

- “(i) institutions of higher education;
- “(ii) technology-related business concerns;
- “(iii) nonprofit institutions; and
- “(iv) agencies of State, tribal, or local governments;

that can support the missions of those laboratories and facilities.

“(2) The Administrator may authorize the provision of Federal funds for a project under this section only if the director of the laboratory or facility managing the project determines that the project is likely to improve the ability of that laboratory or facility to achieve technical success in meeting nuclear weapons and nuclear nonproliferation missions of the Administration.

“(3) The Administrator shall require the director of the laboratory or facility to consider the following criteria in selecting a project to receive Federal funds:

“(A) The potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan.

“(B) The potential of the project to promote the development of a commercially sustainable technology, determined by considering whether the project will derive sufficient demand for its products or services from the private sector to support the nuclear weapons and nuclear nonproliferation missions of the participating laboratory or facility on a continuing basis.

“(C) The potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating laboratory or facility to achieve its nuclear weapons and nuclear nonproliferation missions.

“(D) The commitment shown by non-Federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project.

“(E) The extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the nuclear weapons and nuclear nonproliferation missions of the participating laboratory or facility on a continuing basis and that will make substantive contributions to achieving the goals of the project.

“(F) The extent of participation in the project by agencies of State, tribal, or local governments that will make substantive contributions to achieving the goals of the project.

“(G) The extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns or involves small business concerns substantively in the project.

“(f) IMPLEMENTATION PLAN.—No funds may be allocated for the pilot program until 30 days after the date on which the Administrator submits to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a plan for the implementation of the pilot program. The plan shall, at a minimum—

“(1) identify the national security laboratories and nuclear weapons production facilities that have been designated by the Administrator to participate in the pilot program; and

“(2) with respect to each laboratory or facility identified under paragraph (1)—

“(A) identify the businesses, institutions of higher education, nonprofit institutions, and agencies of State, local, or tribal government that are expected to participate in the pilot program at that laboratory or facility;

“(B) identify the technology areas to be addressed by the pilot program at that laboratory or facility and the manner in which the pilot program will support high-priority missions of that laboratory or facility on a continuing basis; and

“(C) describe the management controls that have been put into place to ensure that the pilot pro-

gram as conducted at that laboratory or facility is conducted in a cost-effective manner consistent with the objectives of the pilot program.

“(g) REPORT ON IMPLEMENTATION.—(1) Not later than February 1, 2002, the Administrator shall submit to the congressional defense committees a report on the implementation and management of the pilot program. The report shall take into consideration the results of the pilot program to date and the views of the directors of the participating laboratories and facilities. The report shall include any recommendations the Administrator may have concerning the future of the pilot program.

“(2) Not later than 30 days after the date on which the Administrator submits the report required by paragraph (1), the Comptroller General shall submit to the congressional defense committees a report containing the Comptroller General’s assessment of that report.”

[For definitions of “national security laboratory” and “nuclear weapons production facility” as used in section 1 [div. C, title XXXI, §3161] of Pub. L. 106-398, set out above, see section 1 [div. C, title XXXI, §3165] of Pub. L. 106-398, set out as a note under section 2401 of this title.]

§ 2403. Principal Deputy Administrator for Nuclear Security

(a) In general

(1) There is in the Administration a Principal Deputy Administrator, who is appointed by the President, by and with the advice and consent of the Senate.

(2) The Principal Deputy Administrator shall be appointed from among persons who have extensive background in organizational management and are well qualified to manage the nuclear weapons, nonproliferation, and materials disposition programs of the Administration in a manner that advances and protects the national security of the United States.

(b) Duties

Subject to the authority, direction, and control of the Administrator, the Principal Deputy Administrator shall perform such duties and exercise such powers as the Administrator may prescribe, including the coordination of activities among the elements of the Administration. The Principal Deputy Administrator shall act for, and exercise the powers of, the Administrator when the Administrator is disabled or the position of Administrator is vacant.

(Pub. L. 106-65, div. C, title XXXII, §3213, as added Pub. L. 107-107, div. C, title XXXI, §3141(a)(2), Dec. 28, 2001, 115 Stat. 1370.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2403, Pub. L. 106-65, div. C, title XXXII, §3213, Oct. 5, 1999, 113 Stat. 958; Pub. L. 106-398, §1 [div. C, title XXXI, §3157], Oct. 30, 2000, 114 Stat. 1654, 1654A-468, which related to status of Administration and contractor personnel within Department of Energy, was renumbered section 3220 of Pub. L. 106-65, by Pub. L. 107-107, div. C, title XXXI, §3141(a)(1), Dec. 28, 2001, 115 Stat. 1369, and transferred to section 2410 of this title.

§ 2404. Deputy Administrator for Defense Programs

(a) In general

There is in the Administration a Deputy Administrator for Defense Programs, who is ap-