

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 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; Pub. L. 113-291, div. C, title XXXI, §3142(p), Dec. 19, 2014, 128 Stat. 3901.)

#### CODIFICATION

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

#### AMENDMENTS

2014—Subsec. (b). Pub. L. 113-291 substituted “authorization” for “athorization”.

### § 2750. Transfer of defense environmental cleanup funds

#### (a) Transfer authority for defense environmental cleanup 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 cleanup 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 cleanup 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.

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

(2) The term “defense environmental cleanup funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out defense environmental cleanup 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; Pub. L. 113-66, div. C, title XXXI, §3146(h)(2), Dec. 26, 2013, 127 Stat. 1081; Pub. L. 113-291, div. C, title XXXI, §3142(q), Dec. 19, 2014, 128 Stat. 3901.)

#### 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

2014—Subsec. (b)(3)(B). Pub. L. 113-291 substituted “cleanup” for “management”.

2013—Pub. L. 113-66, §3146(h)(2)(A), substituted “cleanup” for “management” in section catchline.

Subsec. (a). Pub. L. 113-66, §3146(h)(2)(B), substituted “cleanup” for “management” in heading and text.

Subsec. (e)(1). Pub. L. 113-66, §3146(h)(2)(C)(i), substituted “defense environmental cleanup activities” for “environmental restoration or waste management ac-

tivities” and “defense environmental cleanup funds” for “defense environmental management funds”.

Subsec. (e)(2). Pub. L. 113-66, §3146(h)(2)(C)(ii), substituted “‘defense environmental cleanup funds’” for “‘defense environmental management funds’” and “‘defense environmental cleanup activities’” for “‘environmental restoration and waste management activities’”.

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.

#### (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, 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; Pub. L. 113-66, div. C, title XXXI, §3146(h)(3), Dec. 26, 2013, 127 Stat. 1081.)

#### 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

2013—Subsec. (d). Pub. L. 113-66 struck out “for Nuclear Security” after “Administrator”.

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. In addition to the requirement under subparagraph (B), the cost and schedule baseline of a nuclear stockpile life extension project established under this subparagraph shall be the cost and schedule as de-