

**§ 2746. Conceptual and construction design****(a) Conceptual design****(1) Requirement**

Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

**(2) Requests for conceptual design funds**

If the estimated cost of completing a conceptual design for a construction project exceeds \$3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

**(3) Exceptions**

The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than the minor construction threshold; or

(B) for emergency planning, design, and construction activities under section 2747 of this title.

**(b) Construction design****(1) Authority**

Within the amounts authorized by a DOE national security authorization, the Secretary may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed \$600,000.

**(2) Limitation on availability of funds for certain projects**

If the total estimated cost for construction design in connection with any construction project exceeds \$600,000, funds for that design must be specifically authorized by law.

(Pub. L. 107–314, div. D, title XLVII, §4706, formerly div. C, title XXXVI, §3625, Dec. 2, 2002, 116 Stat. 2759; renumbered div. D, title XLVII, §4706, and amended Pub. L. 108–136, div. C, title XXXI, §3141(j)(2)(A)–(C), (D)(ii), Nov. 24, 2003, 117 Stat. 1781.)

## CODIFICATION

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

## AMENDMENTS

2003—Subsec. (a)(3)(B). Pub. L. 108–136, §3141(j)(2)(D)(ii), made technical amendment to reference in original act which appears in text as reference to section 2747 of this title.

**§ 2747. Authority for emergency planning, design, and construction activities****(a) Authority**

The Secretary of Energy may use any funds available to the Department of Energy pursuant to a DOE national security authorization, including funds authorized to be appropriated for

advance planning, engineering, and construction design, and for plant projects, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

**(b) Limitation**

The Secretary may not exercise the authority under subsection (a) in the case of a construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making those activities necessary.

**(c) Specific authority**

The requirement of section 2746(b)(2) of this title does not apply to emergency planning, design, and construction activities conducted under this section.

(Pub. L. 107–314, div. D, title XLVII, §4707, formerly div. C, title XXXVI, §3626, Dec. 2, 2002, 116 Stat. 2759; renumbered div. D, title XLVII, §4707, and amended Pub. L. 108–136, div. C, title XXXI, §3141(j)(2)(A)–(C), (D)(iii), Nov. 24, 2003, 117 Stat. 1781.)

## CODIFICATION

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

## AMENDMENTS

2003—Subsec. (c). Pub. L. 108–136, §3141(j)(2)(D)(iii), made technical amendment to reference in original act which appears in text as reference to section 2746(b)(2) of this title.

**§ 2748. Scope of authority to carry out plant projects**

In carrying out programs necessary for national security, the authority of the Secretary of Energy to carry out plant projects includes authority for maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto.

(Pub. L. 107–314, div. D, title XLVII, §4708, formerly div. C, title XXXVI, §3627, Dec. 2, 2002, 116 Stat. 2760; renumbered div. D, title XLVII, §4708, 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 7386g of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

**§ 2749. Availability of funds****(a) In general**

Except as provided in subsection (b), amounts appropriated pursuant to a DOE national security authorization for operation and maintenance or for plant projects may, when so specified in an appropriations Act, remain available until expended.

**(b) Exception for program direction funds**

Amounts appropriated for program direction pursuant to a DOE national security authorization<sup>1</sup> for a fiscal year shall remain available to be obligated only until the end of that fiscal year.

(Pub. L. 107-314, div. D, title XLVII, § 4709, formerly div. C, title XXXVI, § 3628, Dec. 2, 2002, 116 Stat. 2760; renumbered div. D, title XLVII, § 4709, 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 7386h of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

**§ 2750. Transfer of defense environmental management funds****(a) Transfer authority for defense environmental management funds**

The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of that office to another such program or project.

**(b) Limitations****(1) Number of transfers**

Not more than one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

**(2) Amounts transferred**

The amount transferred to or from a program or project in any one transfer under subsection (a) may not exceed \$5,000,000.

**(3) Determination required**

A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary—

(A) to address a risk to health, safety, or the environment; or

(B) to assure the most efficient use of defense environmental management funds at the field office.

**(4) Impermissible uses**

Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

**(c) Exemption from reprogramming requirements**

The requirements of section 2742 of this title shall not apply to transfers of funds pursuant to subsection (a).

**(d) Notification**

The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

<sup>1</sup> So in original. Probably should be “authorization”.

**(e) Definitions**

In this section:

(1) The term “program or project” means, with respect to a field office of the Department of Energy, a program or project that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by that office, and for which defense environmental management funds have been authorized and appropriated.

(2) The term “defense environmental management funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(Pub. L. 107-314, div. D, title XLVII, § 4710, formerly div. C, title XXXVI, § 3629, Dec. 2, 2002, 116 Stat. 2760; renumbered div. D, title XLVII, § 4710, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(j)(2)(A)–(C), (D)(iv), Nov. 24, 2003, 117 Stat. 1781.)

## CODIFICATION

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

## AMENDMENTS

2003—Subsec. (c). Pub. L. 108-136, § 3141(j)(2)(D)(iv), made technical amendment to reference in original act which appears in text as reference to section 2742 of this title.

**§ 2751. Transfer of weapons activities funds****(a) Transfer authority for weapons activities funds**

The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer weapons activities funds from a program or project under the jurisdiction of that office to another such program or project.

**(b) Limitations****(1) Number of transfers**

Not more than one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

**(2) Amounts transferred**

The amount transferred to or from a program or project in any one transfer under subsection (a) may not exceed \$5,000,000.

**(3) Determination required**

A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer—

(A) is necessary to address a risk to health, safety, or the environment; or

(B) will result in cost savings and efficiencies.

**(4) Limitation**

A transfer may not be carried out by a manager of a field office under subsection (a) to cover a cost overrun or scheduling delay for any program or project.