

Subsec. (b). Pub. L. 116-92, §3115(2), substituted “report under subsection (a)(1)” for “report required by subsection (a)” in introductory provisions of par. (1) and in par. (2).

Subsecs. (c), (d). Pub. L. 116-92, §3115(3), (4), struck out subsec. (c) and redesignated subsec. (d) as (c). Prior to amendment, text of subsec. (c) read as follows: “If the Administrator fails to submit to the congressional defense committees a report required by subsection (a) for any of fiscal years 2020 through 2024 that includes the matters specified in subsection (b)(1) for at least one unfunded priority by the deadline specified in subsection (a), not more than 65 percent of the funds authorized to be appropriated or otherwise made available for the fiscal year in which such failure occurs for travel and transportation of persons under the Federal salaries and expenses account of the Administration may be obligated or expended until the date on which the Administrator submits such report.”

2018—Subsecs. (c), (d). Pub. L. 115-232 added subsec. (c) and redesignated former subsec. (c) as (d).

§ 2757. Review of adequacy of nuclear weapons budget

(a) Review of adequacy of Administration budget by Nuclear Weapons Council

(1) Transmission to Council

The Secretary of Energy shall transmit to the Nuclear Weapons Council (in this section referred to as the “Council”) a copy of the proposed budget request of the Administration for each fiscal year before that budget request is submitted to the Director of the Office of Management and Budget in relation to the preparation of the budget of the President to be submitted to Congress under section 1105(a) of title 31.

(2) Review

The Council shall review each budget request transmitted to the Council under paragraph (1) in accordance with section 179(f) of title 10.

(3) Department of Energy response

(A) In general

If the Council submits to the Secretary of Energy a written description under section 179(f)(2)(B)(i) of title 10 with respect to the budget request of the Administration for a fiscal year, the Secretary shall include as an appendix to the budget request submitted to the Director of the Office of Management and Budget—

- (i) the funding levels and initiatives identified in that description; and
- (ii) any additional comments the Secretary considers appropriate.

(B) Transmission to Congress

The Secretary of Energy shall transmit to Congress, with the budget justification materials submitted in support of the Department of Energy budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), a copy of the appendix described in subparagraph (A).

(b) Review and certification of Department of Energy budget by Nuclear Weapons Council

At the time the Secretary of Energy submits the budget request of the Department of Energy for that fiscal year to the Director of the Office

of Management and Budget in relation to the preparation of the budget of the President, the Secretary shall transmit a copy of the budget request of the Department to the Council.

(Pub. L. 107-314, div. D, title XLVII, §4717, as added Pub. L. 116-283, div. A, title XVI, §1632(b)(1), Jan. 1, 2021, 134 Stat. 4057; amended Pub. L. 117-263, div. A, title XVI, §1633(c), Dec. 23, 2022, 136 Stat. 2937.)

Editorial Notes

CODIFICATION

Pub. L. 116-283, div. A, title XVI, §1632(b)(1), which directed the addition of this section at the end of subtitle A of title XVII of the Atomic Energy Defense Act (50 U.S.C. 2741 et seq.), was executed by adding this section at the end of subtitle A of title XLVII of the Atomic Energy Defense Act to reflect the probable intent of Congress.

AMENDMENTS

2022—Subsec. (a)(2). Pub. L. 117-263, §1633(c)(1)(A), added par. (2) and struck out former par. (2) which related to review and determination of adequacy of the budget request transmitted to the Nuclear Weapons Council.

Subsec. (a)(3)(A). Pub. L. 117-263, §1633(c)(1)(B)(i), substituted “section 179(f)(2)(B)(i) of title 10” for “paragraph (2)(B)(i)” in introductory provisions.

Subsec. (a)(3)(A)(i). Pub. L. 117-263, §1633(c)(1)(B)(ii), substituted “that description” for “the description under paragraph (2)(B)(i)”.

Subsec. (b). Pub. L. 117-263, §1633(c)(2), struck out par. (1) designation and heading “In general” before “At the time” and struck out par. (2) which related to certification of the budget request transmitted to the Nuclear Weapons Council.

§ 2758. Improvements to cost estimates informing analyses of alternatives

(a) Requirement for analyses of alternatives

The Administrator shall ensure that any cost estimate used in an analysis of alternatives for a project carried out using funds authorized by a DOE national security authorization is designed to fully satisfy the requirements outlined in the mission needs statement approved at critical decision 0 in the acquisition process, as set forth in Department of Energy Order 413.3B (relating to program management and project management for the acquisition of capital assets) or a successor order.

(b) Use of project engineering and design funds

In the case of a project the total estimated cost of which exceeds \$500,000,000 and that has not reached critical decision 1 in the acquisition process, the Administrator may use funds authorized by a DOE national security authorization for project engineering and design to begin the development of a conceptual design to facilitate the development of a cost estimate for the project during the analysis of alternatives for the project if—

(1) the Administrator—

(A) determines that such use of funds would improve the quality of the cost estimate for the project; and

(B) notifies the congressional defense committees of that determination; and

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