

**§ 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 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.

**(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.)

**Editorial Notes**

**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 of security clearance revocations**

At or about the time that the President's budget is submitted to Congress under section 1105(a) of title 31, the Administrator shall 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 Administration, as the case may be, since such revocation.

**(b) Annual notification of terminations and removals**

Not later than December 31 of each year, the Administrator shall notify the appropriate congressional committees of each instance in which the Administrator terminated the employment of a covered employee or removed and re-assigned a covered employee for cause during that year.

**(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; amended Pub. L. 117-81, div. C, title XXXI, § 3131(a), Dec. 27, 2021, 135 Stat. 2229.)

**Editorial Notes**

**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, prior to repeal by Pub. L. 107-107, div. C, title XXXI, § 3143, Dec. 28, 2001, 115 Stat. 1371.

**AMENDMENTS**

2021—Subsecs. (a), (b). Pub. L. 117-81 added subsecs. (a) and (b) and struck out former subsecs. (a) and (b), which related to annual notification and notification to congressional committees, respectively.

**§ 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).