

**(5) 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 Administrator for Nuclear Security, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

**(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 weapons activities necessary for national security programs of the Department, that is being carried out by that office, and for which weapons activities funds have been authorized and appropriated.

(2) The term “weapons activities funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out weapons activities necessary for national security programs.

(Pub. L. 107–314, div. D, title XLVII, §4711, formerly div. C, title XXXVI, §3630, Dec. 2, 2002, 116 Stat. 2761; renumbered div. D, title XLVII, §4711, and amended Pub. L. 108–136, div. C, title XXXI, §3141(j)(2)(A)–(C), (D)(v), Nov. 24, 2003, 117 Stat. 1781.)

## CODIFICATION

Section was formerly classified to section 7386j 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)(v), made technical amendment to reference in original act which appears in text as reference to section 2742 of this title.

**§ 2752. Funds available for all national security programs of the Department of Energy**

Subject to the provisions of appropriation Acts and section 2742 of this title, amounts appropriated pursuant to a DOE national security authorization for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

(Pub. L. 107–314, div. D, title XLVII, §4712, formerly div. C, title XXXVI, §3631, Dec. 2, 2002, 116 Stat. 2762; renumbered div. D, title XLVII, §4712, and amended Pub. L. 108–136, div. C, title XXXI, §3141(j)(2)(A)–(C), (D)(vi), Nov. 24, 2003, 117 Stat. 1781.)

## CODIFICATION

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

## AMENDMENTS

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

**§ 2753. Notification of cost overruns for certain Department of Energy projects****(a) Establishment of cost and schedule baselines****(1) Stockpile life extension projects****(A) In general**

The Administrator shall establish a cost and schedule baseline for each nuclear stockpile life extension project of the Administration.

**(B) Per unit cost**

The cost baseline developed under subparagraph (A) shall include, with respect to each life extension project, an estimated cost for each warhead in the project.

**(C) Notification to congressional defense committees**

Not later than 30 days after establishing a cost and schedule baseline under subparagraph (A), the Administrator shall submit the cost and schedule baseline to the congressional defense committees.

**(2) Defense-funded construction projects****(A) In general**

The Secretary of Energy shall establish a cost and schedule baseline under the project management protocols of the Department of Energy for each construction project that is—

(i) in excess of \$50,000,000; and

(ii) carried out by the Department using funds authorized to be appropriated for a fiscal year pursuant to a DOE national security authorization.

**(B) Notification to congressional defense committees**

Not later than 30 days after establishing a cost and schedule baseline under subparagraph (A), the Secretary shall submit the cost and schedule baseline to the congressional defense committees.

**(3) Defense environmental management projects****(A) In general**

The Secretary shall establish a cost and schedule baseline under the project management protocols of the Department of Energy for each defense environmental management project that is—

(i) in excess of \$50,000,000; and

(ii) carried out by the Department pursuant to such protocols.

**(B) Notification to congressional defense committees**

Not later than 30 days after establishing a cost and schedule baseline under subparagraph (A), the Secretary shall submit the cost and schedule baseline to the congressional defense committees.

**(b) Notification of costs exceeding baseline**

The Administrator or the Secretary, as applicable, shall notify the congressional defense