

PART B—RESEARCH AND DEVELOPMENT

§ 2791. Laboratory-directed research and development programs**(a) Authority**

Government-owned, contractor-operated laboratories that are funded out of funds available to the Department of Energy for national security programs are authorized to carry out laboratory-directed research and development.

(b) Regulations

The Secretary of Energy shall prescribe regulations for the conduct of laboratory-directed research and development at such laboratories.

(c) Funding

Of the funds provided by the Department of Energy to a national security laboratory for national security activities, the Secretary shall provide a specific amount, of not less than 5 percent and not more than 7 percent of such funds, to be used by the laboratory for laboratory-directed research and development.

(d) “Laboratory-directed research and development” defined

For purposes of this section, the term “laboratory-directed research and development” means research and development work of a creative and innovative nature which, under the regulations prescribed pursuant to subsection (b), is selected by the director of a laboratory for the purpose of maintaining the vitality of the laboratory in defense-related scientific disciplines.

(Pub. L. 107-314, div. D, title XLVIII, §4811, formerly Pub. L. 101-510, div. C, title XXXI, §3132, Nov. 5, 1990, 104 Stat. 1832; renumbered Pub. L. 107-314, div. D, title XLVIII, §4811, and amended Pub. L. 108-136, div. C, title XXXI, §3141(k)(6), Nov. 24, 2003, 117 Stat. 1784; Pub. L. 114-92, div. C, title XXXI, §3115(a), Nov. 25, 2015, 129 Stat. 1193.)

Editorial Notes

CODIFICATION

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

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.

Statutory Notes and Related Subsidiaries**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, as amended by Pub. L. 116-92, div. C, title XXXI, §3118, Dec. 20, 2019, 133 Stat. 1952; Pub. L. 116-283, div. C, title XXXI, §3162, Jan. 1, 2021, 134 Stat. 4391, which established a pilot program under which each national security laboratory was prohibited from using certain funds to cover costs of general and administrative overhead for the laboratory, was repealed by Pub. L. 117-263, div. C, title XXXI, §3116(b), Dec. 23, 2022, 136 Stat. 3054. See section 2792(c) of this title.

§ 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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