Editorial Notes

CODIFICATION

Section was formerly set out as a note under section 7274r of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113–291 struck out ''for Nuclear Security'' after ''The Administrator''.

2013—Pub. L. 113–66 substituted ''managers of certain nuclear weapons production facilities'' for ''plant managers of certain nuclear weapons production plants'' in section catchline.

Subsec. (b). Pub. L. 112–239, § 3131(z)(1), substituted ''nuclear security enterprise'' for ''nuclear weapons complex'' in introductory provisions.

Subsecs. (c) to (e). Pub. L. 112–239, § 3131(z)(2), struck out subsecs. (c) to (e), which related, respectively, to funding, a report, and definition of ''nuclear weapons production facility''.

Statutory Notes and Related Subsidiaries

ACTIVITIES AT COVERED NUCLEAR WEAPONS FACILITIES

Pub. L. 108–447, div. C, title III, § 308, Dec. 8, 2004, 118 Stat. 2959, provided that: ''The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: *Provided*, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term 'covered nuclear weapons facility' means the following:

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

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

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

''(4) The Savannah River Plant, South Carolina.

''(5) The Nevada Test Site.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108–137, title III, § 308, Dec. 1, 2003, 117 Stat. 1861.

Pub. L. 108–7, div. D, title III, § 308, Feb. 20, 2003, 117 Stat. 154.

Pub. L. 107–66, title III, § 309, Nov. 12, 2001, 115 Stat. 509.

Pub. L. 106–377, § 1(a)(2) [title III, § 310], Oct. 27, 2000, 114 Stat. 1441, 1441A–80.

§ 2813. Pilot program relating to use of proceeds of disposal or utilization of certain Department of Energy assets

(a) Purpose

The purpose of this section is to encourage the Secretary of Energy to dispose of or otherwise utilize certain assets of the Department of Energy by making available to the Secretary the proceeds of such disposal or utilization for purposes of defraying the costs of such disposal or utilization.

(b) Use of proceeds to defray costs

(1) Notwithstanding section 3302 of title 31, the Secretary may retain from the proceeds of the sale, lease, or disposal of an asset under subsection (c) an amount equal to the cost of the sale, lease, or disposal of the asset. The Secretary shall utilize amounts retained under this paragraph to defray the cost of the sale, lease, or disposal.

(2) For purposes of paragraph (1), the cost of a sale, lease, or disposal shall include—

(A) the cost of administering the sale, lease, or disposal;

(B) the cost of recovering or preparing the asset concerned for the sale, lease, or disposal; and

(C) any other cost associated with the sale, lease, or disposal.

(c) Covered transactions

Subsection (b) applies to the following transactions:

(1) The sale of heavy water at the Savannah River Site, South Carolina, that is under the jurisdiction of the Defense Environmental Management Program.

(2) The sale of precious metals that are under the jurisdiction of the Defense Environmental Management Program.

(3) The lease of buildings and other facilities located at the Hanford Reservation, Washington, that are under the jurisdiction of the Defense Environmental Management Program.

(4) The lease of buildings and other facilities located at the Savannah River Site that are under the jurisdiction of the Defense Environmental Management Program.

(5) The disposal of equipment and other personal property located at the Rocky Flats Defense Environmental Technology Site, Colorado, that is under the jurisdiction of the Defense Environmental Management Program.

(6) The disposal of materials at the National Electronics Recycling Center, Oak Ridge, Tennessee that are under the jurisdiction of the Defense Environmental Management Program.

(d) Applicability of disposal authority

Nothing in this section shall be construed to limit the application of subchapter II of chapter 5 and section 549 of title 40 to the disposal of equipment and other personal property covered by this section.

(Pub. L. 107–314, div. D, title XLVIII, § 4833, formerly Pub. L. 105–85, div. C, title XXXI, § 3138, Nov. 18, 1997, 111 Stat. 2039; renumbered Pub. L. 107–314, div. D, title XLVIII, § 4833, and amended Pub. L. 108–136, div. C, title XXXI, § 3141(k)(13), Nov. 24, 2003, 117 Stat. 1786; Pub. L. 112–239, div. C, title XXXI, § 3131(aa), Jan. 2, 2013, 126 Stat. 2185.)

