

mines that a covered contractor engaged in improper program management that resulted in a notification under section 2753 of this title or significantly and detrimentally affected the cost, scope, or schedule associated with the approval of critical decision 3 in the acquisition process for a project (as defined in Department of Energy Order 413.3B (relating to program management and project management for the acquisition of capital assets)), the Secretary or the Administrator, as the case may be, shall submit to the appropriate congressional committees—

- (1) an explanation as to whether termination of the contract is an appropriate remedy;
- (2) a description of the terms of the contract regarding award fees and performance; and
- (3) a description of how the Secretary or the Administrator, as the case may be, plans to exercise options under the contract.

(b) Exception

If the Secretary or the Administrator, as the case may be, is not able to submit the information described in paragraphs (1) through (3) of subsection (a) by reason of a contract enforcement action, the Secretary or the Administrator, as the case may be, shall submit to the appropriate congressional committees a notification of such contract enforcement action and the date on which the Secretary or the Administrator, as the case may be, plans to submit the information described in such paragraphs.

(c) Definitions

In this section:

(1) The term “appropriate congressional committees” means—

- (A) the congressional defense committees; and
- (B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) The term “covered contractor” means—

- (A) a contractor of the Administration; or
- (B) a contractor of an element of the Department of Energy (other than the Administration) involved in nuclear security.

(Pub. L. 106-65, div. C, title XXXII, §3247, as added Pub. L. 114-92, div. C, title XXXI, §3111(c)(1), Nov. 25, 2015, 129 Stat. 1188.)

SUBCHAPTER IV—BUDGET AND FINANCIAL MANAGEMENT

§ 2451. Separate treatment in budget

(a) President’s budget

In each budget submitted by the President to Congress under section 1105 of title 31, amounts requested for the Administration shall be set forth separately within the other amounts requested for the Department of Energy.

(b) Budget justification materials

(1) In the budget justification materials submitted to Congress in support of each such budget, the amounts requested for the Administration shall be specified in individual, dedicated program elements.

(2) In the budget justification materials submitted to Congress in support of each such bud-

et, the Administrator shall include an assessment of how the budget maintains the core nuclear weapons skills of the Administration, including nuclear weapons design, engineering, production, testing, and prediction of stockpile aging.

(Pub. L. 106-65, div. C, title XXXII, §3251, Oct. 5, 1999, 113 Stat. 966; Pub. L. 112-239, div. C, title XXXI, §3112, Jan. 2, 2013, 126 Stat. 2169; Pub. L. 113-66, div. C, title XXXI, §3145(e), Dec. 26, 2013, 127 Stat. 1071.)

AMENDMENTS

2013—Subsec. (a). Pub. L. 113-66 substituted “Congress” for “the Congress”.

Subsec. (b). Pub. L. 112-239 designated existing provisions as par. (1) and added par. (2).

TEN-YEAR PLAN FOR USE AND FUNDING OF CERTAIN DEPARTMENT OF ENERGY FACILITIES

Pub. L. 111-84, div. C, title XXXI, §3141, Oct. 28, 2009, 123 Stat. 2715, provided that:

“(a) IN GENERAL.—The Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall jointly develop a plan to use and fund, over a ten-year period, the following facilities of the Department of Energy:

“(1) The National Ignition Facility at the Lawrence Livermore National Laboratory, California.

“(2) The Los Alamos Neutron Science Center at the Los Alamos National Laboratory, New Mexico.

“(3) The Z Machine at the Sandia National Laboratories, New Mexico.

“(4) The Microsystems and Engineering Sciences Application Facility at the Sandia National Laboratories, New Mexico.

“(b) SUBMITTAL OF PLAN.—Not later than 45 days after the date of the enactment of this Act [Oct. 28, 2009], the Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall submit to the appropriate congressional committees the plan required by subsection (a).

“(c) REQUIREMENT TO SPECIFY SOURCE OF FACILITY FUNDING IN BUDGET REQUESTS.—In any budget request for the Department of Energy for a fiscal year that is submitted to Congress after the date of the enactment of this Act [Oct. 28, 2009], the Secretary of Energy shall identify for that fiscal year the portion of the funding for each facility specified in subsection (a) that is to be provided by the National Nuclear Security Administration and by the Office of Science of the Department of Energy.

“(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Science and Technology [now Committee on Science, Space, and Technology] of the House of Representatives; and

“(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate.”

§ 2452. Planning, programming, and budgeting process

(a) Procedures required

The Administrator shall establish procedures to ensure that the planning, programming, budgeting, and financial activities of the Administration comport with sound financial and fiscal management principles. Those procedures shall, at a minimum, provide for the planning, programming, and budgeting of activities of the Administration using funds that are available for obligation for a limited number of years.