

dent's budget is submitted to Congress under section 1105(a) of title 31, each of the following:

(1) The plan required by subsection (b) prepared with respect to that budget.

(2) A report on the plans prepared with respect to the preceding years' budgets, which shall include, for each goal provided in those plans—

(A) the assessment of the Administrator as to whether or not that goal was met; and

(B) if that assessment is that the goal was not met—

(i) the reasons why that goal was not met; and

(ii) the plan of the Administrator for meeting or, if necessary, adjusting that goal.

(Pub. L. 106–65, div. C, title XXXII, § 3252, Oct. 5, 1999, 113 Stat. 966; Pub. L. 106–398, § 1 [div. C, title XXXI, § 3158(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–469.)

Editorial Notes

AMENDMENTS

2000—Pub. L. 106–398 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) and (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Mar. 1, 2000, see section 3299 of Pub. L. 106–65, set out as a note under section 2401 of this title.

UPDATED FINANCIAL INTEGRATION POLICY

Pub. L. 118–31, div. C, title XXXI, § 3132, Dec. 22, 2023, 137 Stat. 804, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 22, 2023], the Administrator for Nuclear Security shall issue an updated financial integration policy, which shall include the following:

“(1) Updated responsibilities for offices of the National Nuclear Security Administration and requirements for management and operating contractors, including contractors at sites that are not sites of the Administration.

“(2) Guidance for how offices of the Administration should use common financial data, including guidance requiring that such data be used as the primary source of financial data by program offices, to the extent practicable.

“(3) Processes recommended by the Government Accountability Office to improve financial integration efforts of the Administration, including an internal process to verify how management and operating contractors crosswalk data from their systems to the appropriate work breakdown structure of the Administration and apply common cost element definitions.

“(4) Any other matters the Administrator considers appropriate.”

FIRST REPORT ON ASSESSMENT OF PRIOR PLANS; GAO REPORT

Pub. L. 106–398, § 1 [div. C, title XXXI, § 3158(b), (c)], Oct. 30, 2000, 114 Stat. 1654, 1654A–469, provided that the first report submitted under subsec. (c)(2) of this section was to be the report prepared with respect to the budget submitted in calendar year 2001, and that, not later than Mar. 15, 2001, the Comptroller General would submit to Congress an assessment of the adequacy of the planning, programming, and budgeting processes of the National Nuclear Security Administration.

§ 2453. Future-years nuclear security program

(a) Submission to Congress

The Administrator shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, a future-years nuclear security program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years nuclear security program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

(b) Elements

Each future-years nuclear security program shall contain the following:

(1) A detailed description of the program elements (and the projects, activities, and construction projects associated with each such program element) during the applicable five-fiscal-year period for at least each of the following:

(A) For defense programs—

(i) directed stockpile work;

(ii) campaigns;

(iii) readiness in technical base and facilities; and

(iv) secure transportation asset.

(B) For defense nuclear nonproliferation—

(i) nonproliferation and verification, research, and development;

(ii) arms control; and

(iii) fissile materials disposition.

(C) For naval reactors, naval reactors operations and maintenance.

(2) A statement of proposed budget authority, estimated expenditures, and proposed appropriations necessary to support each program element specified pursuant to paragraph (1).

(3) A detailed description of how the funds identified for each program element specified pursuant to paragraph (1) in the budget for the Administration for each fiscal year during that five-fiscal-year period will help ensure that the nuclear weapons stockpile is safe and reliable, as determined in accordance with the criteria established under section 2522(a) of this title.

(4) A description of the anticipated workload requirements for each Administration site during that five-fiscal-year period.

(c) Consistency in budgeting

(1) The Administrator shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Administrator in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31 for any fiscal year, as shown in the future-years nuclear se-

curity program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration included pursuant to paragraph (5) of section 1105(a) of such title in the budget submitted to Congress under that section for any fiscal year.

(d) Treatment of management contingencies

Nothing in this section shall be construed to prohibit the inclusion in the future-years nuclear security program of amounts for management contingencies, subject to the requirements of subsection (c).

(Pub. L. 106-65, div. C, title XXXII, § 3253, Oct. 5, 1999, 113 Stat. 966; Pub. L. 106-398, § 1 [div. C, title XXXI, § 3154], Oct. 30, 2000, 114 Stat. 1654, 1654A-465; Pub. L. 109-364, div. C, title XXXI, § 3111(b), Oct. 17, 2006, 120 Stat. 2503; Pub. L. 110-181, div. C, title XXXI, § 3123, Jan. 28, 2008, 122 Stat. 580; Pub. L. 112-239, div. C, title XXXI, § 3132(a)(1), (d)(2), Jan. 2, 2013, 126 Stat. 2185, 2187; Pub. L. 113-66, div. C, title XXXI, § 3145(f), Dec. 26, 2013, 127 Stat. 1071; Pub. L. 115-91, div. C, title XXXI, § 3133(c)(2), Dec. 12, 2017, 131 Stat. 1896.)