Editorial Notes

CODIFICATION

Section was formerly set out as a note under section 7256 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2013—Subsec. (e). Pub. L. 112–239 struck out subsec. (e). Prior to amendment, text read as follows: ''Not later than January 31, 1999, the Secretary shall submit to the congressional defense committees a report on amounts retained by the Secretary under subsection (b) during fiscal year 1998.''

2003—Subsec. (d). Pub. L. 108–136, § 3141(k)(13)(D), substituted ''subchapter II of chapter 5 and section 549 of

title 40'' for ''sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484(j))''.

§ 2814. Department of Energy energy parks program

(a) In general

The Secretary of Energy may establish a program to permit the establishment of energy parks on former defense nuclear facilities.

(b) Objectives

The objectives for establishing energy parks pursuant to subsection (a) are the following:

(1) To provide locations to carry out a broad range of projects relating to the development and deployment of energy technologies and related advanced manufacturing technologies.

(2) To provide locations for the implementation of pilot programs and demonstration projects for new and developing energy technologies and related advanced manufacturing technologies.

(3) To set a national example for the development and deployment of energy technologies and related advanced manufacturing technologies in a manner that will promote energy security, energy sector employment, and energy independence.

(4) To create a business environment that encourages collaboration and interaction between the public and private sectors.

(c) Consultation

In establishing an energy park pursuant to subsection (a), the Secretary shall consult with—

(1) the local government with jurisdiction over the land on which the energy park will be located;

(2) the local governments of adjacent areas; and

(3) any community reuse organization recognized by the Secretary at the former defense nuclear facility on which the energy park will be located.

(d) Report required

Not later than 120 days after January 7, 2011, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the program under subsection (a). The report shall include such recommendations for additional legislative actions as the Secretary considers appropriate to facilitate the development of energy parks on former defense nuclear facilities.

(e) Defense nuclear facility defined

In this section, the term ''defense nuclear facility'' has the meaning given the term ''Department of Energy defense nuclear facility'' in section 2286g of title 42.

(Pub. L. 111–383, div. C, title XXXI, § 3124, Jan. 7, 2011, 124 Stat. 4515.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, and not as part of the Atomic Energy Defense Act which comprises this chapter.

§ 2815. Authority to use passenger carriers for contractor commuting

(a) Authority

If and to the extent that the Administrator deems it appropriate to further mission activities under section 2401 of this title, a passenger carrier may be used to provide transportation services to contractor employees between the covered facility of the contractor employee and a mass transit facility in accordance with any applicable transportation plan adopted by the Administrator pursuant to this section.

(b) Plan requests and approval

(1) The Administrator—

(A) shall—

(i) provide Management and Operating contractors at covered facilities the opportunity to, on a voluntary basis, submit, through the cognizant contracting officer of the applicable covered facility, a plan to provide transportation services described in subsection (a) for contractor employees at the covered facility; and

(ii) review each such plan submitted in accordance with clause (i); and

(B) may approve each such plan if the requirements described in clauses (i) through (iv) of paragraph (2)(B) are satisfied.

(2) Each plan submitted pursuant to paragraph (1)(A)—

(A) may include proposals for parking facilities, road improvements, real property acquisition, passenger carrier services, and commuting cost deferment payments to contractor employees; and

(B) shall include—

(i) a description of how the use of passenger carriers will facilitate the mission of the covered facility;

(ii) a description of how the plan will be economical and advantageous to the Federal Government;

(iii) a summary of the benefits that will be provided under the plan and how costs will be monitored; and

(iv) a description of how the plan will alleviate traffic congestion, reduce commuting times, and improve recruitment and retention of contractor employees.

(3) The Administrator may delegate to the Senior Procurement Executive of the Administration the approval of any plan submitted under this subsection.

(c) Reimbursement

The Administration may reimburse a contractor for the costs of transportation services incurred pursuant to a plan approved under subsection (b) using funds appropriated to the Administration.

(d) Implementation

In carrying out a plan approved under subsection (b), the Administrator, to the maximum extent practicable and consistent with sound budget policy, shall—