

lection of projects for inclusion in the Facilities and Infrastructure Recapitalization Program of the National Nuclear Security Administration not later than December 31, 2004.

“(2) Except as provided in paragraph (3), no project may be included in the Facilities and Infrastructure Recapitalization Program after December 31, 2004, unless such project has been selected for inclusion in that program as of that date.

“(3)(A) Subject to the provisions of this paragraph, a project described in subparagraph (B) may be carried out under the Facilities and Infrastructure Recapitalization Program after December 31, 2004, if the Administrator approves the project. The Administrator may not delegate the authority to approve projects under the preceding sentence.

“(B) A project described in this subparagraph is a project that consists of a specific building, facility, or other improvement (including fences, roads, or similar improvements).

“(C) Funds may not be obligated or expended for a project under this paragraph until 60 days after the date on which the Administrator submits to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives] a notice on the project, including a description of the project and the nature of the project, a statement explaining why the project was not included in the Facilities and Infrastructure Recapitalization Program under paragraph (1), and a statement explaining why the project was not included in any other program under the jurisdiction of the Administrator.

“(D) The total number of projects that may be carried out under this paragraph in any fiscal year may not exceed five projects.

“(E) The Administrator may not utilize the authority in this paragraph until 60 days after the later of—

“(i) the date of the submittal to the congressional defense committees of a list of the projects selected for inclusion in the Facilities and Infrastructure Recapitalization Program under paragraph (1); or

“(ii) the date of the submittal to the congressional defense committees of the report required by subsection (c).

“(F) A project may not be carried out under this paragraph unless the project will be completed by September 30, 2013.

“(b) TERMINATION OF FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.—The Administrator shall terminate the Facilities and Infrastructure Recapitalization Program not later than September 30, 2013.

“(c) READINESS IN TECHNICAL BASE AND FACILITIES PROGRAM.—(1) Not later than September 30, 2004, the Administrator shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives] a report setting forth guidelines on the conduct of the Readiness in Technical Base and Facilities program of the National Nuclear Security Administration.

“(2) Such guidelines shall include the following:

“(A) Criteria for the inclusion of projects in the program, and for establishing priorities among projects included in the program.

“(B) Mechanisms for the management of facilities under the program, including maintenance activities referred to in subparagraph (C).

“(C) A description of the scope of maintenance activities under the program, including recurring maintenance, construction of facilities, recapitalization of facilities, and decontamination and decommissioning of facilities.

“(3) Such guidelines shall ensure that the maintenance activities referred to in paragraph (2)(C) are carried out in a timely and efficient manner designed to avoid maintenance backlogs.

“(d) OPERATIONS OF FACILITIES PROGRAM.—(1) The Administrator shall continue the Operations of Facilities program of the National Nuclear Security Administration as a subprogram within the Readiness in Technical Base and Facilities program.

“(2) The Deputy Administrator for Defense Programs shall designate a single manager to be responsible for overseeing the operations of the Operations of Facilities subprogram within the Readiness in Technical Base and Facilities program.

“(3) For fiscal year 2005, and for each fiscal year thereafter, the Secretary of Energy shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives], together with the budget justification materials submitted to Congress in support of the National Nuclear Security Administration budget for that fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a separate statement of the amounts requested for such fiscal year for each element of the Operations of Facilities subprogram, as follows:

“(A) Maintenance.

“(B) Facilities management and support.

“(C) Utilities.

“(D) Environment, safety, and health.

“(E) Each other element of the subprogram.”

[Pub. L. 108-375, div. C, title XXXI, §3113(b), Oct. 28, 2004, 118 Stat. 2161, provided that: “The amendments made by subsection (a) [amending section 3114 of Pub. L. 108-136, set out above] may not be construed to authorize any delay in either of the following:

[“(1) The selection of projects for inclusion in the Facilities and Infrastructure Recapitalization Program under subsection (a) of section 3114 of the National Defense Authorization Act for Fiscal Year 2004 [Pub. L. 108-136, set out above].

[“(2) The submittal of the report required by subsection (c) of such section.”]

§ 2454. Semiannual financial reports on defense nuclear nonproliferation programs

(a) Semiannual reports required

The Administrator shall submit to the Committees on Armed Services of the Senate and the House of Representatives a semiannual report on the amounts available for the defense nuclear nonproliferation programs of the Administration. Each such report shall cover a half of a fiscal year (in this section referred to as a “fiscal half”) and shall be submitted not later than 30 days after the end of that fiscal half.

