

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

making appropriations for Energy and Water Development for any fiscal year may be charged more than the statutory maximum authorized for such activities: *Provided*, That this section shall take effect not earlier than October 1, 2015.

(Pub. L. 113–235, div. D, title III, §311, Dec. 16, 2014, 128 Stat. 2326.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is div. D of Pub. L. 113–235, Dec. 16, 2014, 128 Stat. 2303, known as the Energy and Water Development and Related Agencies Appropriations Act, 2015. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Energy and Water Development and Related Agencies Appropriations Act, 2015, and also as part of the Consolidated and Further Continuing Appropriations Act, 2015, and not as part of the Atomic Energy Defense Act which comprises this chapter.

§ 2792. Limitations on use of funds for laboratory directed research and development purposes

(a) Limitation on use of weapons activities funds

No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for weapons activities 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 national security mission of the Department of Energy.

(b) Limitation on use of certain other funds

No funds authorized to be appropriated or otherwise made available to the Department of 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.

(c) Limitation on use of funds for overhead

A national security laboratory may not use funds made available under section 2791(c) of this title to cover the costs of general and administrative overhead for the laboratory.

(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; Pub. L. 117–263, div. C, title XXXI, §3116(a), Dec. 23, 2022, 136 Stat. 3054.)

Editorial Notes

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

2022—Subsec. (c). Pub. L. 117–263 added subsec. (c).

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 submission 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 congressional 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) Plant-directed research and development

(1) In general

The report required by subsection (a) shall include, with respect to plant-directed research and development, the following:

(A) A financial accounting of expenditures for such research and development,