Subsec. (d). Pub. L. 112–239, §3131(r)(2), struck out subsec. (d), which required the Secretary to submit to the Committees on Armed Services of the Senate and House of Representatives a report on the demographic trends of personnel.

2003—Subsec. (a)(1). Pub. L. 108–136, §3141(i)(9)(D)(i), substituted ''section 2521 of this title'' for ''section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946; 42 U.S.C. 2121 note)''.

Subsec. (b)(2). Pub. L. 108–136, §3141(i)(9)(D)(ii), inserted ''of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337)'' after ''section 3101(a)(1)''.

§ 2723. Fellowship program for development of skills critical to the nuclear security enterprise

(a) In general

The Secretary of Energy shall conduct a fellowship program for the development of skills critical to the ongoing mission of the nuclear security enterprise. Under the fellowship program, the Secretary shall provide educational assistance and research assistance to eligible individuals to facilitate the development by such individuals of skills critical to maintaining the ongoing mission of the nuclear security enterprise.

(b) Eligible individuals

Individuals eligible for participation in the fellowship program are United States citizens who are either of the following:

(1) Students pursuing graduate degrees in fields of science or engineering that are related to nuclear weapons engineering or to the science and technology base of the Department of Energy.

(2) Individuals engaged in postdoctoral studies in such fields.

(c) Covered facilities

The Secretary shall carry out the fellowship program at or in connection with the national security laboratories and nuclear weapons production facilities.

(d) Administration

The Secretary shall carry out the fellowship program at a facility referred to in subsection (c) through the stockpile manager of the facility.

(e) Allocation of funds

The Secretary shall, in consultation with the Assistant Secretary of Energy for Defense Programs, allocate funds available for the fellowship program under subsection (f) among the facilities referred to in subsection (c). The Secretary shall make the allocation after evaluating an assessment by the weapons program director of each such facility of the personnel and critical skills necessary at the facility for carrying out the ongoing mission of the facility.

(f) Agreement

(1) The Secretary may allow an individual to participate in the program only if the individual signs an agreement described in paragraph (2).

(2) An agreement referred to in paragraph (1) shall be in writing, shall be signed by the participant, and shall include the participant's agreement to serve, after completion of the course of study for which the assistance was provided, as a full-time employee in a position in the nuclear security enterprise for a period of time to be established by the Secretary of Energy of not less than one year, if such a position is offered to the participant.

(Pub. L. 107–314, div. D, title XLVI, §4623, formerly Pub. L. 104–106, div. C, title XXXI, §3140, Feb. 10, 1996, 110 Stat. 621; Pub. L. 106–65, div. C, title XXXI, §3162(a)–(d), Oct. 5, 1999, 113 Stat. 943; renumbered Pub. L. 107–314, div. D, title XLVI, §4623, by Pub. L. 108–136, div. C, title XXXI, §3141(i)(10), Nov. 24, 2003, 117 Stat. 1779; Pub. L. 112–239, div. C, title XXXI, §3131(s)(1), Jan. 2, 2013, 126 Stat. 2184; Pub. L. 113–66, div. C, title XXXI, §3146(g)(8), Dec. 26, 2013, 127 Stat. 1080.)

Editorial Notes

CODIFICATION

Section was formerly set out as a note under section 2121 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2013—Pub. L. 112–239, §3131(s)(1)(A), substituted ''nuclear security enterprise'' for ''Department of Energy nuclear weapons complex'' in section catchline.

Subsec. (a). Pub. L. 112–239, §3131(s)(1)(B), substituted ''nuclear security enterprise'' for ''Department of Energy nuclear weapons complex'' in two places.

Subsec. (b). Pub. L. 113–66 inserted ''either of'' after ''who are'' in introductory provisions.

Subsec. (c). Pub. L. 112–239, §3131(s)(1)(C), substituted ''national security laboratories and nuclear weapons production facilities.'' for ''following facilities:

''(1) The Kansas City Plant, Kansas City, Missouri.

''(2) The Pantex Plant, Amarillo, Texas.

''(3) The Y–12 Plant, Oak Ridge, Tennessee.

''(4) The Savannah River Site, Aiken, South Carolina.

''(5) The Lawrence Livermore National Laboratory, Livermore, California.

''(6) The Los Alamos National Laboratory, Los Alamos, New Mexico.

''(7) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.''

Subsec. (f)(2). Pub. L. 112–239, §3131(s)(1)(D), substituted ''the nuclear security enterprise for'' for ''the Department of Energy for''.

1999—Subsec. (a). Pub. L. 106–65, §3162(a), substituted ''Secretary shall'' for ''Secretary shall—'', struck out par. (1) designation before ''provide educational assistance'', and struck out pars. (2) and (3) which read as follows:

''(2) employ eligible individuals at the facilities described in subsection (c) in order to facilitate the development of such skills by these individuals; or

''(3) provide eligible individuals with the assistance and the employment.''

