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(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

(E) begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary.

(2) For purposes of paragraph (1)(A), the date on which a claim accrues is the date on which the person asserting the claim knew (or reasonably should have known) that the injury to person or property referred to in subsection (b)(1) was caused or contributed to by the release or threatened release of a hazardous substance, pollutant, or contaminant as a result of Department of Energy activities at the defense nuclear facility on which the real property is located.

**(d) Authority of Secretary**

(1) In any case in which the Secretary determines that the Secretary may be required to indemnify a person or entity under this section for any claim for injury to person or property referred to in subsection (b)(1), the Secretary may settle or defend the claim on behalf of that person or entity.

(2) In any case described in paragraph (1), if the person or entity that the Secretary may be required to indemnify does not allow the Secretary to settle or defend the claim, the person or entity may not be indemnified with respect to that claim under this section.

**(e) Relationship to other law**

Nothing in this section shall be construed as affecting or modifying in any way section 9620(h) of title 42.

**(f) Definitions**

In this section, the terms “hazardous substance”, “release”, and “pollutant or contaminant” have the meanings provided by section 9601 of title 42.

(Pub. L. 107-314, div. D, title XLVIII, §4831, formerly Pub. L. 105-85, div. C, title XXXI, §3158, Nov. 18, 1997, 111 Stat. 2046; Pub. L. 108-7, div. D, title V, §506, Feb. 20, 2003, 117 Stat. 158; renumbered Pub. L. 107-314, div. D, title XLVIII, §4831, by Pub. L. 108-136, div. C, title XXXI, §3141(k)(11), Nov. 24, 2003, 117 Stat. 1785; Pub. L. 108-137, title V, §504(a), Dec. 1, 2003, 117 Stat. 1868; Pub. L. 113-66, div. C, title XXXI, §3146(a)(2)(K), (i)(6), Dec. 26, 2013, 127 Stat. 1073, 1082.)

**Editorial Notes**

**CODIFICATION**

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

**AMENDMENTS**

2013—Subsec. (a)(2). Pub. L. 113-66, §3146(i)(6)(A), substituted “Secretary” for “Secretary of Energy” in introductory provisions.

Subsec. (b)(1). Pub. L. 113-66, §3146(i)(6)(A), substituted “Secretary may hold” for “Secretary of Energy may hold”.

Subsec. (c)(1)(A). Pub. L. 113-66, §3146(i)(6)(A), substituted “Secretary” for “Secretary of Energy”.

Subsec. (d). Pub. L. 113-66, §3146(i)(6), substituted “Secretary” for “Secretary of Energy” in heading and “Secretary determines” for “Secretary of Energy determines” in par. (1).

Subsec. (f). Pub. L. 113-66, §3146(a)(2)(K), substituted “section, the terms” for “section:”, struck out par. (1)

which defined “defense nuclear facility”, and struck out par. (2) designation and “The terms” before “‘hazardous substance’”.

2003—Subsec. (b)(2)(D). Pub. L. 108-137, §504(a), which directed that subsec. (b)(2) of section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (42 U.S.C. 7274q(b)(2)) be amended by adding a subpar. (D), was executed to that section as renumbered by Pub. L. 108-136 to reflect the probable intent of Congress. See Amendment note below and Effective Date of 2003 Amendment note below.

Pub. L. 108-7, which directed the amendment of “Title 42 U.S.C. 7274g” by adding subpar. (D) to subsec. (b)(2), was probably intended to amend section 3158 of Pub. L. 105-85, which was formerly classified to section 7274q of title 42 prior to renumbering and transfer to this section by Pub. L. 108-136. However, the amendment was not executed in view of the enactment of section 504 of Pub. L. 108-137 which added a substantially identical subpar. (D). See Amendment note above and Effective Date of 2003 Amendment note below.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 2003 AMENDMENT**

Pub. L. 108-137, title V, §504(b), Dec. 1, 2003, 117 Stat. 1868, provided that: “The amendment made by section 506 [probably means section 506 of Pub. L. 108-7, see 2003 Amendment note above], as amended by this section [section 504 of Pub. L. 108-137 did not amend section 506 of Pub. L. 108-7, see 2003 Amendment note above], is effective as of the date of enactment of the National Defense Authorization Act for Fiscal Year 1998 [Nov. 18, 1997].”

**§ 2812. Engineering and manufacturing research, development, and demonstration by managers of certain nuclear weapons production facilities**

**(a) Authority for programs at nuclear weapons production facilities**

The Administrator shall authorize the head of each nuclear weapons production facility to establish an Engineering and Manufacturing Research, Development, and Demonstration Program under this section.

**(b) Projects and activities**

The projects and activities carried out through the program at a nuclear weapons production facility under this section shall support innovative or high-risk design and manufacturing concepts and technologies with potentially high payoff for the nuclear security enterprise. Those projects and activities may include—

- (1) replacement of obsolete or aging design and manufacturing technologies;
- (2) development of innovative agile manufacturing techniques and processes; and
- (3) training, recruitment, or retention of essential personnel in critical engineering and manufacturing disciplines.

(Pub. L. 107-314, div. D, title XLVIII, §4832, formerly Pub. L. 106-398, §1 [div. C, title XXXI, §3156], Oct. 30, 2000, 114 Stat. 1654, 1654A-467; renumbered Pub. L. 107-314, div. D, title XLVIII, §4832, by Pub. L. 108-136, div. C, title XXXI, §3141(k)(12), Nov. 24, 2003, 117 Stat. 1785; Pub. L. 112-239, div. C, title XXXI, §3131(z), Jan. 2, 2013, 126 Stat. 2185; Pub. L. 113-66, div. C, title XXXI, §3146(i)(7)(A), Dec. 26, 2013, 127 Stat. 1083; Pub. L. 113-291, div. C, title XXXI, §3142(u), Dec. 19, 2014, 128 Stat. 3902.)