

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 2122a of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 106-65, § 3294(e)(1)(A).

SUBCHAPTER III—MATTERS RELATING TO PERSONNEL

§ 2441. Authority to establish certain contracting, program management, scientific, engineering, and technical positions

The Administrator may, for the purposes of carrying out the responsibilities of the Administrator under this chapter, establish not more than 600 contracting, program management, scientific, engineering, and technical positions in the Administration, appoint individuals to such positions, and fix the compensation of such individuals. Subject to the limitations in the preceding sentence, the authority of the Administrator to make appointments and fix compensation with respect to positions in the Administration under this section shall be equivalent to, and subject to the limitations of, the authority under section 2201(d) of title 42 to make appointments and fix compensation with respect to officers and employees described in such section. To ensure that the excepted positions established under this section are used, the Administrator, to the extent practicable, shall appoint an individual to such an excepted position to replace the vacancy of a nonexcepted position.

(Pub. L. 106-65, div. C, title XXXII, § 3241, Oct. 5, 1999, 113 Stat. 964; Pub. L. 112-239, div. C, title XXXI, § 3111(b)(1), (2), Jan. 2, 2013, 126 Stat. 2169.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title XXXII of div. C of Pub. L. 106-65, Oct. 5, 1999, 113 Stat. 953, as amended, which is classified principally to this chapter. For complete classification of title XXXII to the Code, see Short Title note set out under section 2401 of this title and Tables.

AMENDMENTS

2013—Pub. L. 112-239, in section catchline, inserted “contracting, program management,” before “scientific” and, in text, substituted “600 contracting, program management, scientific” for “300 scientific” and inserted at end “To ensure that the excepted positions established under this section are used, the Administrator, to the extent practicable, shall appoint an individual to such an excepted position to replace the vacancy of a nonexcepted position.”

§ 2441a. Authorized personnel levels of the Office of the Administrator

(a) Full-time equivalent personnel levels

(1) Total number

By October 1, 2014, the total number of employees of the Office of the Administrator may not exceed 1,825.

(2) Excess

For fiscal year 2015 and each fiscal year thereafter, the Administrator may not exceed the total number of employees authorized under paragraph (1) unless, during each fiscal year in which such total number exceeds 1,825, the Administrator submits to the congres-

sional defense committees a report justifying such excess.

(b) Counting rule

(1) A determination of the number of employees in the Office of the Administrator under subsection (a) shall be expressed on a full-time equivalent basis.

(2) Except as provided by paragraph (3), in determining the total number of employees in the Office of the Administrator under subsection (a), the Administrator shall count each employee of the Office without regard to whether the employee is located at the headquarters of the Administration, a site office of the Administration, a service or support center of the Administration, or any other location.

(3) The following employees may not be counted for purposes of determining the total number of employees in the Office of the Administrator under subsection (a):

(A) Employees of the Office of Naval Reactors.

(B) Employees of the Office of Secure Transportation.

(C) Members of the Armed Forces detailed to the Administration.

(D) Personnel supporting the Office of the Administrator pursuant to the mobility program under subchapter VI of chapter 33 of title 5 (commonly referred to as the “Intergovernmental Personnel Act Mobility Program”).

(c) Voluntary early retirement

In accordance with section 3523 of title 5, the Administrator may offer voluntary separation or retirement incentives to meet the total number of employees authorized under subsection (a).

(d) Use of IPA

The Administrator shall ensure that the expertise of the national security laboratories and the nuclear weapons production facilities is made available to the Administration, the Department of Energy, the Department of Defense, other Federal agencies, and Congress through the temporary assignment of personnel from such laboratories and facilities pursuant to the Intergovernmental Personnel Act Mobility Program and other similar programs.

(Pub. L. 106-65, div. C, title XXXII, § 3241A, as added Pub. L. 112-239, div. C, title XXXI, § 3111(a)(1), Jan. 2, 2013, 126 Stat. 2168.)

