

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

**(d) Notice to Congress**

The Secretary of Energy shall promptly notify the congressional defense committees of any transfer of funds to or from any DOE national security authorization.

(Pub. L. 107-314, div. D, title XLVII, §4705, formerly div. C, title XXXVI, §3624, Dec. 2, 2002, 116 Stat. 2758; renumbered div. D, title XLVII, §4705, 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 7386d of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

**§ 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 \$5,000,000, 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 \$2,000,000.

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

If the total estimated cost for construction design in connection with any construction project exceeds \$2,000,000, 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; Pub. L. 113-66, div. C, title XXXI, §3120,

Dec. 26, 2013, 127 Stat. 1059; Pub. L. 114-328, div. C, title XXXI, §3121, Dec. 23, 2016, 130 Stat. 2764.)

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

2016—Subsec. (a)(2). Pub. L. 114-328, §3121(a), substituted “\$5,000,000” for “\$3,000,000”.

Subsec. (b). Pub. L. 114-328, §3121(b), substituted “\$2,000,000” for “\$1,000,000” in two places.

2013—Subsec. (b). Pub. L. 113-66 substituted “\$1,000,000” for “\$600,000” in two places.

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