

§1 [div. C, title XXXI, §3157], Oct. 30, 2000, 114 Stat. 1654, 1654A-468, which related to status of Administration and contractor personnel within Department of Energy, was renumbered section 3220 of Pub. L. 106-65, by Pub. L. 107-107, div. C, title XXXI, §3141(a)(1), Dec. 28, 2001, 115 Stat. 1369, and transferred to section 2410 of this title.

#### § 2404. Deputy Administrator for Defense Programs

##### (a) In general

There is in the Administration a Deputy Administrator for Defense Programs, who is appointed by the President, by and with the advice and consent of the Senate.

##### (b) Duties

Subject to the authority, direction, and control of the Administrator, the Deputy Administrator for Defense Programs shall perform such duties and exercise such powers as the Administrator may prescribe, including the following:

- (1) Maintaining and enhancing the safety, reliability, and performance of the United States nuclear weapons stockpile, including the ability to design, produce, and test, in order to meet national security requirements.
- (2) Directing, managing, and overseeing the nuclear weapons production facilities and the national security laboratories.
- (3) Directing, managing, and overseeing assets to respond to incidents involving nuclear weapons and materials.

(Pub. L. 106-65, div. C, title XXXII, §3214, Oct. 5, 1999, 113 Stat. 959; Pub. L. 107-107, div. C, title XXXI, §3142, Dec. 28, 2001, 115 Stat. 1370.)

#### AMENDMENTS

2001—Subsec. (c). Pub. L. 107-107 struck out heading and text of subsec. (c). Text read as follows: “The head of each national security laboratory and nuclear weapons production facility shall, consistent with applicable contractual obligations, report to the Deputy Administrator for Defense Programs.”

#### § 2405. Deputy Administrator for Defense Nuclear Nonproliferation

##### (a) In general

There is in the Administration a Deputy Administrator for Defense Nuclear Nonproliferation, who is appointed by the President, by and with the advice and consent of the Senate.

##### (b) Duties

Subject to the authority, direction, and control of the Administrator, the Deputy Administrator for Defense Nuclear Nonproliferation shall perform such duties and exercise such powers as the Administrator may prescribe, including the following:

- (1) Preventing the spread of materials, technology, and expertise relating to weapons of mass destruction.
- (2) Detecting the proliferation of weapons of mass destruction worldwide.
- (3) Eliminating inventories of surplus fissile materials usable for nuclear weapons.
- (4) Providing for international nuclear safety.

(Pub. L. 106-65, div. C, title XXXII, §3215, Oct. 5, 1999, 113 Stat. 959.)

#### § 2406. Deputy Administrator for Naval Reactors

##### (a) In general

(1) There is in the Administration a Deputy Administrator for Naval Reactors. The director of the Naval Nuclear Propulsion Program provided for under the Naval Nuclear Propulsion Executive Order shall serve as the Deputy Administrator for Naval Reactors.

(2) Within the Department of Energy, the Deputy Administrator shall report to the Secretary of Energy through the Administrator and shall have direct access to the Secretary and other senior officials in the Department.

##### (b) Duties

The Deputy Administrator shall be assigned the responsibilities, authorities, and accountability for all functions of the Office of Naval Reactors under the Naval Nuclear Propulsion Executive Order.

##### (c) Effect on Executive Order

Except as otherwise specified in this section and notwithstanding any other provision of this chapter, the provisions of the Naval Nuclear Propulsion Executive Order remain in full force and effect until changed by law.

##### (d) Naval Nuclear Propulsion Executive Order

As used in this section, the Naval Nuclear Propulsion Executive Order is Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note)<sup>1</sup> (as in force pursuant to section 1634 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 42 U.S.C. 7158 note)).<sup>1</sup>

(Pub. L. 106-65, div. C, title XXXII, §3216, Oct. 5, 1999, 113 Stat. 959.)

#### REFERENCES IN TEXT

Executive Order No. 12344, referred to in subsec. (d), is set out as a note under section 2511 of this title.

Section 1634 of the Department of Defense Authorization Act, 1985 (Public Law 98-525), referred to in subsec. (d), was formerly set out as a note under section 7158 of Title 42, The Public Health and Welfare, and was renumbered section 4101 of Pub. L. 107-314, the Bob Stump National Defense Authorization Act for Fiscal Year 2003, by Pub. L. 108-136, div. C, title XXXI, §3141(d)(2), Nov. 24, 2003, 117 Stat. 1757. Section 4101 of Pub. L. 107-314 is classified to section 2511 of this title.

#### § 2407. General Counsel

There is a General Counsel of the Administration. The General Counsel is the chief legal officer of the Administration.

(Pub. L. 106-65, div. C, title XXXII, §3217, Oct. 5, 1999, 113 Stat. 960.)

#### § 2408. Staff of Administration

##### (a) In general

The Administrator shall maintain within the Administration sufficient staff to assist the Administrator in carrying out the duties and responsibilities of the Administrator.

##### (b) Responsibilities

The staff of the Administration shall perform, in accordance with applicable law, such of the functions of the Administrator as the Adminis-

<sup>1</sup> See References in Text note below.

trator shall prescribe. The Administrator shall assign to the staff responsibility for the following functions:

- (1) Personnel.
- (2) Legislative affairs.
- (3) Public affairs.
- (4) Liaison with the Department of Energy's Office of Intelligence and Counterintelligence.
- (5) Liaison with other elements of the Department of Energy and with other Federal agencies, State, tribal, and local governments, and the public.

