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.

(Pub. L. 107–314, div. D, title XLVII, § 4718, as added Pub. L. 117–81, div. C, title XXXI, § 3112(a), Dec. 27, 2021, 135 Stat. 2220.)

PART B—PENALTIES

§ 2761. Restriction on use of funds to pay penalties under environmental laws

(a) Restriction

Funds appropriated to the Department of Energy for the Naval Nuclear Propulsion Program or the nuclear weapons programs or other atomic energy defense activities of the Department of Energy may not be used to pay a penalty, fine, or forfeiture in regard to a defense activity or facility of the Department of Energy due to a failure to comply with any environmental requirement.

(b) Exception

Subsection (a) shall not apply with respect to an environmental requirement if—

(1) the President fails to request funds for compliance with the environmental requirement; or

(2) Congress has appropriated funds for such purpose (and such funds have not been sequestered, deferred, or rescinded) and the Secretary of Energy fails to use the funds for such purpose.

(Pub. L. 107–314, div. D, title XLVII, § 4721, formerly Pub. L. 99–661, div. C, title I, § 3132, Nov. 14, 1986, 100 Stat. 4063; renumbered Pub. L. 107–314, div. D, title XLVII, § 4721, and amended Pub. L. 108–136, div. C, title XXXI, § 3141(j)(4), Nov. 24, 2003, 117 Stat. 1781; Pub. L. 113–66, div. C, title XXXI, § 3146(h)(5), Dec. 26, 2013, 127 Stat. 1081.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 7273a of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2013—Subsec. (b)(2). Pub. L. 113–66 substituted ''Congress'' for ''the Congress''.

2003—Pub. L. 108–136, § 3141(j)(4)(D), made technical amendment to section catchline.

§ 2762. Restriction on use of funds to pay penalties under Clean Air Act

None of the funds authorized to be appropriated by the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540; 94 Stat. 3197) or any other Act may be used to pay any penalty, fine, forfeiture, or settlement resulting from a failure to comply with the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any defense activity of the Department of Energy if—

(1) the Secretary finds that compliance is physically impossible within the time prescribed for compliance; or

(2) the President has specifically requested appropriations for compliance and Congress has failed to appropriate funds for such purpose.

(Pub. L. 107–314, div. D, title XLVII, § 4722, formerly Pub. L. 96–540, title II, § 211, Dec. 17, 1980, 94 Stat. 3203; renumbered Pub. L. 107–314, div. D, title XLVII, § 4722, and amended Pub. L. 108–136, div. C, title XXXI, § 3141(j)(5), Nov. 24, 2003, 117 Stat. 1781; Pub. L. 113–66, div. C, title XXXI, § 3146(h)(6), Dec. 26, 2013, 127 Stat. 1081; Pub. L. 113–291, div. C, title XXXI, § 3142(r), Dec. 19, 2014, 128 Stat. 3901.)

Editorial Notes

REFERENCES IN TEXT

The Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981, referred to in text, is Pub. L. 96–540, Dec. 17, 1980, 94 Stat. 3197, which insofar as classified to the Code, enacted this section and section 2513 of this title.

The Clean Air Act, referred to in text, is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§ 7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

CODIFICATION

Section was formerly classified to section 7273 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriations act:

Pub. L. 96–164, title II, § 211, Dec. 29, 1979, 93 Stat. 1264.

AMENDMENTS

2014—Pub. L. 113–291 substituted ''Department of Energy if—'' for ''Department of Energy if'' before par. (1) designation and ''; or'' for '', or'' at end of par. (1) and realigned margins of pars. (1) and (2).

2013—Pub. L. 113–66 inserted ''; 94 Stat. 3197'' after ''Public Law 96–540'' and substituted ''Congress'' for ''the Congress''.

2003—Pub. L. 108–136, § 3141(j)(5)(C), made technical amendment to section catchline and substituted ''the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540) or any other Act'' for ''this or any other Act'' in text.

PART C—OTHER MATTERS

§ 2771. Repealed. Pub. L. 112–239, div. C, title XXXI, § 3131(u)(1), Jan. 2, 2013, 126 Stat. 2184

Section, Pub. L. 107–314, div. D, title XLVII, § 4731, formerly Pub. L. 95–509, title II, § 208, Oct. 24, 1978, 92 Stat. 1779; renumbered Pub. L. 107–314, div. D, title XLVII, § 4731, and amended Pub. L. 108–136, div. C, title XXXI, § 3141(j)(7), Nov. 24, 2003, 117 Stat. 1782, provided that the Secretary was to submit to the Congress for fiscal year 1980, and for each subsequent fiscal year, a single request for authorization of appropriations for common defense and security programs.

§ 2772. Reports on financial balances for atomic energy defense activities

(a) Reports required

(1) In general

Concurrent with the submission of the budget justification materials submitted to Congress in support of the budget of the President for a fiscal year (submitted to Congress pursuant to section 1105(a) of title 31), the Secretary of Energy shall submit to the congressional