authorization for a fiscal year exceed the total amount authorized to be appropriated by that authorization for that fiscal year.

(2) Prohibited items

Funds appropriated pursuant to a DOE national security authorization may not be used for an item for which Congress has specifically denied funds.

(Pub. L. 107–314, div. D, title XLVII, § 4702, formerly div. C, title XXXVI, § 3621, Dec. 2, 2002, 116 Stat. 2757; renumbered div. D, title XLVII, § 4702, and amended Pub. L. 108–136, div. C, title XXXI, § 3141(j)(2)(A)–(D)(i), Nov. 24, 2003, 117 Stat. 1781; Pub. L. 113–66, div. C, title XXXI, § 3146(h)(1), Dec. 26, 2013, 127 Stat. 1080.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 7386a of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2013—Subsec. (c). Pub. L. 113–66 substituted ''this subsection'' for ''subsection (a)''.

2003—Subsec. (a). Pub. L. 108–136, § 3141(j)(2)(D)(i), in introductory provisions, made technical amendment to reference in original act which appears in text as reference to sections 2750 and 2751 of this title.

§ 2743. Minor construction projects

(a) Authority

Using operation and maintenance funds or facilities and infrastructure funds authorized by a DOE national security authorization, the Secretary of Energy may carry out minor construction projects.

(b) Annual report

The Secretary shall submit to the congressional defense committees on an annual basis a report on each exercise of the authority in subsection (a) during the preceding fiscal year. Each report shall provide a brief description of each minor construction project covered by the report. The report shall include with respect to each project the following:

(1) The estimated original total project cost and the estimated original date of completion.

(2) The percentage of the project that is complete.

(3) The current estimated total project cost and estimated date of completion.

(c) Cost variation reports to congressional committees

If, at any time during the construction of any minor construction project authorized by a DOE national security authorization, the estimated cost of the project is revised and the revised cost of the project exceeds the minor construction threshold, the Secretary shall immediately submit to the congressional defense committees a report explaining the reasons for the cost variation.

(d) Notification required for certain projects

Notwithstanding subsection (a), the Secretary may not start a minor construction project with a total estimated cost of more than $5,000,000 until—

(1) the Secretary notifies the congressional defense committees of such project and total estimated cost; and

(2) a period of 15 days has elapsed after the date on which such notification is received.

(e) Minor construction project defined

In this section, the term ''minor construction project'' means any plant project not specifically authorized by law for which the approved total estimated cost does not exceed the minor construction threshold.

(Pub. L. 107–314, div. D, title XLVII, § 4703, formerly div. C, title XXXVI, § 3622, Dec. 2, 2002, 116 Stat. 2757; renumbered div. D, title XLVII, § 4703, by Pub. L. 108–136, div. C, title XXXI, § 3141(j)(2)(A)–(C), Nov. 24, 2003, 117 Stat. 1781; Pub. L. 117–81, div. C, title XXXI, § 3115(b)(1), Dec. 27, 2021, 135 Stat. 2226; Pub. L. 117–263, div. C, title XXXI, § 3113(b), Dec. 23, 2022, 136 Stat. 3053.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 7386b of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2022—Subsec. (b). Pub. L. 117–263 inserted at end ''The report shall include with respect to each project the following:'' and added pars. (1) to (3).

2021—Subsecs. (d), (e). Pub. L. 117–81 added subsec. (d) and redesignated former subsec. (d) as (e).

Statutory Notes and Related Subsidiaries

NOTIFICATION

Pub. L. 111–84, div. C, title XXXI, § 3118(c), Oct. 28, 2009, 123 Stat. 2709, as amended by Pub. L. 111–383, div. C, title XXXI, § 3121(b), Jan. 7, 2011, 124 Stat. 4514, which provided that, notwithstanding section 2743 of title 50, the Secretary of Energy could not start a general plant project with a total estimated cost of more than $5,000,000 until certain conditions were met, was repealed by Pub. L. 117–81, div. C, title XXXI, § 3115(b)(2), Dec. 27, 2021, 135 Stat. 2227.

§ 2743a. General plant projects

Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with a current estimated cost of less than $10,000,000 are considered for purposes of section 2743 of this title as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 2744 of this title as a construction project with a current estimated cost of less than a minor construction threshold.

(Pub. L. 112–74, div. B, title III, § 306, Dec. 23, 2011, 125 Stat. 877.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is div. B of Pub. L. 112–74, Dec. 23, 2011, 125 Stat. 852, known as the Energy and Water Development and Related Agencies Appropriations Act, 2012. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Energy and Water Development and Related Agencies Appropriations Act,