(Pub. L. 106-65, div. C, title XXXII, §3218, Oct. 5, 1999, 113 Stat. 960; Pub. L. 109-364, div. C, title XXXI, §3117(e), Oct. 17, 2006, 120 Stat. 2508.)

#### AMENDMENTS

2006—Subsec. (b)(4), (5). Pub. L. 109-364 added par. (4) and redesignated former par. (4) as (5).

#### § 2409. Scope of authority of Secretary of Energy to modify organization of Administration

Notwithstanding the authority granted by section 7253 of title 42 or any other provision of law, the Secretary of Energy may not establish, abolish, alter, consolidate, or discontinue any organizational unit or component, or transfer any function, of the Administration, except as authorized by subsection (b) or (c) of section 2481 of this title.

(Pub. L. 106-65, div. C, title XXXII, §3219, as added Pub. L. 106-377, §1(a)(2) [title III, §314(a)], Oct. 27, 2000, 114 Stat. 1441, 1441A-81.)

#### § 2410. Status of Administration and contractor personnel within Department of Energy

##### (a) Status of Administration personnel

Each officer or employee of the Administration—

- (1) shall be responsible to and subject to the authority, direction, and control of—
  - (A) the Secretary acting through the Administrator and consistent with section 7132(c)(3) of title 42;
  - (B) the Administrator; or
  - (C) the Administrator's designee within the Administration; and

- (2) shall not be responsible to, or subject to the authority, direction, or control of, any other officer, employee, or agent of the Department of Energy.

##### (b) Status of contractor personnel

Each officer or employee of a contractor of the Administration shall not be responsible to, or subject to the authority, direction, or control of, any officer, employee, or agent of the Department of Energy who is not an employee of the Administration, except for the Secretary of Energy consistent with section 7132(c)(3) of title 42.

##### (c) Construction of section

Subsections (a) and (b) of this section may not be interpreted to in any way preclude or interfere with the communication of technical findings derived from, and in accord with, duly authorized activities between (1) the head, or any contractor employee, of a national security laboratory or of a nuclear weapons production facility, and (2) the Department of Energy, the President, or Congress.

##### (d) Prohibition on dual office holding

Except in accordance with sections 2402(a)(2) and 2406(a)(1) of this title:

- (1) An individual may not concurrently hold or carry out the responsibilities of—
  - (A) a position within the Administration; and
  - (B) a position within the Department of Energy not within the Administration.

- (2) No funds appropriated or otherwise made available for any fiscal year may be used to pay, to an individual who concurrently holds or carries out the responsibilities of a position specified in paragraph (1)(A) and a position specified in paragraph (1)(B), the basic pay, salary, or other compensation relating to any such position.

##### (e) Status of intelligence and counterintelligence personnel

Notwithstanding the restrictions of subsections (a) and (b), each officer or employee of the Administration, or of a contractor of the Administration, who is carrying out activities related to intelligence or counterintelligence shall, in carrying out those activities, be subject to the authority, direction, and control of the Secretary of Energy or the Secretary's delegate.

(Pub. L. 106-65, div. C, title XXXII, §3220, formerly §3213, Oct. 5, 1999, 113 Stat. 958; Pub. L. 106-398, §1 [div. C, title XXXI, §3157], Oct. 30, 2000, 114 Stat. 1654, 1654A-468; renumbered §3220, Pub. L. 107-107, div. C, title XXXI, §3141(a)(1), Dec. 28, 2001, 115 Stat. 1370; Pub. L. 109-364, div. C, title XXXI, §3117(a)(2)(B), (d), Oct. 17, 2006, 120 Stat. 2507, 2508; Pub. L. 111-84, div. C, title XXXI, §3121, Oct. 28, 2009, 123 Stat. 2710.)

#### CODIFICATION

Section was formerly classified to section 2403 of this title.

#### AMENDMENTS

2009—Subsec. (e). Pub. L. 111-84 amended Pub. L. 109-364, §3117(a). See 2006 Amendment note below.

2006—Subsec. (e). Pub. L. 109-364, §3117(a), which, in par. (2), directed repeal of subsec. (e) effective Sept. 30, 2010, was amended generally by Pub. L. 111-84, and as so amended, no longer contains a par. (2) or amends this section.

Pub. L. 109-364, §3117(d), added subsec. (e).

2000—Subsec. (a). Pub. L. 106-398, §1 [div. C, title XXXI, §3157(1)], struck out “Administration, in carrying out any function of the” after “employee of the” in introductory provisions.

Subsec. (b). Pub. L. 106-398, §1 [div. C, title XXXI, §3157(2)], struck out “, in carrying out any function of the Administration,” after “contractor of the Administration”.

Subsec. (d). Pub. L. 106-398, §1 [div. C, title XXXI, §3157(3)], added subsec. (d).

#### SUBCHAPTER II—MATTERS RELATING TO SECURITY

#### § 2421. Protection of national security information

##### (a) Policies and procedures required

The Administrator shall establish procedures to ensure the maximum protection of classified information in the possession of the Administration.