

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-

trator 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 is a defense critical technology (as defined in section 2500 of title 10).

(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; Pub. L. 113-66, div. C, title XXXI, §3146(i)(5), Dec. 26, 2013, 127 Stat. 1082; Pub. L. 113-291, div. C, title XXXI, §3142(t), Dec. 19, 2014, 128 Stat. 3901.)

### REFERENCES IN TEXT

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

2014—Subsec. (a). Pub. L. 113-291 substituted “that research on and development of dual-use critical technology carried out through atomic energy defense activities” for “that atomic energy defense activities research on, and development of, any dual-use critical technology”.

2013—Subsec. (b)(1). Pub. L. 113-66, §3146(i)(5)(A), struck out “for Nuclear Security” after “Administrator”.

Subsec. (c)(1)(C). Pub. L. 113-66, §3146(i)(5)(B)(i), added subpar. (C) and struck out former subpar. (C). Prior to amendment, text read as follows: “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) 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 2506 of title 10; and

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

Subsec. (c)(3)(B)(iii). Pub. L. 113-66, §3146(i)(5)(B)(ii), substituted “governments” for “Governments”.

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 appointed under section 1001(a) of the Energy Policy Act of 2005 (42 U.S.C. 16391(a)), may carry out a pilot program at a national security laboratory for the purpose of accelerating technology transfer from such laboratories to the marketplace with respect to technologies that directly advance the mission of the National Nuclear Security Administration.

“(b) TERMINATION.—The authority to carry out the pilot program under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act [Jan. 2, 2013].

“(c) REPORTS.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the pilot program under subsection (a).

“(2) ELEMENTS.—The report under paragraph (1) shall include the following:

“(A) An identification of opportunities for accelerating technology transfer from national security laboratories to the marketplace.

“(B) If the Secretary chooses to carry out the pilot program under subsection (a), a description of the plan to carry out such program.

“(C) If the Secretary chooses not to carry out the pilot program under subsection (a), a description of why the program will not be carried out.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means the following:

“(A) The Committees on Armed Services of the Senate and House of Representatives.

“(B) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

“(C) The Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

“(2) The term ‘national security laboratory’ has the meaning given that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).”

### § 2795. University-based research collaboration program

#### (a) Findings

Congress makes the following findings:

(1) The maintenance of scientific and engineering competence in the United States is vital to long-term national security and the defense and national security missions of the Department of Energy.

(2) Engaging the universities and colleges of the Nation in research on long-range problems of vital national security interest will be critical to solving the technology challenges faced within the defense and national security programs of the Department of Energy in the next century.

(3) Enhancing collaboration among the national laboratories, universities and colleges, and industry will contribute significantly to the performance of these Department of Energy missions.

#### (b) Program

The Secretary of Energy shall establish a university program at a location that can develop the most effective collaboration among national laboratories, universities and colleges, and industry in support of scientific and engineering advancement in key Department of Energy defense and national security program areas.

(Pub. L. 107-314, div. D, title XLVIII, § 4814, formerly Pub. L. 105-85, div. C, title XXXI, § 3155, Nov. 18, 1997, 111 Stat. 2044; renumbered Pub. L. 107-314, div. D, title XLVIII, § 4814, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(k)(9), Nov. 24, 2003, 117 Stat. 1785; Pub. L. 112-239, div. C, title XXXI, § 3131(y), Jan. 2, 2013, 126 Stat. 2185.)

#### CODIFICATION

Section was formerly set out as a note under section 7381 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

#### AMENDMENTS

2013—Subsec. (c). Pub. L. 112-239 struck out subsec. (c). Prior to amendment, text read as follows: “Of the funds authorized to be appropriated in title XXXI of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) to the Department of Energy for fiscal year 1998, the Secretary shall make \$5,000,000

available for the establishment and operation of the program under subsection (b).”

2003—Subsec. (c). Pub. L. 108-136, § 3141(k)(9)(D), substituted “title XXXI of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85)” for “this title”.

#### PART C—FACILITIES MANAGEMENT

### § 2811. Transfers of real property at certain Department of Energy facilities

#### (a) Transfer regulations

(1) The Secretary of Energy shall prescribe regulations for the transfer by sale or lease of real property at Department of Energy defense nuclear facilities for the purpose of permitting the economic development of the property.

(2) The Secretary may not transfer real property under the regulations prescribed under paragraph (1) until—

(A) the Secretary submits a notification of the proposed transfer to the congressional defense committees; and

(B) a period of 30 days has elapsed following the date on which the notification is submitted.

#### (b) Indemnification

(1) Except as provided in paragraph (3) and subject to subsection (c), in the sale or lease of real property pursuant to the regulations prescribed under subsection (a), the Secretary may hold harmless and indemnify a person or entity described in paragraph (2) against any claim for injury to person or property that results from the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Energy activities at the defense nuclear facility on which the real property is located. Before entering into any agreement for such a sale or lease, the Secretary shall notify the person or entity that the Secretary has authority to provide indemnification to the person or entity under this subsection. The Secretary shall include in any agreement for such a sale or lease a provision stating whether indemnification is or is not provided.

(2) Paragraph (1) applies to the following persons and entities:

(A) Any State that acquires ownership or control of real property of a defense nuclear facility.

(B) Any political subdivision of a State that acquires such ownership or control.

(C) Any other person or entity that acquires such ownership or control.

(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).

(3) To the extent the persons and entities described in paragraph (2) contributed to any such release or threatened release, paragraph (1) shall not apply.

#### (c) Conditions

(1) No indemnification on a claim for injury may be provided under this section unless the person or entity making a request for the indemnification—

(A) notifies the Secretary in writing within two years after such claim accrues;