Editorial Notes

AMENDMENTS

2017—Subsec. (b)(5). Pub. L. 115-91 struck out par. (5) which read as follows: “A plan, developed in consultation with the Director of the Office of Health, Safety, and Security of the Department of Energy, for the research and development, deployment, and lifecycle sustainment of the technologies employed within the nuclear security enterprise to address physical and cyber security threats during the applicable five-fiscal-year period, together with—

“(A) for each site in the nuclear security enterprise, a description of the technologies deployed to address the physical and cyber security threats posed to that site;

“(B) for each site and for the nuclear security enterprise, the methods used by the Administration to establish priorities among investments in physical and cyber security technologies; and

“(C) a detailed description of how the funds identified for each program element specified pursuant to paragraph (1) in the budget for the Administration for each fiscal year during that five-fiscal-year period will help carry out that plan.”

2013—Subsec. (b). Pub. L. 113-66, § 3145(f)(1), substituted “five-fiscal-year” for “five-fiscal year” wherever appearing.

Subsec. (b)(3). Pub. L. 112-239, § 3132(d)(2), substituted “section 2522(a) of this title” for “section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (42 U.S.C. 2121 note)”.

Subsec. (b)(5), (6). Pub. L. 113-66, § 3145(f)(2), (3), redesignated par. (6) as (5), struck out “National Nuclear Security” before “Administration” in subpar. (B), and struck out former par. (5) which read as follows: “A statement of proposed budget authority, estimated expenditures, and proposed appropriations necessary to support the programs required to implement the plan to transform the nuclear security enterprise under section 2534 of this title, together with a detailed description of how the funds identified for each program element specified pursuant to paragraph (1) in the budget for the Administration for each fiscal year during that five-fiscal-year period will help ensure that those programs are implemented. The statement shall assume year-to-year funding profiles that account for increases only for projected inflation.”

Pub. L. 112-239, § 3132(a)(1), substituted “nuclear security enterprise” for “nuclear weapons complex” wherever appearing.

2008—Subsec. (b)(6). Pub. L. 110-181 added par. (6).

2006—Subsec. (b)(5). Pub. L. 109-364 added par. (5).

2000—Subsec. (b). Pub. L. 106-398, § 1 [div. C, title XXXI, § 3154(a)], added pars. (1) to (3), redesignated former par. (2) as (4), and struck out former par. (1) which read as follows: “The estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration during the five-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31.”

Subsec. (c). Pub. L. 106-398, § 1 [div. C, title XXXI, § 3154(b)(1), (2)], redesignated subsec. (d) as (c) and struck out heading and text of former subsec. (c). Text read as follows: “The Administrator shall include in the materials the Administrator submits to Congress in support of the budget for any fiscal year that is submitted by the President pursuant to section 1105 of title 31 a description of how the funds identified for each program element in the weapons activities budget of the Administration for such fiscal year will help ensure that the nuclear weapons stockpile is safe and reliable as determined in accordance with the criteria established under section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2257; 42 U.S.C. 2121 note).”

Subsec. (d). Pub. L. 106-398, § 1 [div. C, title XXXI, § 3154(b)(2), (3)], redesignated subsec. (e) as (d) and substituted “subsection (c)” for “subsection (d)”. Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 106-398, § 1 [div. C, title XXXI, § 3154(b)(2)], redesignated subsec. (e) as (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Mar. 1, 2000, see section 3299 of Pub. L. 106-65, set out as a note under section 2401 of this title.

INTEGRATED SCHEDULE FOR FUTURE-YEARS NUCLEAR SECURITY PROGRAM

Pub. L. 118-31, div. C, title XXXI, § 3128, Dec. 22, 2023, 137 Stat. 795, provided that:

“(a) IN GENERAL.—The Administrator for Nuclear Security shall—

“(1) develop and maintain a high-level milestone schedule document for all covered construction projects that includes production infrastructure modernization schedules with weapons modernization programs; and

“(2) for each covered construction project included in the high-level milestone schedule document under paragraph (1), include in such document an identification and explanation of the status of any associated integrated master schedule.

“(b) INCLUSION IN FUTURE-YEARS NUCLEAR SECURITY PROGRAM.—The milestone schedule document required under subsection (a) shall be included in the future-years nuclear security program for fiscal year 2025 and each subsequent fiscal year.

“(c) COVERED CONSTRUCTION PROJECT.—In this section, the term ‘covered construction project’ means—

“(1) a construction project that is subject to Department of Energy Order 413.3B, or a successor order; or

“(2) a program designated as Enhanced Management A or B under the Program Execution Instruction of the Office of Defense Programs of the National Nuclear Security Administration.”

TECHNICAL BASE AND FACILITIES MAINTENANCE AND RECAPITALIZATION ACTIVITIES

Pub. L. 108-136, div. C, title XXXI, § 3114, Nov. 24, 2003, 117 Stat. 1744, as amended by Pub. L. 108-375, div. C,

title XXXI, §3113(a), Oct. 28, 2004, 118 Stat. 2160; Pub. L. 109-364, div. C, title XXXI, §3112, Oct. 17, 2006, 120 Stat. 2503, provided that:

“(a) INCLUSION OF PROJECTS IN FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.—(1) The Administrator for Nuclear Security shall complete the selection of projects for inclusion in the Facilities and Infrastructure Recapitalization Program of the National Nuclear Security Administration not later than December 31, 2004.

