

PUBLIC LAW 116–283—JAN. 1, 2021

WILLIAM M. (MAC) THORNBERRY
NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2021

★ (Star Print)

(B) the plan for providing that official with resources sufficient to conduct the monitoring required by subsection (a).

(2) SUBSEQUENT BRIEFINGS.—Not later than April 1, 2022, and annually thereafter through 2024, the Administrator shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on activities carried out under this section that includes an assessment of the progress made by the official designated under subsection (a) in conducting the monitoring required by that subsection. Assessment.

SEC. 3114. PLUTONIUM PIT PRODUCTION.

(a) INDEPENDENT COST ESTIMATE.—

(1) REQUIREMENT.—The Secretary of Energy shall obtain an independent cost estimate for each covered project in accordance with Department of Energy Order 413.3B (relating to program management and project management for the acquisition of capital assets), as in effect on the day before the date of the enactment of this Act.

(2) CONFIDENCE LEVEL.—An independent cost estimate under paragraph (1) with respect to a covered project shall assign a confidence level, expressed as a percentage, with respect to whether the Secretary will be able to carry out the covered project within the estimated schedule and cost objectives of the Department of Energy consistent with the document of the Government Accountability Office entitled “Cost Estimating and Assessment Guide” (GAO–09–3SP) and dated March 2009.

(3) SUBMISSION.—Not later than 30 days after obtaining an independent cost estimate under paragraph (1) with respect to a covered project, the Secretary shall submit to the congressional defense committees the estimate, including the confidence level assigned under paragraph (2). Deadline.

(b) CONDITIONAL REPORTS AND CERTIFICATIONS.—

(1) LOW CONFIDENCE.—If an independent cost estimate for a covered project under subsection (a) assigns a high-end cost for the project that is 15 percent or more higher than the high-end project cost position approved by the Department of Energy for the project at critical decision 1 in the acquisition process—

(A) not later than 90 days after approval of critical decision 1, the Secretary shall submit to the congressional defense committees the report described in paragraph (2) with respect to the covered project; and

(B) not later than 90 days after the date on which the Secretary submits the independent cost estimate to the congressional defense committees under subsection (a)(3), the Commander of the United States Strategic Command shall certify to those committees that— Deadline.

(i) the requirement to produce war reserve plutonium pits under section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a) cannot be altered or extended by not more than five years without—

(I) degrading the capabilities of the Command to accomplish its assigned nuclear deterrence missions; or

(II) reducing the confidence of the Commander in the military effectiveness of the nuclear weapons stockpile, taking into account all mitigation strategies available to the Commander; or

(ii) that requirement can be altered or extended as described in clause (i) without degrading the capabilities described in subclause (I) of that clause or reducing the confidence described in subclause (II) of that clause.

(2) REPORT DESCRIBED.—

(A) IN GENERAL.—The report described in this paragraph with respect to a covered project is a report by the Secretary that includes—

Certification.

(i)(I) a certification by the Secretary that, notwithstanding the costs and confidence level set forth in the independent cost estimate under subsection (a), the Secretary will be able to carry out the covered project within the estimated schedule and cost objectives of the Department of Energy; and

(II) a detailed explanation of why the Secretary disagrees with the independent cost estimate; or

Plan.

(ii) if the Secretary cannot make the certification under clause (i)(I), a plan by the Secretary—

(I) to achieve costs and a confidence level consistent with the costs and confidence level set forth in the independent cost estimate, including with respect to changing the costs, schedule, and scope of the covered project; and

(II) that includes a description, provided by the Administrator for Nuclear Security, of mitigation options for minimizing any degradation in the military effectiveness of the nuclear weapons stockpile until the Secretary achieves costs and a confidence level consistent with the costs and confidence level set forth in the independent cost estimate.

(B) PROHIBITION ON DELEGATION.—The Secretary may not delegate the responsibility for making a certification under subparagraph (A)(i)(I).

(c) COVERED PROJECT DEFINED.—In this section, the term “covered project” means—

(1) the Savannah River Plutonium Processing Facility, Savannah River Site, Aiken, South Carolina (Project 21–D–511); or

(2) the Plutonium Pit Production Project, Los Alamos National Laboratory, Los Alamos, New Mexico (Project 21–D–512).