

(A) involves the Department of Energy or a contractor acquiring or entering into a capital lease for office space, facilities, or other real property assets; or

(B) is entered into in connection with a capital improvement project undertaken as part of an energy savings performance contract under section 8287 of title 42.

(Pub. L. 107-314, div. D, title XLVIII, §4804, as added Pub. L. 109-364, div. C, title XXXI, §3118, Oct. 17, 2006, 120 Stat. 2509.)

**§ 2785. Publication of contractor performance evaluations leading to award fees**

**(a) In general**

The Administrator shall take appropriate actions to make available to the public, to the maximum extent practicable, contractor performance evaluations conducted by the Administration of management and operating contractors of the nuclear security enterprise that results in the award of an award fee to the contractor concerned.

**(b) Format**

Performance evaluations shall be made public under this section in a common format that facilitates comparisons of performance evaluations between and among similar management and operating contracts.

(Pub. L. 107-314, div. D, title XLVIII, §4805, as added Pub. L. 112-239, div. C, title XXXI, §3117(a)(1), Jan. 2, 2013, 126 Stat. 2173.)

EFFECTIVE DATE

Pub. L. 112-239, div. C, title XXXI, §3117(b), Jan. 2, 2013, 126 Stat. 2173, provided that: “The amendments made by subsection (a) [enacting this section] shall take effect on the date of the enactment of this Act [Jan. 2, 2013], and shall apply with respect to contractor performance evaluations conducted by the National Nuclear Security Administration on or after that date.”

PART B—RESEARCH AND DEVELOPMENT

**§ 2791. Laboratory-directed research and development programs**

**(a) Authority**

Government-owned, contractor-operated laboratories that are funded out of funds available to the Department of Energy for national security programs are authorized to carry out laboratory-directed research and development.

**(b) Regulations**

The Secretary of Energy shall prescribe regulations for the conduct of laboratory-directed research and development at such laboratories.

**(c) Funding**

Of the funds provided by the Department of Energy to such laboratories for national security activities, the Secretary shall provide a specific amount, not to exceed 6 percent of such funds, to be used by such laboratories for laboratory-directed research and development.

**(d) “Laboratory-directed research and development” defined**

For purposes of this section, the term “laboratory-directed research and development” means

research and development work of a creative and innovative nature which, under the regulations prescribed pursuant to subsection (b), is selected by the director of a laboratory for the purpose of maintaining the vitality of the laboratory in defense-related scientific disciplines.

(Pub. L. 107-314, div. D, title XLVIII, §4811, formerly Pub. L. 101-510, div. C, title XXXI, §3132, Nov. 5, 1990, 104 Stat. 1832; renumbered Pub. L. 107-314, div. D, title XLVIII, §4811, and amended Pub. L. 108-136, div. C, title XXXI, §3141(k)(6), Nov. 24, 2003, 117 Stat. 1784.)

CODIFICATION

Section was formerly classified to section 7257a of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2003—Pub. L. 108-136, §3141(k)(6)(D), made technical amendment to section catchline.

**§ 2791a. Laboratory-directed research and development**

Of the funds made available by the Department of Energy for activities at government-owned, contractor-operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory directed research and development: *Provided*, That the Secretary may also authorize a specific amount not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site directed research and development: *Provided further*, That notwithstanding Department of Energy order 413.2A, dated January 8, 2001, beginning in fiscal year 2006 and thereafter, all DOE laboratories may be eligible for laboratory directed research and development funding.

(Pub. L. 111-8, div. C, title III, §308, Mar. 11, 2009, 123 Stat. 626.)

REFERENCES IN TEXT

This Act, referred to in text, is div. C of Pub. L. 111-8, Mar. 11, 2009, 123 Stat. 601, known as the Energy and Water Development and Related Agencies Appropriations Act, 2009. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the Atomic Energy Defense Act which comprises this chapter.

SIMILAR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

Pub. L. 111-85, title III, §307, Oct. 28, 2009, 123 Stat. 2872.

Pub. L. 110-161, div. C, title III, §309, Dec. 26, 2007, 121 Stat. 1968.

Pub. L. 109-103, title III, §311, Nov. 19, 2005, 119 Stat. 2280.