i)(2). Pub. L. 111-84, §3114(d)(4)(B), substituted “subsection (f)” for “subsection (e)”.

2003—Subsec. (d)(3)(B). Pub. L. 108-136, §3141(e)(6)(D), substituted “section 2532 of this title” for “section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (42 U.S.C. 2121 note)”.

§ 2526. Form of certifications regarding the safety or reliability of the nuclear weapons stockpile

Any certification submitted to the President by the Secretary of Defense or the Secretary of Energy regarding confidence in the safety or reliability of a nuclear weapon type in the United States nuclear weapons stockpile shall be submitted in classified form only.

(Pub. L. 107-314, div. D, title XLII, §4206, formerly Pub. L. 106-398, §1 [div. C, title XXXI, §3194], Oct. 30, 2000, 114 Stat. 1654, 1654A-481; renumbered Pub. L. 107-314, div. D, title XLII, §4206, by Pub. L. 108-136, div. C, title XXXI, §3141(e)(7), Nov. 24, 2003, 117 Stat. 1759.)

Editorial Notes

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.

§ 2527. Nuclear test ban readiness program

(a) Establishment of program

The Secretary of Energy shall establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive ban on nuclear explosives testing is negotiated and ratified within the framework agreed to by the United States and the Russian Federation.

(b) Purposes of program

The purposes of the program under subsection (a) shall be the following:

(1) To assure that the United States maintains a vigorous program of stockpile inspection and non-explosive testing so that, if a low-threshold or comprehensive test ban is entered into, the United States remains able to detect and identify potential problems in stockpile reliability and safety in existing designs of nuclear weapons.

(2) To assure that the specific materials, components, processes, and personnel needed for the remanufacture of existing nuclear weapons or the substitution of alternative nu-

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.)

Editorial Notes

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.

Editorial Notes

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 beyond phase 2 or phase 6.2 (as the case may be) of the nuclear weapon acquisition process, 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 for 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 for 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

In a request for funds under subsection (a), the Secretary shall include a dedicated line item for each activity described in subsection (a)(2) for a new nuclear weapon or modified nuclear weapon that is in phase 2 or higher or phase 6.2 or higher (as the case may be) of the nuclear weapon acquisition process.

(c) Notification and briefing of noncovered activities

In any fiscal year after fiscal year 2022, the Secretary of Energy, acting through the Administrator, in conjunction with the annual submission of the budget of the President to Congress pursuant to section 1105 of title 31, shall notify the congressional defense committees of—

(1) any activities described in subsection (a)(2) relating to the development of a new nuclear weapon or modified nuclear weapon that, during the calendar year prior to the budget submission, were carried out prior to phase 2 or phase 6.2 (as the case may be) of the nuclear weapon acquisition process; and

(2) any plans to carry out, prior to phase 2 or phase 6.2 (as the case may be) of the nuclear weapon acquisition process, activities described in subsection (a)(2) relating to the development of a new nuclear weapon or modified nuclear weapon during the fiscal year covered by that budget.

(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; Pub. L. 117–263, div. C, title XXXI, §3111, Dec. 23, 2022, 136 Stat. 3051; Pub. L. 118–159, div. C, title XXXI, §3111(c)(3), Dec. 23, 2024, 138 Stat. 2295.)

Editorial Notes

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

2024—Subsec. (a)(1). Pub. L. 118–159 substituted “phase 2 or phase 6.2” for “phase 1 or phase 6.1” in introductory provisions.

2022—Subsec. (a)(1). Pub. L. 117–263, §3111(1)(A), inserted “beyond phase 1 or phase 6.1 (as the case may be) of the nuclear weapon acquisition process” after “modified nuclear weapon” in introductory provisions.

Subsec. (a)(2)(A), (C). Pub. L. 117–263, §3111(1)(B), substituted “research and development for the produc-