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(2) Congress has appropriated funds for such purpose (and such funds have not been sequestered, deferred, or rescinded) and the Secretary of Energy fails to use the funds for such purpose.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