

program management and project management for the acquisition of capital assets), or a successor order, achieves critical decision 2, the Administrator may not change the requirements for such project if such change increases the cost of such project by more than the lesser of \$5,000,000 or 15 percent, unless—

(1) the Administrator submits to the congressional defense committees—

(A) a certification that the Administrator, without delegation, authorizes such proposed change; and

(B) a cost-benefit and risk analysis of such proposed change, including with respect to—

(i) the effects of such proposed change on the project cost and schedule; and

(ii) any mission risks and operational risks from making such change or not making such change; and

(2) a period of 15 days elapses following the date of such submission.

(b) Review and approval

The Administrator shall ensure that critical decision packages are timely reviewed and either approved or disapproved.

(Pub. L. 107–314, div. D, title XLVII, §4715, as added Pub. L. 115–91, div. C, title XXXI, §3111(d)(1), Dec. 12, 2017, 131 Stat. 1882.)

§ 2756. Unfunded priorities of the National Nuclear Security Administration

(a) Annual report

Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, the Administrator shall submit to the Secretary of Energy and the congressional defense committees a report on the unfunded priorities of the Administration.

(b) Elements

(1) In general

Each report required by subsection (a) shall specify, for each unfunded priority covered by the report, the following:

(A) A summary description of that priority, including the objectives to be achieved if that priority is funded (whether in whole or in part).

(B) The additional amount of funds recommended in connection with the objectives under subparagraph (A).

(C) Account information with respect to that priority.

(2) Prioritization of priorities

Each report required by subsection (a) shall present the unfunded priorities covered by the report in order of urgency of priority.

(c) Limitation

If the Administrator fails to submit to the congressional defense committees a report required by subsection (a) for any of fiscal years 2020 through 2024 that includes the matters specified in subsection (b)(1) for at least one unfunded priority by the deadline specified in subsection (a), not more than 65 percent of the funds authorized to be appropriated or otherwise

made available for the fiscal year in which such failure occurs for travel and transportation of persons under the Federal salaries and expenses account of the Administration may be obligated or expended until the date on which the Administrator submits such report.

(d) Unfunded priority defined

In this section, the term “unfunded priority”, in the case of a fiscal year, means a program, activity, or mission requirement that—

(1) is not funded in the budget of the President for that fiscal year as submitted to Congress pursuant to section 1105(a) of title 31;

(2) is necessary to fulfill a requirement associated with the mission of the Administration; and

(3) would have been recommended for funding through the budget referred to in paragraph (1) by the Administrator—

(A) if additional resources were available for the budget to fund the program, activity, or mission requirement; or

(B) in the case of a program, activity, or mission requirement that emerged after the budget was formulated, if the program, activity, or mission requirement had emerged before the budget was formulated.

(Pub. L. 107–314, div. D, title XLVII, §4716, as added Pub. L. 115–91, div. C, title XXXI, §3132(a), Dec. 12, 2017, 131 Stat. 1895; Pub. L. 115–232, div. C, title XXXI, §3124, Aug. 13, 2018, 132 Stat. 2297.)

AMENDMENTS

2018—Subsecs. (c), (d). Pub. L. 115–232 added subsec. (c) and redesignated former subsec. (c) as (d).

PART B—PENALTIES

§ 2761. Restriction on use of funds to pay penalties under environmental laws

(a) Restriction

Funds appropriated to the Department of Energy for the Naval Nuclear Propulsion Program or the nuclear weapons programs or other atomic energy defense activities of the Department of Energy may not be used to pay a penalty, fine, or forfeiture in regard to a defense activity or facility of the Department of Energy due to a failure to comply with any environmental requirement.

(b) Exception

Subsection (a) shall not apply with respect to an environmental requirement if—

(1) the President fails to request funds for compliance with the environmental requirement; or

(2) Congress has appropriated funds for such purpose (and such funds have not been sequestered, deferred, or rescinded) and the Secretary of Energy fails to use the funds for such purpose.

(Pub. L. 107–314, div. D, title XLVII, §4721, formerly Pub. L. 99–661, div. C, title I, §3132, Nov. 14, 1986, 100 Stat. 4063; renumbered Pub. L. 107–314, div. D, title XLVII, §4721, and amended Pub. L. 108–136, div. C, title XXXI, §3141(j)(4), Nov. 24, 2003, 117 Stat. 1781; Pub. L. 113–66, div. C, title XXXI, §3146(h)(5), Dec. 26, 2013, 127 Stat. 1081.)