

Pub. L. 111-84, §3118(a), substituted “\$10,000,000” for “\$5,000,000”.

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-84, div. C, title XXXI, §3118(b), Oct. 28, 2009, 123 Stat. 2709, provided that the amendment made by section 3118(b) is effective Sept. 30, 2010.

**§ 2742. Reprogramming**

**(a) In general**

Except as provided in subsection (b) and in sections 2750 and 2751 of this title, the Secretary of Energy may not use amounts appropriated pursuant to a DOE national security authorization for a program—

- (1) in amounts that exceed, in a fiscal year—
  - (A) 115 percent of the amount authorized for that program by that authorization for that fiscal year; or
  - (B) \$5,000,000 more than the amount authorized for that program by that authorization for that fiscal year; or
- (2) which has not been presented to, or requested of, Congress.

**(b) Exception where notice-and-wait given**

An action described in subsection (a) may be taken if—

- (1) the Secretary submits to the congressional defense committees a report referred to in subsection (c) with respect to such action; and
- (2) a period of 30 days has elapsed after the date on which such committees receive the report.

**(c) Report**

The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

**(d) Computation of days**

In the computation of the 30-day period under subsection (b), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain.

**(e) Limitations**

**(1) Total amount obligated**

In no event may the total amount of funds obligated pursuant to a DOE national security authorization for a fiscal year exceed the total amount authorized to be appropriated by that authorization for that fiscal year.

**(2) Prohibited items**

Funds appropriated pursuant to a DOE national security authorization may not be used for an item for which Congress has specifically denied funds.

(Pub. L. 107-314, div. D, title XLVII, §4702, formerly div. C, title XXXVI, §3621, Dec. 2, 2002, 116 Stat. 2757; renumbered div. D, title XLVII, §4702, and amended Pub. L. 108-136, div. C, title XXXI, §3141(j)(2)(A)–(D)(i), Nov. 24, 2003, 117 Stat. 1781.)

CODIFICATION

Section was formerly classified to section 7386a of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-136, §3141(j)(2)(D)(i), in introductory provisions, made technical amendment to reference in original act which appears in text as reference to sections 2750 and 2751 of this title.

**§ 2743. Minor construction projects**

**(a) Authority**

Using operation and maintenance funds or facilities and infrastructure funds authorized by a DOE national security authorization, the Secretary of Energy may carry out minor construction projects.

**(b) Annual report**

The Secretary shall submit to the congressional defense committees on an annual basis a report on each exercise of the authority in subsection (a) during the preceding fiscal year. Each report shall provide a brief description of each minor construction project covered by the report.

**(c) Cost variation reports to congressional committees**

If, at any time during the construction of any minor construction project authorized by a DOE national security authorization, the estimated cost of the project is revised and the revised cost of the project exceeds the minor construction threshold, the Secretary shall immediately submit to the congressional defense committees a report explaining the reasons for the cost variation.

**(d) Minor construction project defined**

In this section, the term “minor construction project” means any plant project not specifically authorized by law for which the approved total estimated cost does not exceed the minor construction threshold.

(Pub. L. 107-314, div. D, title XLVII, §4703, formerly div. C, title XXXVI, §3622, Dec. 2, 2002, 116 Stat. 2757; renumbered div. D, title XLVII, §4703, by Pub. L. 108-136, div. C, title XXXI, §3141(j)(2)(A)–(C), Nov. 24, 2003, 117 Stat. 1781.)

CODIFICATION

Section was formerly classified to section 7386b of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

NOTIFICATION

Pub. L. 111-84, div. C, title XXXI, §3118(c), Oct. 28, 2009, 123 Stat. 2709, as amended by Pub. L. 111-383, div. C, title XXXI, §3121(b), Jan. 7, 2011, 124 Stat. 4514, provided that: “Notwithstanding section 4703 of such Act [probably means section 4703 of Pub. L. 111-84] (50 U.S.C. 2743), in carrying out construction projects, the Secretary of Energy may not start a general plant project with a total estimated cost of more than \$5,000,000 until—

- “(1) the Secretary notifies the congressional defense committees [Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives] of such project and total estimated cost; and
- “(2) a period of 15 days has elapsed after the date on which such notification is received.”

**§ 2743a. General plant projects**

Plant or construction projects for which amounts are made available under this and sub-