

(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 enterprise.

(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.

(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; Pub. L. 112-239, div. C, title XXXI, §3132(a)(2), Jan. 2, 2013, 126 Stat. 2185.)

AMENDMENTS

2013—Subsec. (a). Pub. L. 112-239, §3132(a)(2)(A), substituted “nuclear security enterprise” for “nuclear security complex” wherever appearing.

Subsec. (b)(3). Pub. L. 112-239, §3132(a)(2)(B), struck out par. (3), which defined “nuclear security complex”.

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