

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

Energy in any fiscal year after fiscal year 1997 for defense environmental cleanup 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 defense environmental cleanup mission of the Department of Energy.

(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; Pub. L. 113-66, div. C, title XXXI, §3146(i)(3), Dec. 26, 2013, 127 Stat. 1082.)

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—Subsec. (a). Pub. L. 113-66, §3146(i)(3)(B), (C), substituted “Limitation on use of weapons activities funds” for “General limitations” in heading, struck out par. (1) designation, and redesignated par. (2) as subsec. (b).

Subsec. (b). Pub. L. 113-66, §3146(i)(3)(A), (C), (D), redesignated par. (2) of subsec. (a) as subsec. (b), inserted heading, substituted “defense environmental cleanup” for “environmental restoration, waste management, or nuclear materials and facilities stabilization” and “defense environmental cleanup mission” for “environmental restoration mission, waste management mission, or materials stabilization mission, as the case may be,” and struck out former subsec. (b) which defined “Laboratory directed research and development”.

Pub. L. 112-239, §3131(w), redesignated subsec. (e) as (b) and struck out former subsec. (b) which related to a funding limitation in fiscal year 1998 pending submital of annual report.

Subsecs. (c) to (e). Pub. L. 112-239, §3131(w), redesignated subsec. (e) as (b) and struck out subsecs. (c) and (d). Prior to amendment, 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. Report on use of funds for certain research and development purposes

(a) Report required

Not later than February 1 each year, the Secretary of Energy shall submit to the congress-

sional 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.

(b) Preparation of report

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

(c) Criteria used in preparation of report

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; Pub. L. 113-66, div. C, title XXXI, §3146(i)(4)(A), Dec. 26, 2013, 127 Stat. 1082.)

CODIFICATION

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

AMENDMENTS

2013—Pub. L. 113-66 substituted “Report” for “Limitation” in section catchline, struck out subsec. (b) heading “Annual report”, redesignated pars. (1) to (3) of subsec. (b) as subsecs. (a) to (c), respectively, inserted subsec. headings, and struck out former subsec. (a), which related to limitation on use of certain funds.

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 research on and development of dual-use critical technology carried out through atomic energy defense activities 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 Adminis-