

- (E) changes in procurement quantities;
- (F) inadequate program funding or funding instability;
- (G) poor performance by personnel of the Federal Government or contractor personnel responsible for program management; or
- (H) any other matters.

(d) Applicability of requirements to revised cost and schedule baselines

A revised cost and schedule baseline established under subsection (c) shall—

- (1) be submitted to the congressional defense committees with the certification submitted under subsection (c)(2); and
- (2) be subject to the notification requirements of subsections (b) and (c) in the same manner and to the same extent as a cost and schedule baseline established under subsection (a).

(Pub. L. 107–314, div. D, title XLVII, §4713, as added Pub. L. 111–383, div. C, title XXXI, §3114(a), Jan. 7, 2011, 124 Stat. 4510; amended Pub. L. 112–239, div. C, title XXXI, §3131(t), Jan. 2, 2013, 126 Stat. 2184; Pub. L. 113–66, div. C, title XXXI, §3146(h)(4), Dec. 26, 2013, 127 Stat. 1081; Pub. L. 113–291, div. C, title XXXI, §3115, Dec. 19, 2014, 128 Stat. 3888; Pub. L. 114–92, div. C, title XXXI, §§3113(a), 3114, Nov. 25, 2015, 129 Stat. 1191, 1193.)

AMENDMENTS

2015—Subsec. (a)(2) to (4). Pub. L. 114–92, §3113(a)(1), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

Subsec. (b)(1). Pub. L. 114–92, §3113(a)(2)(A)(i), substituted “(3), or (4)” for “or (3)”.

Subsec. (b)(2). Pub. L. 114–92, §3113(a)(2)(A)(ii)(II), which directed the insertion of “or (a)(2)(B), as applicable,” was executed by making the insertion after “subsection (a)(1)(B)” to reflect the probable intent of Congress.

Pub. L. 114–92, §3113(a)(2)(A)(ii)(I), inserted “or a major alteration project referred to in subsection (a)(2)” after “subsection (a)(1)”.

Subsec. (c). Pub. L. 114–92, §3114(1), inserted “and root cause analyses” after “projects” in heading.

Subsec. (c)(2)(A). Pub. L. 114–92, §3113(a)(2)(B), inserted “or a major alteration project referred to in subsection (a)(2)” after “subsection (a)(1)”.

Subsec. (c)(3). Pub. L. 114–92, §3114(2)–(4), added par. (3).

2014—Subsec. (a)(1)(A). Pub. L. 113–291, §3115(1), inserted at end “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 described in the first Selected Acquisition Report submitted under section 2537(a) of this title for the project.”

Subsec. (b)(2). Pub. L. 113–291, §3115(2), substituted “150” for “200”.

2013—Subsec. (a)(1)(A). Pub. L. 112–239 struck out “for Nuclear Security” after “Administrator” and struck out “National Nuclear Security” after “life extension project of the”.

Subsec. (a)(3). Pub. L. 113–66, §3146(h)(4)(A), substituted “cleanup” for “management” in heading.

Subsec. (a)(3)(A). Pub. L. 113–66, §3146(h)(4)(B), substituted “environmental cleanup” for “environmental management” in introductory provisions.

§ 2754. Life-cycle cost estimates of certain atomic energy defense capital assets

(a) In general

The Secretary of Energy shall ensure that an independent life-cycle cost estimate under De-

partment of Energy Order 413.3 (relating to program management and project management for the acquisition of capital assets) of each capital asset described in subsection (b) is conducted before the asset achieves critical decision 2 in the acquisition process.

(b) Capital assets described

A capital asset described in this subsection is an atomic energy defense capital asset—

- (1) the total project cost of which exceeds \$100,000,000; and
- (2) the purpose of which is to perform a limited-life, single-purpose mission.

(c) Independent defined

For purposes of subsection (a), the term “independent”, with respect to a life-cycle cost estimate of a capital asset, means that the life-cycle cost estimate is prepared by an organization independent of the project sponsor, using the same detailed technical and procurement information as the sponsor, to determine if the life-cycle cost estimate of the sponsor is accurate and reasonable.

(Pub. L. 107–314, div. D, title XLVII, §4714, as added Pub. L. 113–291, div. C, title XXXI, §3113(a), Dec. 19, 2014, 128 Stat. 3887.)

USE OF BEST PRACTICES FOR CAPITAL ASSET PROJECTS AND NUCLEAR WEAPON LIFE EXTENSION PROGRAMS

Pub. L. 114–92, div. C, title XXXI, §3117, Nov. 25, 2015, 129 Stat. 1195, provided that:

“(a) ANALYSES OF ALTERNATIVES.—Not later than 30 days after the date of the enactment of this Act [Nov. 25, 2015], the Secretary of Energy, in coordination with the Administrator for Nuclear Security, shall ensure that analyses of alternatives are conducted (including through contractors, as appropriate) in accordance with best practices for capital asset projects and life extension programs of the National Nuclear Security Administration and capital asset projects relating to defense environmental management.

“(b) COST ESTIMATES.—Not later than 30 days after the date of the enactment of this Act, the Secretary, in coordination with the Administrator, shall develop cost estimates in accordance with cost estimating best practices for capital asset projects and life extension programs of the National Nuclear Security Administration and capital asset projects relating to defense environmental management.

“(c) REVISIONS TO DEPARTMENTAL PROJECT MANAGEMENT ORDER AND NUCLEAR WEAPON LIFE EXTENSION REQUIREMENTS.—As soon as practicable after the date of the enactment of this Act [Nov. 25, 2015], but not later than two years after such date of enactment, the Secretary shall revise—

- (1) the capital asset project management order of the Department of Energy to require the use of best practices for preparing cost estimates and for conducting analyses of alternatives for National Nuclear Security Administration and defense environmental management capital asset projects; and

- (2) the nuclear weapon life extension program procedures of the Department to require the use of [sic] best practices for preparing cost estimates and conducting analyses of alternatives for National Nuclear Security Administration life extension programs.”

§ 2755. Matters relating to critical decisions

(a) Post-critical decision 2 changes

After the date on which a plant project specifically authorized by law and carried out under Department of Energy Order 413.3B (relating to