§ 2442. Repealed. Pub. L. 112-239, div. C, title XXXI, § 3132(c)(1)(A), Jan. 2, 2013, 126 Stat. 2186

Section, Pub. L. 106-65, div. C, title XXXII, § 3242, Oct. 5, 1999, 113 Stat. 964, related to voluntary early retirement authority.

§ 2443. Repealed. Pub. L. 107-107, div. C, title XXXI, § 3143, Dec. 28, 2001, 115 Stat. 1371

Section, Pub. L. 106-65, div. C, title XXXII, § 3245, as added Pub. L. 106-377, § 1(a)(2) [title III, § 315], Oct. 27, 2000, 114 Stat. 1441, 1441A-81, related to prohibition on pay of personnel engaged in concurrent service or duties inside and outside Administration.

§ 2444. Nonproliferation and national security scholarship and fellowship program

(a) Establishment

The Administrator for Nuclear Security shall carry out a program to provide scholarships and fellowships for the purpose of enabling individuals to qualify for employment in the nonproliferation and national security programs of the Department of Energy.

(b) Eligible individuals

An individual shall be eligible for a scholarship or fellowship under the program established under this section if the individual—

- (1) is a citizen or national of the United States or an alien lawfully admitted to the United States for permanent residence;
- (2) has been accepted for enrollment or is currently enrolled as a full-time student at an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)));
- (3) is pursuing a program of education that leads to an appropriate higher education degree in a qualifying field of study, as determined by the Administrator;
- (4) enters into an agreement described in subsection (c); and
- (5) meets such other requirements as the Administrator prescribes.

(c) Agreement

An individual seeking a scholarship or fellowship under the program established under this section shall enter into an agreement, in writing, with the Administrator that includes the following:

- (1) The agreement of the Administrator to provide such individual with a scholarship or fellowship in the form of educational assistance for a specified number of school years (not to exceed five school years) during which such individual is pursuing a program of education in a qualifying field of study, which educational assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.
- (2) The agreement of such individual—
 - (A) to accept such educational assistance;
 - (B) to maintain enrollment and attendance in a program of education described in subsection (b)(2) until such individual completes such program;
 - (C) while enrolled in such program, to maintain satisfactory academic progress in such program, as determined by the institution of higher education in which such individual is enrolled; and
 - (D) after completion of such program, to serve as a full-time employee in a nonproliferation or national security position in the Department of Energy or at a laboratory of the Department for a period of not less than 12 months for each school year or part of a school year for which such individual receives a scholarship or fellowship under the program established under this section.
- (3) The agreement of such individual with respect to the repayment requirements specified in subsection (d).

(d) Repayment

(1) In general

An individual receiving a scholarship or fellowship under the program established under this section shall agree to pay to the United States the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), if such individual—

- (A) does not complete the program of education agreed to pursuant to subsection (c)(2)(B);
- (B) completes such program of education but declines to serve in a position in the Department of Energy or at a laboratory of the Department as agreed to pursuant to subsection (c)(2)(D); or
- (C) is voluntarily separated from service or involuntarily separated for cause from the Department of Energy or a laboratory of the Department before the end of the period for which such individual agreed to continue in the service of the Department pursuant to subsection (c)(2)(D).

(2) Failure to repay

If an individual who received a scholarship or fellowship under the program established under this section is required to repay, pursuant to an agreement under paragraph (1), the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), and fails to repay such amount, a sum equal to such amount (plus such interest) is recoverable by the United States Government from such individual or the estate of such individual by—

- (A) in the case of an individual who is an employee of the United States Government, setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or
- (B) such other method as is provided by law for the recovery of amounts owed to the Government.

(3) Waiver of repayment

The Administrator may waive, in whole or in part, repayment by an individual under this subsection if the Administrator determines that seeking recovery under paragraph (2) would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) Rate of interest

For purposes of repayment under this subsection, the total amount of educational assistance provided to an individual under the program established under this section shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(e) Preference for cooperative education students

In evaluating individuals for the award of a scholarship or fellowship under the program established under this section, the Administrator may give a preference to an individual who is