

(B) Costs for transportation, lodging, or meals incurred for the purpose of providing such information or advice.

(c) “Covered contract” defined

In this section, “covered contract” means a contract for an amount more than \$100,000 entered into by the Secretary of Energy obligating funds appropriated for national security programs of the Department of Energy.

(d) Effective date

Subsection (a) shall apply with respect to costs incurred under a covered contract on or after 30 days after the regulations required by subsection (b) are issued.

(Pub. L. 107-314, div. D, title XLVIII, § 4801, formerly Pub. L. 99-145, title XV, § 1534, Nov. 8, 1985, 99 Stat. 774; Pub. L. 100-180, div. C, title I, § 3131(a), Dec. 4, 1987, 101 Stat. 1238; renumbered Pub. L. 107-314, div. D, title XLVIII, § 4801, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(k)(2), Nov. 24, 2003, 117 Stat. 1783.)

CODIFICATION

In subsec. (b)(1), “section 1707 of title 41” substituted for “section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b)” on authority of Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Section was formerly classified to section 7256a of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2003—Pub. L. 108-136, § 3141(k)(2)(D)(i), made technical amendment to section catchline.

Subsec. (b)(1). Pub. L. 108-136, § 3141(k)(2)(D)(ii), substituted “November 8, 1985,” for “the date of the enactment of this Act,” in the original, which for purposes of codification had been changed to “November 8, 1985,” thus requiring no change in text.

1987—Subsec. (b). Pub. L. 100-180 designated existing provisions as par. (1) and added par. (2).

REGULATIONS

Pub. L. 100-180, div. C, title I, § 3131(b), Dec. 4, 1987, 101 Stat. 1239, provided that: “Regulations to implement paragraph (2) of section 1534(b) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1986 (as added by subsection (a)) [50 U.S.C. 2781(b)(2)] shall be prescribed not later than 90 days after the date of the enactment of this Act [Dec. 4, 1987]. Such regulations shall apply as if included in the original regulations prescribed under such section.”

§ 2782. Prohibition and report on bonuses to contractors operating defense nuclear facilities

(a) Prohibition

The Secretary of Energy may not provide any bonuses, award fees, or other form of performance- or production-based awards to a contractor operating a Department of Energy defense nuclear facility unless, in evaluating the performance or production under the contract, the Secretary considers the contractor’s compliance with all applicable environmental, safety, and health statutes, regulations, and practices for determining both the size of, and the contractor’s qualification for, such bonus, award fee, or other award. The prohibition in this subsection applies with respect to contracts entered into, or contract options exercised, after November 29, 1989.

(b) “Department of Energy defense nuclear facility” defined

In this section, the term “Department of Energy defense nuclear facility” has the meaning given such term by section 2286g of title 42.

(c) Regulations

The Secretary of Energy shall promulgate regulations to implement subsection (a) not later than March 1, 1990.

(Pub. L. 107-314, div. D, title XLVIII, § 4802, formerly Pub. L. 101-189, div. C, title XXXI, § 3151, Nov. 29, 1989, 103 Stat. 1682; renumbered Pub. L. 107-314, div. D, title XLVIII, § 4802, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(k)(3), Nov. 24, 2003, 117 Stat. 1783; Pub. L. 112-239, div. C, title XXXI, § 3131(v), Jan. 2, 2013, 126 Stat. 2184.)

CODIFICATION

Section was formerly classified to section 7256b of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2013—Subsecs. (b) to (d). Pub. L. 112-239 redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b), which related to a report on Rocky Flats bonuses.

2003—Pub. L. 108-136, § 3141(k)(3)(D)(i), made technical amendment to section catchline.

Subsec. (a). Pub. L. 108-136, § 3141(k)(3)(D)(ii), substituted “November 29, 1989” for “the date of the enactment of this Act” in the original, which for purposes of codification had been changed to “November 29, 1989” thus requiring no change in text.

Subsec. (b). Pub. L. 108-136, § 3141(k)(3)(D)(iii), substituted “May 29, 1990,” for “6 months after November 29, 1989,”.

Subsec. (d). Pub. L. 108-136, § 3141(k)(3)(D)(iv), substituted “March 1, 1990” for “90 days after November 29, 1989”.

§ 2783. Contractor liability for injury or loss of property arising out of atomic weapons testing programs

(a) Short title

This section may be cited as the “Atomic Testing Liability Act”.

(b) Federal remedies applicable; exclusiveness of remedies

(1) Remedy

The remedy against the United States provided by sections 1346(b) and 2672 of title 28, by the Act of March 9, 1920 (46 U.S.C. App. 741-752),¹ or by the Act of March 3, 1925 (46 U.S.C. App. 781-790),¹ as appropriate, for injury, loss of property, personal injury, or death shall apply to any civil action for injury, loss of property, personal injury, or death due to exposure to radiation based on acts or omissions by a contractor in carrying out an atomic weapons testing program under a contract with the United States.

(2) Exclusivity

The remedies referred to in paragraph (1) shall be exclusive of any other civil action or proceeding for the purpose of determining civil

¹ See References in Text note below.