

**Response to Request for Information
House Committee on Oversight and Reform
Subcommittee on Government Operations
Letter Dated May 19, 2021**

1. Has the agency established a working capital fund as authorized by the *Modernizing Government Technology Act*?

No, the U.S. Nuclear Regulatory Commission (NRC) has not established a working capital fund as authorized by the *Modernizing Government Technology Act (MGT Act)*. Neither the Consolidated Appropriations Act, 2021, nor other statute, provides the NRC with authority to transfer funds into an information technology (IT) system modernization and working capital fund.

a. If so, please describe the implementation of the fund, including how funding decisions are made and the role of the Chief Information Officer.

Not applicable

b. If not, does your agency plan to establish a working capital fund in fiscal year 2021 or fiscal year 2022? Please explain your agency's plans, including the role of the Chief Information Officer.

The NRC does not plan to establish a working capital fund in fiscal year (FY) 2021 or FY 2022. However, the agency is exploring alternatives, as noted below.

2. Has your agency taken other steps to meet the intent of the *MGT Act*? If so, please describe those steps.

In prior years, the NRC's appropriation structure, budgetary resource levels, and reprogramming authority has enabled the agency to meet the intent of the *MGT Act* without a revolving fund to accomplish IT modernization. Due to recent changes to the Technology Modernization Fund (TMF) repayment structure, the NRC intends to explore the TMF as a potential funding source for IT modernization that is consistent with the TMF priorities. Additionally, the NRC will continue to monitor and assess the agency's ability to modernize IT and ensure that any use of the TMF is consistent with applicable legislation and any other budgetary constraints or limitations.

3. Are there any obstacles to your agency's implementation of the *MGT Act*? If so, please describe those obstacles.

Neither the Consolidated Appropriations Act, 2021, nor any other statute, provides the NRC with authority to transfer funds into an IT system modernization and working capital fund. The lack of such authority is a legal impediment to utilizing a working capital fund. With respect to challenges associated with the agency's efforts to meet the intent of the *MGT Act*, there is general uncertainty associated with future annual budgets, in turn creating uncertainty regarding the agency's ability to meet repayment obligations if the TMF is used as a funding source. In addition to exploring the TMF option, the NRC will continue to monitor and assess the impact of all applicable legislation on the agency's ability to modernize IT.

4. If your agency does not have sufficient authority to transfer funds into this working capital fund, what steps have been taken to obtain the necessary authority?

The NRC has not taken any steps to obtain authority to transfer funds into an IT system modernization and working capital fund. However, the agency is analyzing the value of establishing a working capital fund or other options to fund IT modernization in the future, given changes in the budget environment. This will serve to inform whether the NRC will take any actions to obtain the needed authority.