

(7) The factors considered and processes used by the Administrator to determine—

(A) whether to compete or extend the previous contract; and

(B) which activities at the facility should be covered under the contract rather than under a different contract.

(8) With respect to the matters included under paragraphs (1) through (7), a detailed description of the analyses conducted by the Administrator to reach the conclusions presented in the report, including any assumptions, limitations, and uncertainties relating to such conclusions.

(9) Any other matters the Administrator considers appropriate.

(d) Information quality

Each briefing required by subsection (a) and report required by subsection (b) shall be prepared in accordance with—

(1) the information quality guidelines of the Department of Energy that are relevant to the clear and complete presentation of the matters described in subsection (c); and

(2) best practices of the Government Accountability Office and relevant industries for cost estimating, if appropriate.

(e) Review of reports by Comptroller General of the United States

(1) Initial review

The Comptroller General of the United States shall provide a briefing to the congressional defense committees that includes a review of each report required by subsection (b) not later than 180 days after the report is submitted to such committees.

(2) Comprehensive review

(A) Determination

The Comptroller General shall determine, in consultation with the congressional defense committees, whether to conduct a comprehensive review of a report required by subsection (b).

(B) Submission

The Comptroller General shall submit a comprehensive review conducted under subparagraph (A) of a report required by subsection (b) to the congressional defense committees not later than 3 years after that report is submitted to such committees.

(C) Elements

A comprehensive review conducted under subparagraph (A) of a report required by subsection (b) shall include an assessment, based on the most current information available, of the following:

(i) The actual cost savings achieved compared to cost savings estimated under subsection (c)(1), and any increased costs incurred under the contract that were unexpected or uncertain at the time the contract was awarded.

(ii) Any disruptions or delays in mission activities or deliverables resulting from the competition for the contract compared to the disruptions and delays estimated under subsection (c)(4).

(iii) Whether expected benefits of the competition with respect to mission performance or operations have been achieved.

(iv) Such other matters as the Comptroller General considers appropriate.

(f) Applicability

(1) In general

The requirements for briefings under subsection (a) and reports under subsection (b) shall apply with respect to requests for proposals issued or contracts awarded, as applicable, by the Administrator during fiscal years 2019 through 2022.

(2) Naval reactors

The requirements for briefings under subsection (a) and reports under subsection (b) shall not apply with respect to a management and operations contract for a Naval Reactor facility.

(Pub. L. 107-314, div. D, title XLVIII, §4807, as added Pub. L. 115-232, div. C, title XXXI, §3131(a), Aug. 13, 2018, 132 Stat. 2298.)

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 a national security laboratory for national security activities, the Secretary shall provide a specific amount, of not less than 5 percent and not more than 7 percent of such funds, to be used by the laboratory 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; Pub. L. 114-92, div. C, title XXXI, §3115(a), Nov. 25, 2015, 129 Stat. 1193.)

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

2015—Subsec. (c). Pub. L. 114-92 substituted “to a national security laboratory” for “to such laboratories”, “of not less than 5 percent and not more than 7 percent” for “not to exceed 6 percent”, and “by the laboratory” for “by such laboratories”.

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

PILOT PROGRAM ON UNAVAILABILITY FOR OVERHEAD COSTS OF AMOUNTS SPECIFIED FOR LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT

Pub. L. 114-328, div. C, title XXXI, § 3119, Dec. 23, 2016, 130 Stat. 2763, provided that:

“(a) IN GENERAL.—The Secretary of Energy shall establish a pilot program under which each national security laboratory (as defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)) is prohibited from using funds described in subsection (b) to cover the costs of general and administrative overhead for the laboratory.

“(b) FUNDS DESCRIBED.—The funds described in this subsection are funds made available for a national security laboratory under section 4811(c) of the Atomic Energy Defense Act (50 U.S.C. 2791(c)) for laboratory-directed research and development.

“(c) DURATION.—The pilot program required by subsection (a) shall—

“(1) take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act [Dec. 23, 2016]; and

“(2) terminate on the date that is three years after the day described in paragraph (1).

“(d) REPORT REQUIRED.—Before the termination under subsection (c)(2) of the pilot program required by subsection (a), the Administrator for Nuclear Security shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report that assesses the costs, benefits, risks, and other effects of the pilot program.”

§ 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.

FUNDING FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT

Pub. L. 113-76, div. D, title III, § 309, Jan. 17, 2014, 128 Stat. 175, provided that: “Notwithstanding section 307 of Public Law 111-85 [listed in a table above], of the funds made available by the Department of Energy for activities at Government-owned, contractor-operated laboratories funded in this [Act] [div. D of Pub. L. 113-76, see Tables for classification] or any subsequent Energy and Water Development Appropriations Act for any fiscal year, the Secretary may authorize a specific amount, not to exceed 6 percent of such funds, to be used by such laboratories for laboratory directed research and development.”

§ 2791b. Charges to individual program, project, or activity

Of the funds authorized by the Secretary of Energy for laboratory directed research and development, no individual program, project, or activity funded by this or any subsequent Act making appropriations for Energy and Water Development for any fiscal year may be charged more than the statutory maximum authorized for such activities: *Provided*, That this section shall take effect not earlier than October 1, 2015.

(Pub. L. 113-235, div. D, title III, § 311, Dec. 16, 2014, 128 Stat. 2326.)

REFERENCES IN TEXT

This Act, referred to in text, is div. D of Pub. L. 113-235, Dec. 16, 2014, 128 Stat. 2303, known as the Energy and Water Development and Related Agencies Appropriations Act, 2015. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Energy and Water Development and Related Agencies Appropriations Act, 2015, and also as part of the Consolidated and Further Continuing Appropriations Act, 2015, and not as part of the Atomic Energy Defense Act which comprises this chapter.

§ 2792. Limitations on use of funds for laboratory directed research and development purposes**(a) Limitation on use of weapons activities funds**

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.

(b) Limitation on use of certain other funds

No funds authorized to be appropriated or otherwise made available to the Department of