

sum equal to such amount (plus such interest) is recoverable by the United States Government from such individual or the estate of such individual by—

(A) in the case of an individual who is an employee of the United States Government, setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or

(B) such other method as is provided by law for the recovery of amounts owed to the Government.

(3) Waiver of repayment

The Administrator may waive, in whole or in part, repayment by an individual under this subsection if the Administrator determines that seeking recovery under paragraph (2) would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) Rate of interest

For purposes of repayment under this subsection, the total amount of educational assistance provided to an individual under the program established under this section shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(e) Preference for cooperative education students

In evaluating individuals for the award of a scholarship or fellowship under the program established under this section, the Administrator may give a preference to an individual who is enrolled in, or accepted for enrollment in, an institution of higher education that has a cooperative education program with the Department of Energy.

(f) Coordination of benefits

A scholarship or fellowship awarded under the program established under this section shall be taken into account in determining the eligibility of an individual receiving such scholarship or fellowship for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) [and 42 U.S.C. 2751 et seq.].

(g) Report to Congress

Not later than January 1, 2010, the Administrator shall submit to the congressional defense committees a report on the activities carried out under the program established under this section, including any recommendations for future activities under such program.

(h) Funding

Of the amounts authorized to be appropriated by section 3101(a)(2)¹ for defense nuclear non-proliferation activities, \$3,000,000 shall be available to carry out the program established under this section.

(Pub. L. 110–417, div. C, title XXXI, §3113, Oct. 14, 2008, 122 Stat. 4754; Pub. L. 111–383, div. A, title X, §1075(e)(19), Jan. 7, 2011, 124 Stat. 4375.)

¹ See References in Text note below.

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (f), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219. Title IV of the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of Title 20, Education, and part C (§2751 et seq.) of subchapter I of chapter 34 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 1001 of Title 20 and Tables.

Section 3101(a)(2), referred to in subsec. (h), is section 3101(a)(2) of Pub. L. 110–417, div. C, title XXXI, Oct. 14, 2008, 122 Stat. 4752, which is not classified to the Code.

CODIFICATION

Section was enacted as part of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, and not as part of the National Nuclear Security Administration Act which comprises this chapter.

AMENDMENTS

2011—Subsec. (b)(2). Pub. L. 111–383, §1075(e)(19)(A), inserted closing parenthesis before semicolon.

Subsec. (d)(2). Pub. L. 111–383, §1075(e)(19)(B), substituted “fails to repay” for “fails repay”.

“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

Congressional defense committees has the meaning given that term in section 101(a)(16) of Title 10, Armed Forces, see section 3 of Pub. L. 110–417, Oct. 14, 2008, 122 Stat. 4372. See note under section 101 of Title 10.

SUBCHAPTER IV—BUDGET AND FINANCIAL MANAGEMENT

§ 2451. Separate treatment in budget

(a) President’s budget

In each budget submitted by the President to the Congress under section 1105 of title 31, amounts requested for the Administration shall be set forth separately within the other amounts requested for the Department of Energy.

(b) Budget justification materials

In the budget justification materials submitted to Congress in support of each such budget, the amounts requested for the Administration shall be specified in individual, dedicated program elements.

(Pub. L. 106–65, div. C, title XXXII, §3251, Oct. 5, 1999, 113 Stat. 966.)

TEN-YEAR PLAN FOR USE AND FUNDING OF CERTAIN DEPARTMENT OF ENERGY FACILITIES

Pub. L. 111–84, div. C, title XXXI, §3141, Oct. 28, 2009, 123 Stat. 2715, provided that:

“(a) IN GENERAL.—The Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall jointly develop a plan to use and fund, over a ten-year period, the following facilities of the Department of Energy:

“(1) The National Ignition Facility at the Lawrence Livermore National Laboratory, California.

“(2) The Los Alamos Neutron Science Center at the Los Alamos National Laboratory, New Mexico.

“(3) The Z Machine at the Sandia National Laboratories, New Mexico.

“(4) The Microsystems and Engineering Sciences Application Facility at the Sandia National Laboratories, New Mexico.

“(b) SUBMITTAL OF PLAN.—Not later than 45 days after the date of the enactment of this Act [Oct. 28, 2009], the Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall submit to the appropriate congressional committees the plan required by subsection (a).

“(c) REQUIREMENT TO SPECIFY SOURCE OF FACILITY FUNDING IN BUDGET REQUESTS.—In any budget request for the Department of Energy for a fiscal year that is submitted to Congress after the date of the enactment of this Act [Oct. 28, 2009], the Secretary of Energy shall identify for that fiscal year the portion of the funding for each facility specified in subsection (a) that is to be provided by the National Nuclear Security Administration and by the Office of Science of the Department of Energy.

“(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Science and Technology [now Committee on Science, Space, and Technology] of the House of Representatives; and

“(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate.”

§ 2452. Planning, programming, and budgeting process

(a) Procedures required

The Administrator shall establish procedures to ensure that the planning, programming, budgeting, and financial activities of the Administration comport with sound financial and fiscal management principles. Those procedures shall, at a minimum, provide for the planning, programming, and budgeting of activities of the Administration using funds that are available for obligation for a limited number of years.

(b) Annual plan for obligation of funds

(1) Each year, the Administrator shall prepare a plan for the obligation of the amounts that, in the President's budget submitted to Congress that year under section 1105(a) of title 31, are proposed to be appropriated for the Administration for the fiscal year that begins in that year (in this section referred to as the “budget year”) and the two succeeding fiscal years.

(2) For each program element and construction line item of the Administration, the plan shall provide the goal of the Administration for the obligation of those amounts for that element or item for each fiscal year of the plan, expressed as a percentage of the total amount proposed to be appropriated in that budget for that element or item.

(c) Submission of plan and report

The Administrator shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress under section 1105(a) of title 31, each of the following:

(1) The plan required by subsection (b) of this section 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.)

AMENDMENTS

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

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:

“(b) EFFECTIVE DATE OF REQUIREMENT TO ASSESS PRIOR PLAN.—The first report submitted under paragraph (2) of subsection (c) of such section [subsec. (c)(2) of this section] (as added by subsection (a)) shall be the report on the plan prepared with respect to the budget submitted in calendar year 2001.

“(c) GAO REPORT.—Not later than March 15, 2001, the Comptroller General shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] 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