

**[§ 187. Repealed. Pub. L. 117-263, div. A, title XIV, § 1411(a), Dec. 23, 2022, 136 Stat. 2869]**

Section, added Pub. L. 109-364, div. A, title VIII, § 843(a), Oct. 17, 2006, 120 Stat. 2338; amended Pub. L. 111-383, div. A, title VIII, § 829, Jan. 7, 2011, 124 Stat. 4272; Pub. L. 112-239, div. A, title IX, § 901(c), Jan. 2, 2013, 126 Stat. 1864; Pub. L. 114-328, div. A, title X, § 1081(a)(2), Dec. 23, 2016, 130 Stat. 2417; Pub. L. 116-92, div. A, title XVII, § 1731(a)(11), Dec. 20, 2019, 133 Stat. 1813; Pub. L. 116-283, div. A, title XVIII, § 1870(c)(6)(C), Jan. 1, 2021, 134 Stat. 4285, related to Strategic Materials Protection Board. See section 98h-1 of Title 50, War and National Defense.

**§ 188. Interagency Council on the Strategic Capability of the National Laboratories**

(a) ESTABLISHMENT.—There is an Interagency Council on the Strategic Capability of the National Laboratories (in this section referred to as the “Council”).

(b) MEMBERSHIP.—The membership of the Council is comprised of the following:

- (1) The Secretary of Defense.
- (2) The Secretary of Energy.
- (3) The Secretary of Homeland Security.
- (4) The Director of National Intelligence.
- (5) The Administrator for Nuclear Security.
- (6) Such other officials as the President considers appropriate.

(c) STRUCTURE AND PROCEDURES.—The President may determine the chair, structure, staff, and procedures of the Council.

(d) RESPONSIBILITIES.—The Council shall be responsible for the following matters:

(1) Identifying and considering the science, technology, and engineering capabilities of the national laboratories that could be leveraged by each participating agency to support national security missions.

(2) Reviewing and assessing the adequacy of the national security science, technology, and engineering capabilities of the national laboratories for supporting national security missions throughout the Federal Government.

(3) Establishing and overseeing means of ensuring that—

(A) capabilities identified by the Council under paragraph (1) are sustained to an appropriate level; and

(B) each participating agency provides the appropriate level of institutional support to sustain such capabilities.

(4) In accordance with acquisition rules regarding federally funded research and development centers, establishing criteria for when each participating agency should seek to use the services of the national laboratories, including the identification of appropriate mission areas and capabilities.

(5) Making recommendations to the President and Congress regarding regulatory or statutory changes needed to better support—

(A) the strategic capabilities of the national laboratories; and

(B) the use of such laboratories by each participating agency.

(6) Other actions the Council considers appropriate with respect to—

(A) the sustainment of the national laboratories; and

(B) the use of the strategic capabilities of such laboratories.

(e) STREAMLINED PROCESS.—With respect to the participating agency for which a member of the Council is the head of, each member of the Council shall—

(1) establish processes to streamline the consideration and approval of procuring the services of the national laboratories on appropriate matters; and

(2) ensure that such processes are used in accordance with the criteria established under subsection (d)(4).

(f) DEFINITIONS.—In this section:

(1) The term “participating agency” means a department or agency of the Federal Government that is represented on the Council by a member under subsection (b).

(2) The term “national laboratories” means—

(A) each national security laboratory (as defined in section 3281(1) of the National Nuclear Security Administration Act (50 U.S.C. 2471(1))); and

(B) each national laboratory of the Department of Energy.

(Added Pub. L. 112-239, div. A, title X, § 1040(a), Jan. 2, 2013, 126 Stat. 1928.)

**Statutory Notes and Related Subsidiaries**

**CONSTRUCTION**

Pub. L. 112-239, div. A, title X, § 1040(d), Jan. 2, 2013, 126 Stat. 1931, provided that: “Nothing in section 188 of title 10, United States Code, as added by subsection (a), shall be construed to limit section 309 of the Homeland Security Act of 2002 (6 U.S.C. 189).”

**REPORT**

Pub. L. 112-239, div. A, title X, § 1040(c), Jan. 2, 2013, 126 Stat. 1930, provided that:

“(1) IN GENERAL.—Not later than September 30, 2013, the Interagency Council on the Strategic Capability of the National Laboratories established under section 188 of title 10, United States Code, as added by subsection (a), shall submit to the appropriate congressional committees a report describing and assessing the following:

“(A) The actions taken to implement the requirements of such section 188 and the charter titled ‘Governance Charter for an Interagency Council on the Strategic Capability of DOE National Laboratories as National Security Assets’ signed by the Secretary of Defense, the Secretary of Energy, the Secretary of Homeland Security, and the Director of National Intelligence in July 2010.

“(B) The effectiveness of the Council in accomplishing the purpose and objectives of such section and such Charter.

“(C) Efforts to strengthen work-for-others programs at the national laboratories.

“(D) Efforts to make work-for-others opportunities at the national laboratories more cost-effective.

“(E) Ongoing and planned measures for increasing cost-sharing and institutional support investments at the national laboratories from other agencies.

“(F) Any regulatory or statutory changes recommended to improve the ability of such other agencies to leverage expertise and capabilities at the national laboratories.

“(G) The strategic capabilities and core competencies of laboratories and engineering centers operated by the Department of Defense, including identification of mission areas and functions that should be carried out by such laboratories and engineering centers.