the most effective collaboration among national laboratories, universities and colleges, and industry in support of scientific and engineering advancement in key Department of Energy defense and national security program areas.

(Pub. L. 107–314, div. D, title XLVIII, § 4814, formerly Pub. L. 105–85, div. C, title XXXI, § 3155, Nov. 18, 1997, 111 Stat. 2044; renumbered Pub. L. 107–314, div. D, title XLVIII, § 4814, and amended Pub. L. 108–136, div. C, title XXXI, § 3141(k)(9), Nov. 24, 2003, 117 Stat. 1785; Pub. L. 112–239, div. C, title XXXI, § 3131(y), Jan. 2, 2013, 126 Stat. 2185.)

**Editorial Notes**

CODIFICATION

Section was formerly set out as a note under section 7381 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2013—Subsec. (c). Pub. L. 112–239 struck out subsec. (c). Prior to amendment, text read as follows: ''Of the funds authorized to be appropriated in title XXXI of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) to the Department of Energy for fiscal year 1998, the Secretary shall make $5,000,000 available for the establishment and operation of the program under subsection (b).''

2003—Subsec. (c). Pub. L. 108–136, § 3141(k)(9)(D), substituted ''title XXXI of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85)'' for ''this title''.

### § 2796. Limitation on establishing an enduring bioassurance program within the Administration

**(a) In general**

The Administrator may not establish, administer, manage, or facilitate a program within the Administration for the purposes of executing an enduring national security research and development effort to broaden the role of the Department of Energy in national biodefense.

**(b) Rule of construction**

The limitation described in subsection (a) shall not be interpreted—

(1) to prohibit the establishment of a bioassurance program for the purpose of executing enduring national security research and development in any component of the Department of Energy other than the Administration or in any other Federal agency; or

(2) to impede the use of resources of the Administration, including resources provided by a national security laboratory or a nuclear weapons production facility site, to support the execution of a bioassurance program, if such support is provided—

(A) on a cost-reimbursable basis to an entity that is not a component of the Department of Energy; and

(B) in a manner that does not interfere with mission of such laboratory or facility.

(Pub. L. 107–314, div. D, title XLVIII, § 4815, as added Pub. L. 118–31, div. C, title XXXI, § 3122(a), Dec. 22, 2023, 137 Stat. 792.)

PART C—FACILITIES MANAGEMENT

### § 2811. Transfers of real property at certain Department of Energy facilities

**(a) Transfer regulations**

(1) The Secretary of Energy shall prescribe regulations for the transfer by sale or lease of real property at Department of Energy defense nuclear facilities for the purpose of permitting the economic development of the property.

(2) The Secretary may not transfer real property under the regulations prescribed under paragraph (1) until—

(A) the Secretary submits a notification of the proposed transfer to the congressional defense committees; and

(B) a period of 30 days has elapsed following the date on which the notification is submitted.

**(b) Indemnification**

(1) Except as provided in paragraph (3) and subject to subsection (c), in the sale or lease of real property pursuant to the regulations prescribed under subsection (a), the Secretary may hold harmless and indemnify a person or entity described in paragraph (2) against any claim for injury to person or property that results from the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Energy activities at the defense nuclear facility on which the real property is located. Before entering into any agreement for such a sale or lease, the Secretary shall notify the person or entity that the Secretary has authority to provide indemnification to the person or entity under this subsection. The Secretary shall include in any agreement for such a sale or lease a provision stating whether indemnification is or is not provided.

(2) Paragraph (1) applies to the following persons and entities:

(A) Any State that acquires ownership or control of real property of a defense nuclear facility.

(B) Any political subdivision of a State that acquires such ownership or control.

(C) Any other person or entity that acquires such ownership or control.

(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).

(3) To the extent the persons and entities described in paragraph (2) contributed to any such release or threatened release, paragraph (1) shall not apply.

**(c) Conditions**

(1) No indemnification on a claim for injury may be provided under this section unless the person or entity making a request for the indemnification—

(A) notifies the Secretary in writing within two years after such claim accrues;

(B) furnishes to the Secretary copies of pertinent papers received by the person or entity;

(C) furnishes evidence or proof of the claim;

(D) provides, upon request by the Secretary, access to the records and personnel of the person or entity for purposes of defending or settling the claim; and