Subsec. (b). Pub. L. 106–65, §3162(b), inserted ''are United States citizens who'' after ''program'' in introductory provisions.

Subsec. (c)(5) to (7). Pub. L. 106–65, §3162(c), added pars. (5) to (7).

Subsec. (f). Pub. L. 106–65, §3162(d), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows: ''Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 under section 3101(b), $10,000,000 may be used for the purpose of carrying out the fellowship program under this section.''

PART C—WORKER SAFETY

§ 2731. Worker protection at nuclear weapons facilities

(a) Training grant program

(1) The Secretary of Energy is authorized to award grants to organizations referred to in paragraph (2) in order for such organizations—

(A) to provide training and education to persons who are or may be engaged in hazardous substance response or emergency response at Department of Energy nuclear weapons facilities; and

(B) to develop curricula for such training and education.

(2)(A) Subject to subparagraph (B), the Secretary is authorized to award grants under paragraph (1) to non-profit organizations that have demonstrated (as determined by the Secretary) capabilities in—

(i) implementing and conducting effective training and education programs relating to the general health and safety of workers; and

(ii) identifying, and involving in training, groups of workers whose duties include hazardous substance response or emergency response.

(B) The Secretary shall give preference in the award of grants under this section to employee organizations and joint labor-management training programs that are grant recipients under section 9660a of title 42.

(3) An organization awarded a grant under paragraph (1) shall carry out training, education, or curricula development pursuant to Department of Energy orders relating to employee safety training, including orders numbered 5480.4 and 5480.11.

(b) Enforcement of employee safety standards

(1) Subject to paragraph (2), the Secretary shall assess civil penalties against any contractor of the Department of Energy who (as determined by the Secretary)—

(A) employs individuals who are engaged in hazardous substance response or emergency response at Department of Energy nuclear weapons facilities; and

(B) fails (i) to provide for the training of such individuals to carry out such hazardous substance response or emergency response, or (ii) to certify to the Department of Energy that such employees are adequately trained for such response pursuant to orders issued by the Department of Energy relating to employee safety training (including orders numbered 5480.4 and 5480.11).

(2) Civil penalties assessed under this subsection may not exceed $5,000 for each day in which a failure referred to in paragraph (1)(B) occurs.

(c) Regulations

The Secretary shall prescribe regulations to carry out this section.

(d) Definitions

For the purposes of this section, the term ''hazardous substance'' includes radioactive waste and mixed radioactive and hazardous waste.

(Pub. L. 107–314, div. D, title XLVI, § 4641, formerly Pub. L. 102–190, div. C, title XXXI, § 3131, Dec. 5, 1991, 105 Stat. 1571; renumbered Pub. L. 107–314, div. D, title XLVI, § 4641, and amended Pub. L. 108–136, div. C, title XXXI, § 3141(i)(12), Nov. 24, 2003, 117 Stat. 1779; Pub. L. 113–66, div. C, title XXXI, § 3146(g)(9), Dec. 26, 2013, 127 Stat. 1080.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 7274d of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2013—Subsec. (e). Pub. L. 113–66 struck out subsec. (e). Text read as follows: ''Of the funds authorized to be appropriated pursuant to section 3101(9)(A) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), $10,000,000 may be used for the purpose of carrying out this section.''

2003—Subsec. (e). Pub. L. 108–136, § 3141(i)(12)(D), inserted ''of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190)'' after ''section 3101(9)(A)''.

§ 2732. Safety oversight and enforcement at defense nuclear facilities

The Secretary of Energy shall take appropriate actions to ensure that—

(1) officials of the Department of Energy who are responsible for independent oversight of matters relating to nuclear safety at defense nuclear facilities and enforcement of nuclear safety standards at such facilities maintain independence from officials who are engaged in, or who are advising persons who are engaged in, management of such facilities;

(2) the independent, internal oversight functions carried out by the Department include activities relating to—

(A) the assessment of the safety of defense nuclear facilities;

(B) the assessment of the effectiveness of Department program offices in carrying out programs relating to the environment, safety, health, and security at defense nuclear facilities;

(C) the provision to the Secretary of oversight reports that—

(i) contain validated technical information; and

(ii) provide a clear analysis of the extent to which line programs governing defense nuclear facilities meet applicable goals for the environment, safety, health, and security at such facilities; and

(D) the development of clear performance standards to be used in assessing the adequacy of the programs referred to in subparagraph (C)(ii);

(3) the Department has a system for bringing issues relating to nuclear safety at defense nuclear facilities to the attention of the officials of the Department (including the Secretary of Energy) who have authority to resolve such issues in an adequate and timely manner; and

(4) an adequate number of qualified personnel of the Department are assigned to over-