

ments of employees of the management and operating contractors of the National Nuclear Security Administration to the headquarters of the Administration, the Department of Defense and the military departments, the intelligence community, and other departments and agencies of the Federal Government.

“(2) METHODS.—The Administrator shall carry out paragraph (1) by—

“(A) establishing incentives for—

“(i) the management and operating contractors of the Administration and the employees of such contractors to participate in rotational assignments; and

“(ii) the departments and agencies of the Federal Government specified in such paragraph to facilitate such assignments;

“(B) providing professional and leadership development opportunities during such assignments;

“(C) using details and other applicable authorities and programs, including the mobility program under subchapter VI of chapter 33 of title 5, United States Code (commonly referred to as the ‘Intergovernmental Personnel Act Mobility Program’); and

“(D) taking such other actions as the Administrator determines appropriate to increase the use of such rotational assignments.”

§ 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 800 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 positions established under this section are used, the Administrator, to the extent practicable, shall appoint an individual to such a position to replace the vacancy of a position not established under this section.

(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; Pub. L. 113–66, div. C, title XXXI, §3145(d), Dec. 26, 2013, 127 Stat. 1071; Pub. L. 116–92, div. C, title XXXI, §3111(b), Dec. 20, 2019, 133 Stat. 1950.)

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

2019—Pub. L. 116–92 substituted “800” for “600”.

2013—Pub. L. 113–66, in last sentence, substituted “positions established” for “excepted positions established”, “a position” for “an excepted position”, and “position not established under this section” for “non-excepted position”.

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.”

EFFECTIVE DATE

Section effective Mar. 1, 2000, see section 3299 of Pub. L. 106–65, set out as a note under section 2401 of this title.

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

(a) Full-time equivalent personnel levels

(1) Total number

The total number of employees of the Office of the Administrator may not exceed 1,890.

(2) Excess

For fiscal year 2020 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 1,890, the Administrator submits to the congressional 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 De-

partment 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.

(e) Office of the Administrator employees

In this section, the term “Office of the Administrator”, with respect to the employees of the Administration, includes employees whose funding is derived from an account of the Administration titled “Federal Salaries and Expenses”.

(f) Annual report

The Administrator shall include in the budget justification materials submitted to Congress in support of the budget of the Administration for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) a report containing the following information for the most recent fiscal year for which data are available:

(1) The number of full-time equivalent employees of the Office of the Administrator, as counted under subsection (a).

(2) The number of service support contracts of the Administration and whether such contracts are funded using program or program direction funds.

(3) The number of full-time equivalent contractor employees working under each contract identified under paragraph (2).

(4) The number of full-time equivalent contractor employees described in paragraph (3) that have been employed under such a contract for a period greater than two years.

(5) With respect to each contract identified under paragraph (2)—

(A) identification of each appropriations account that supports the contract; and

(B) the amount obligated under the contract during the fiscal year, listed by each such account.

(6) With respect to each appropriations account identified under paragraph (5)(A), the total amount obligated for contracts identified under paragraph (2).

(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; amended Pub. L. 113–291, div. C, title XXXI, § 3116, Dec. 19, 2014, 128 Stat. 3888; Pub. L. 114–92, div. C, title XXXI, § 3138, Nov. 25, 2015, 129 Stat. 1215; Pub. L. 114–328, div. C, title XXXI, § 3136(a), Dec. 23, 2016, 130 Stat. 2771; Pub. L. 116–92, div. C, title XXXI, § 3111(a), Dec. 20, 2019, 133 Stat. 1949.)

AMENDMENTS

2019—Subsec. (a)(1). Pub. L. 116–92, § 3111(a)(1)(A), (B)(i), substituted “The” for “By October 1, 2015, the” and “1,890” for “1,690”.

Subsec. (a)(2). Pub. L. 116–92, § 3111(a)(1)(A), (B)(ii), substituted “2020” for “2016” and “1,890” for “1,690”.

Subsec. (f). Pub. L. 116–92, § 3111(a)(2)(A), substituted “for the most recent fiscal year for which data are available” for “as of the date of the report” in introductory provisions.

Subsec. (f)(5), (6). Pub. L. 116–92, § 3111(a)(2)(B), added pars. (5) and (6) and struck out former par. (5) which read as follows: “With respect to each contract identified under paragraph (2)—

“(A) the cost of the contract; and

“(B) identification of the program or program direction accounts that support the contract.”

2016—Subsec. (f)(5). Pub. L. 114–328 added par. (5).

2015—Subsec. (f). Pub. L. 114–92 added subsec. (f).

2014—Subsec. (a)(1). Pub. L. 113–291, § 3116(a)(1), substituted “2015” for “2014” and “1,690” for “1,825”.

Subsec. (a)(2). Pub. L. 113–291, § 3116(a)(2), substituted “2016” for “2015” and “1,690” for “1,825”.

Subsec. (e). Pub. L. 113–291, § 3116(b), added subsec. (e).

§ 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. Notification of employee practices affecting national security

(a) Annual notification

At or about the time that the President’s budget is submitted to Congress under section 1105(a) of title 31, the Secretary of Energy and the Administrator shall jointly notify the appropriate congressional committees of—

(1) the number of covered employees whose security clearance was revoked during the year prior to the year in which the notification is made; and

(2) for each employee counted under paragraph (1), the length of time such employee has been employed at the Department or the Administration, as the case may be, since such revocation.

(b) Notification to congressional committees

Whenever the Secretary or the Administrator terminates the employment of a covered employee or removes and reassigns a covered employee for cause, the Secretary or the Administrator, as the case may be, shall notify the appropriate congressional committees of such termination or reassignment by not later than 30 days after the date of such termination or reassignment.

(c) Definitions

In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) The term “covered employee” means—

(A) an employee of the Administration; or

(B) an employee of an element of the Department of Energy (other than the Administration) involved in nuclear security.

(Pub. L. 106–65, div. C, title XXXII, § 3245, as added Pub. L. 114–92, div. C, title XXXI, § 3111(a)(1), Nov. 25, 2015, 129 Stat. 1186.)

PRIOR PROVISIONS

A prior section 2443, 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,