

§ 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

February 1 each year, the Secretary of Energy shall submit” for “The Secretary of Energy shall annually submit”.

§ 2794. Critical technology partnerships and cooperative research and development centers

(a) Partnerships

For the purpose of facilitating the transfer of technology, the Secretary of Energy shall ensure, to the maximum extent practicable, that atomic energy defense activities research on, and development of, any dual-use critical technology is conducted through cooperative research and development agreements, or other arrangements, that involve laboratories of the Department of Energy and other entities.

(b) Cooperative research and development centers

(1) Subject to the availability of appropriations provided for such purpose, the Administrator for Nuclear Security shall establish a cooperative research and development center described in paragraph (2) at each national security laboratory.

(2) A cooperative research and development center described in this paragraph is a center to foster collaborative scientific research, technology development, and the appropriate transfer of research and technology to users in addition to the national security laboratories.

(3) In establishing a cooperative research and development center under this subsection, the Administrator—

(A) shall enter into cooperative research and development agreements with governmental, public, academic, or private entities; and

(B) may enter into a contract with respect to constructing, purchasing, managing, or leasing buildings or other facilities.

(c) Definitions

In this section:

(1) The term “dual-use critical technology” means a technology—

(A) that is critical to atomic energy defense activities, as determined by the Secretary of Energy;

(B) that has military applications and non-military applications; and

(C) that either—

(i)(I) appears on the list of national critical technologies contained in a biennial report on national critical technologies submitted to Congress by the President pursuant to section 6683(d)¹ of title 42; and

(II) has not been expressly deleted from such list by such a report subsequently submitted to Congress by the President; or

(ii)(I) appears on the list of critical technologies contained in an annual defense critical technologies plan submitted to Congress by the Secretary of Defense pursuant to section 2506¹ of title 10; and

(II) has not been expressly deleted from such list by such a plan subsequently submitted to Congress by the Secretary.

(2) The term “cooperative research and development agreement” has the meaning given that term by section 3710a(d) of title 15.

(3) The term “other entities” means—

(A) firms, or a consortium of firms, that are eligible to participate in a partnership or other arrangement with a laboratory of the Department of Energy, as determined in accordance with applicable law and regulations; or

(B) firms, or a consortium of firms, described in subparagraph (A) in combination with one or more of the following:

(i) Institutions of higher education in the United States.

(ii) Departments and agencies of the Federal Government other than the Department of Energy.

(iii) Agencies of State Governments.

(iv) Any other persons or entities that may be eligible and appropriate, as determined in accordance with applicable laws and regulations.

(4) The term “atomic energy defense activities” does not include activities covered by Executive Order No. 12344, dated February 1, 1982, pertaining to the Naval nuclear propulsion program.

(Pub. L. 107-314, div. D, title XLVIII, § 4813, formerly Pub. L. 102-190, div. C, title XXXI, § 3136, Dec. 5, 1991, 105 Stat. 1577; Pub. L. 103-35, title II, § 203(b)(3), May 31, 1993, 107 Stat. 102; renumbered Pub. L. 107-314, div. D, title XLVIII, § 4813, by Pub. L. 108-136, div. C, title XXXI, § 3141(k)(8), Nov. 24, 2003, 117 Stat. 1785; Pub. L. 111-383, div. C, title XXXI, § 3115(a), Jan. 7, 2011, 124 Stat. 4511; Pub. L. 112-239, div. C, title XXXI, § 3131(x), Jan. 2, 2013, 126 Stat. 2184.)

REFERENCES IN TEXT

Section 6683 of title 42, referred to in subsec. (c)(1)(C)(i)(I), was omitted from the Code.

Section 2506 of title 10, referred to in subsec. (c)(1)(C)(ii)(I), was amended generally by Pub. L. 104-201, div. A, title VIII, § 829(d), Sept. 23, 1996, 110 Stat. 2613, and, as so amended, no longer relates to submission of a plan to Congress.

Executive Order No. 12344, dated February 1, 1982, referred to in subsec. (c)(4), is set out as a note under section 2511 of this title.

CODIFICATION

Section was formerly classified to section 2123 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2013—Subsec. (c)(5). Pub. L. 112-239 struck out par. (5) which read as follows: “The term ‘national security laboratory’ has the meaning given that term in section 2471 of this title.”

2011—Pub. L. 111-383, § 3115(a)(3), inserted “and cooperative research and development centers” after “partnerships” in section catchline.

Subsecs. (b), (c). Pub. L. 111-383, § 3115(a)(1), added subsec. (b) and redesignated former subsec. (b) as (c).

Subsec. (c)(5). Pub. L. 111-383, § 3115(a)(2), added par. (5).

1993—Subsec. (b)(1)(C)(ii)(I). Pub. L. 103-35 substituted “section 2506 of title 10” for “section 2522 of title 10”.

PILOT PROGRAM ON TECHNOLOGY COMMERCIALIZATION

Pub. L. 112-239, div. C, title XXXI, § 3165, Jan. 2, 2013, 126 Stat. 2207, provided that:

“(a) PILOT PROGRAM.—The Secretary of Energy, in consultation with the Technology Transfer Coordinator

¹ See References in Text note below.