

(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.

§ 2792. Limitations on use of funds for laboratory directed research and development purposes

(a) General limitations

(1) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for weapons activities may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities support the national security mission of the Department of Energy.

(2) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for environmental restoration, waste management, or nuclear materials and facilities stabilization may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities support the environmental restoration mission, waste management mission, or materials stabilization mission, as the case may be, of the Department of Energy.

(b) “Laboratory directed research and development” defined

In this section, the term “laboratory directed research and development” has the meaning given that term in section 2791(d) of this title.

(Pub. L. 107-314, div. D, title XLVIII, § 4812, formerly Pub. L. 105-85, div. C, title XXXI, § 3137, Nov. 18, 1997, 111 Stat. 2038; renumbered Pub. L. 107-314, div. D, title XLVIII, § 4812, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(k)(7)(A), Nov. 24, 2003, 117 Stat. 1784; Pub. L. 112-239, div. C, title XXXI, § 3131(w), Jan. 2, 2013, 126 Stat. 2184.)

CODIFICATION

Section is comprised of section 4812 of Pub. L. 107-314. Subsec. (c) of section 4812 of Pub. L. 107-314 amended section 2793 of this title and was subsequently struck out by Pub. L. 112-239, div. C, title XXXI, § 3131(w)(1), Jan. 2, 2013, 126 Stat. 2184. See 2013 Amendment note below.

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

AMENDMENTS

2013—Subsecs. (b) to (e). Pub. L. 112-239 redesignated subsec. (e) as (b) and struck out former subsecs. (b) to (d). Prior to amendment, subsec. (b) related to a funding limitation in fiscal year 1998 pending submittal of annual report, subsec. (c) was omitted, and subsec. (d) related to an assessment of funding level for laboratory directed research and development.

2003—Subsec. (b). Pub. L. 108-136, § 3141(k)(7)(A)(iv), made technical amendment to reference in original act which appears in text as reference to section 2793(b) of this title.

Subsec. (d). Pub. L. 108-136, § 3141(k)(7)(A)(v)(II), made technical amendment to reference in original act which appears in text as reference to section 2791(c) of this title.

Pub. L. 108-136, § 3141(k)(7)(A)(v)(I), made technical amendment to reference in original act which appears in text as reference to section 2793(b)(1) of this title.

Subsec. (e). Pub. L. 108-136, § 3141(k)(7)(A)(vi), made technical amendment to reference in original act which appears in text as reference to section 2791(d) of this title.

§ 2793. Limitation on use of funds for certain research and development purposes

(a) Limitation

No funds authorized to be appropriated or otherwise made available to the Department of Energy for fiscal year 1997 under section 3101 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities support the national security mission of the Department of Energy.

(b) Annual report

(1) Not later than February 1 each year, the Secretary of Energy shall submit to the congressional defense committees a report on the funds expended during the preceding fiscal year on activities under the Department of Energy Laboratory Directed Research and Development Program. The purpose of the report is to permit an assessment of the extent to which such activities support the national security mission of the Department of Energy.

(2) Each report shall be prepared by the officials responsible for Federal oversight of the funds expended on activities under the program.

(3) Each report shall set forth the criteria utilized by the officials preparing the report in determining whether or not the activities reviewed by such officials support the national security mission of the Department.

(Pub. L. 107-314, div. D, title XLVIII, § 4812A, formerly Pub. L. 104-201, div. C, title XXXI, § 3136, Sept. 23, 1996, 110 Stat. 2830; Pub. L. 107-314, div. D, title XLVIII, § 4812(c), formerly Pub. L. 105-85, div. C, title XXXI, § 3137(c), Nov. 18, 1997, 111 Stat. 2039, renumbered Pub. L. 107-314, div. D, title XLVIII, § 4812(c), by Pub. L. 108-136, div. C, title XXXI, § 3141(k)(7)(A)(i)-(iii), Nov. 24, 2003, 117 Stat. 1784; renumbered Pub. L. 107-314, div. D, title XLVIII, § 4812A, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(k)(7)(B), Nov. 24, 2003, 117 Stat. 1784.)

REFERENCES IN TEXT

Section 3101 of the National Defense Authorization Act for Fiscal Year 1997, referred to in subsec. (a), is section 3101 of Pub. L. 104-201, div. C, title XXXI, Sept. 23, 1996, 110 Stat. 2820, which is not classified to the Code.

CODIFICATION

Subsec. (b) of this section was formerly classified to section 7257b of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-136, § 3141(k)(7)(B)(iv), inserted “of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201)” after “section 3101”.

1997—Subsec. (b)(1). Pub. L. 107-314, § 4812(c), formerly Pub. L. 105-85, § 3137(c), substituted “Not later than