

§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 L. 112–239 repealed section 4208 of Pub.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 L. 112–239 repealed section 3152 of Pub.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 Repealed.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-