

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.

SUBCHAPTER V—MISCELLANEOUS
PROVISIONS

§ 2461. Environmental protection, safety, and health requirements

(a) Compliance required

The Administrator shall ensure that the Administration complies with all applicable environmental, safety, and health statutes and substantive requirements.

(b) Procedures required

The Administrator shall develop procedures for meeting such requirements.

(c) Rule of construction

Nothing in this chapter shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs.

(Pub. L. 106-65, div. C, title XXXII, §3261, Oct. 5, 1999, 113 Stat. 967.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original “this title”, meaning title XXXII of div. C of Pub. L. 106-65, Oct. 5, 1999, 113 Stat. 953, as amended, which is classified principally to this chapter. For complete classification of title XXXII to the Code, see Short Title note set out under section 2401 of this title and Tables.

§ 2462. Compliance with Federal Acquisition Regulation

The Administrator shall establish procedures to ensure that the mission and programs of the Administration are executed in full compliance with all applicable provisions of the Federal Acquisition Regulation issued pursuant to division B (except sections 1123, 2303, 2304, and 2313) of subtitle I of title 41.

(Pub. L. 106-65, div. C, title XXXII, §3262, Oct. 5, 1999, 113 Stat. 967.)

CODIFICATION

In text, “division B (except sections 1123, 2303, 2304, and 2313) of subtitle I of title 41” substituted for “the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 2463. Sharing of technology with Department of Defense

The Administrator shall, in cooperation with the Secretary of Defense, establish procedures and programs to provide for the sharing of technology, technical capability, and expertise between the Administration and the Department of Defense to further national security objectives.

(Pub. L. 106-65, div. C, title XXXII, §3263, Oct. 5, 1999, 113 Stat. 967.)

§ 2464. Use of capabilities of national security laboratories by entities outside the Administration

The Secretary, in consultation with the Administrator, shall establish appropriate procedures to provide for the use, in a manner consistent with the national security mission of the

Administration under section 2401(b) of this title, of the capabilities of the national security laboratories by elements of the Department of Energy not within the Administration, other Federal agencies, and other appropriate entities, including the use of those capabilities to support efforts to defend against weapons of mass destruction.

(Pub. L. 106-65, div. C, title XXXII, §3264, Oct. 5, 1999, 113 Stat. 967.)

§ 2465. Enhancing private-sector employment through cooperative research and development activities

(a) In general

The Administrator for Nuclear Security shall encourage cooperative research and development activities at the national security laboratories (as defined in section 2471 of this title) that lead to the creation of new private-sector employment opportunities.

(b) Reports

Not later than January 31 of each year from 2012 through 2017, the Administrator shall submit to Congress a report detailing the number of new private-sector employment opportunities created as a result of the previous years’ cooperative research and development activities at each national security laboratory.

(Pub. L. 111-383, div. C, title XXXI, §3122, Jan. 7, 2011, 124 Stat. 4514.)

CODIFICATION

Section was enacted as part of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, and not as part of the National Nuclear Security Administration Act which comprises this chapter.

SUBCHAPTER VI—DEFINITIONS

§ 2471. Definitions

For purposes of this chapter:

(1) The term “national security laboratory” means any of the following:

(A) Los Alamos National Laboratory, Los Alamos, New Mexico.

(B) Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(C) Lawrence Livermore National Laboratory, Livermore, California.

(2) The term “nuclear weapons production facility” means any of the following:

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

(B) The Pantex Plant, Amarillo, Texas.

(C) The Y-12 Plant, Oak Ridge, Tennessee.

(D) The tritium operations facilities at the Savannah River Site, Aiken, South Carolina.

(E) The Nevada Test Site, Nevada.

(F) Any facility of the Department of Energy that the Secretary of Energy, in consultation with the Administrator and the Congress, determines to be consistent with the mission of the Administration.

(3) The term “classified information” means any information that has been determined pursuant to Executive Order No. 12333 of De-