

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.