“(2) Except as provided in paragraph (3), no project may be included in the Facilities and Infrastructure Recapitalization Program after December 31, 2004, unless such project has been selected for inclusion in that program as of that date.

“(3)(A) Subject to the provisions of this paragraph, a project described in subparagraph (B) may be carried out under the Facilities and Infrastructure Recapitalization Program after December 31, 2004, if the Administrator approves the project. The Administrator may not delegate the authority to approve projects under the preceding sentence.

“(B) A project described in this subparagraph is a project that consists of a specific building, facility, or other improvement (including fences, roads, or similar improvements).

“(C) Funds may not be obligated or expended for a project under this paragraph until 60 days after the date on which the Administrator submits to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives] a notice on the project, including a description of the project and the nature of the project, a statement explaining why the project was not included in the Facilities and Infrastructure Recapitalization Program under paragraph (1), and a statement explaining why the project was not included in any other program under the jurisdiction of the Administrator.

“(D) The total number of projects that may be carried out under this paragraph in any fiscal year may not exceed five projects.

“(E) The Administrator may not utilize the authority in this paragraph until 60 days after the later of—

“(i) the date of the submittal to the congressional defense committees of a list of the projects selected for inclusion in the Facilities and Infrastructure Recapitalization Program under paragraph (1); or

“(ii) the date of the submittal to the congressional defense committees of the report required by subsection (c).

“(F) A project may not be carried out under this paragraph unless the project will be completed by September 30, 2013.

“(b) TERMINATION OF FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.—The Administrator shall terminate the Facilities and Infrastructure Recapitalization Program not later than September 30, 2013.

“(c) READINESS IN TECHNICAL BASE AND FACILITIES PROGRAM.—(1) Not later than September 30, 2004, the Administrator shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives] a report setting forth guidelines on the conduct of the Readiness in Technical Base and Facilities program of the National Nuclear Security Administration.

“(2) Such guidelines shall include the following:

“(A) Criteria for the inclusion of projects in the program, and for establishing priorities among projects included in the program.

“(B) Mechanisms for the management of facilities under the program, including maintenance activities referred to in subparagraph (C).

“(C) A description of the scope of maintenance activities under the program, including recurring maintenance, construction of facilities, recapitalization of facilities, and decontamination and decommissioning of facilities.

“(3) Such guidelines shall ensure that the maintenance activities referred to in paragraph (2)(C) are car-

ried out in a timely and efficient manner designed to avoid maintenance backlogs.

“(d) OPERATIONS OF FACILITIES PROGRAM.—(1) The Administrator shall continue the Operations of Facilities program of the National Nuclear Security Administration as a subprogram within the Readiness in Technical Base and Facilities program.

“(2) The Deputy Administrator for Defense Programs shall designate a single manager to be responsible for overseeing the operations of the Operations of Facilities subprogram within the Readiness in Technical Base and Facilities program.

“(3) For fiscal year 2005, and for each fiscal year thereafter, the Secretary of Energy shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives], together with the budget justification materials submitted to Congress in support of the National Nuclear Security Administration budget for that fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a separate statement of the amounts requested for such fiscal year for each element of the Operations of Facilities subprogram, as follows:

“(A) Maintenance.

“(B) Facilities management and support.

“(C) Utilities.

“(D) Environment, safety, and health.

“(E) Each other element of the subprogram.”

[Pub. L. 108-375, div. C, title XXXI, §3113(b), Oct. 28, 2004, 118 Stat. 2161, provided that: “The amendments made by subsection (a) [amending section 3114 of Pub. L. 108-136, set out above] may not be construed to authorize any delay in either of the following:

[“(1) The selection of projects for inclusion in the Facilities and Infrastructure Recapitalization Program under subsection (a) of section 3114 of the National Defense Authorization Act for Fiscal Year 2004 [Pub. L. 108-136, set out above].

[“(2) The submittal of the report required by subsection (c) of such section.”]

§ 2454. Semiannual financial reports on defense nuclear nonproliferation programs

(a) Semiannual reports required

The Administrator shall submit to the Committees on Armed Services of the Senate and the House of Representatives a semiannual report on the amounts available for the defense nuclear nonproliferation programs of the Administration. Each such report shall cover a half of a fiscal year (in this section referred to as a “fiscal half”) and shall be submitted not later than 30 days after the end of that fiscal half.

(b) Contents

Each report for a fiscal half shall, for each such defense nuclear nonproliferation program for which amounts are available for the fiscal year that includes that fiscal half, set forth the following:

(1) The aggregate amount available for such program as of the beginning of such fiscal half and, within such amount, the uncommitted balances, the unobligated balances, and the unexpended balances.

(2) The aggregate amount newly made available for such program during such fiscal half and, within such amount, the amount made available by appropriations, by transfers, by reprogrammings, and by other means.

(3) The aggregate amount available for such program as of the end of such fiscal half and, within such amount, the uncommitted balances, the unobligated balances, and the unexpended balances.