(b) Contents

Each report for a fiscal half shall, for each such defense nuclear nonproliferation program for which amounts are available for the fiscal year that includes that fiscal half, set forth the following:

(1) The aggregate amount available for such program as of the beginning of such fiscal half and, within such amount, the uncommitted balances, the unobligated balances, and the unexpended balances.

(2) The aggregate amount newly made available for such program during such fiscal half and, within such amount, the amount made available by appropriations, by transfers, by reprogrammings, and by other means.

(3) The aggregate amount available for such program as of the end of such fiscal half and, within such amount, the uncommitted balances, the unobligated balances, and the unexpended balances.

(Pub. L. 106-65, div. C, title XXXII, §3254, as added Pub. L. 108-136, div. C, title XXXI, §3121(a), Nov. 24, 2003, 117 Stat. 1746.)

FIRST REPORT

Pub. L. 108-136, div. C, title XXXI, §3121(b), Nov. 24, 2003, 117 Stat. 1747, provided that: “The first report re-

quired to be submitted by section 3254 of the National Nuclear Security Administration Act (as added by subsection (a) [this section]) shall be the report covering the first half of fiscal year 2004.”

§ 2455. Comptroller General assessment of adequacy of budget requests with respect to the modernization and refurbishment of the nuclear weapons stockpile

(a) GAO study and reports

(1) For the nuclear security budget materials submitted in each fiscal year by the Administrator, the Comptroller General of the United States shall conduct a study on whether both the budget for the fiscal year following the fiscal year in which such budget materials are submitted and the future-years nuclear security program submitted to Congress in relation to such budget under section 2453 of this title provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex.

(2) Not later than 90 days after the date on which the Administrator submits the nuclear security budget materials, the Comptroller General shall submit to the congressional defense committees a report on the study under paragraph (1), including—

(A) the findings of such study; and

(B) whether the nuclear security budget materials support the requirements for infrastructure recapitalization of the facilities of the nuclear security complex.

(b) Definitions

In this section:

(1) The term “budget” means the budget for a fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

(2) The term “nuclear security budget materials” means the materials submitted to Congress by the Administrator in support of the budget for a fiscal year.

(3) The term “nuclear security complex” means the physical facilities, technology, and human capital of the following:

(A) The national security laboratories.

(B) The Kansas City Plant, Kansas City, Missouri.

(C) The Nevada Test Site, Nevada.

(D) The Savannah River Site, Aiken, South Carolina.

(E) The Y-12 National Security Complex, Oak Ridge, Tennessee.

(F) The Pantex Plant, Amarillo, Texas.

(Pub. L. 106-65, div. C, title XXXII, § 3255, as added Pub. L. 111-84, div. C, title XXXI, § 3116(a), Oct. 28, 2009, 123 Stat. 2707; amended Pub. L. 111-383, div. C, title XXXI, § 3113(a), Jan. 7, 2011, 124 Stat. 4509.)

AMENDMENTS

2011—Pub. L. 111-383 amended section generally. Prior to amendment, section related to biennial plan and budget assessment on the modernization and refurbishment of the nuclear security complex.

§ 2455a. National Nuclear Security Administration authority for urgent nonproliferation activities

(a) In general

Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the nonproliferation programs of the Department of Energy National Nuclear Security Administration may be expended, notwithstanding any other law, for activities described under subsection (b)(1)(B).

(b) Determination and notice

(1) Determination

The Secretary of Energy, with the concurrence of the Secretary of State and the Secretary of Defense, may make a written determination that—

(A) threats arising from the proliferation of nuclear or radiological weapons or weapons-related materials, technologies, and expertise must be addressed urgently;

(B) certain provisions of law would unnecessarily impede the Secretary’s ability to carry out nonproliferation activities of the National Nuclear Security Administration to address such threats; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

(2) Notice required

Not later than 15 days before obligating or expending funds under the authority provided in subsection (a), the Secretary of Energy shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

(A) the determination;

(B) the activities to be undertaken by the nonproliferation programs of the National Nuclear Security Administration;

(C) the expected time frame for such activities; and

(D) the expected costs of such activities.

(c) Appropriate congressional committees

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(Pub. L. 111-84, div. C, title XXXI, § 3120, Oct. 28, 2009, 123 Stat. 2710.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2010, and not as part of the National Nuclear Security Administration Act which comprises this chapter.