

participate in this program at each National Laboratory and the number of employees who take a permanent leave from their positions at National Laboratories as a result of participating in this program.

**(e) Federal ethics**

Nothing in this section shall affect existing Federal ethics rules applicable to Federal personnel.

(Pub. L. 117–167, div. B, title VI, §10719, Aug. 9, 2022, 136 Stat. 1707.)

**§ 19313. National Laboratory non-Federal employee outside employment authority**

**(a) In general**

The Secretary shall delegate to Directors of National Laboratories the authority to allow their non-Federal employees—

(1) to engage in outside employment, including start-up companies based on licensing technologies developed at National Laboratories and consulting in their areas of expertise, and receive compensation from such entities; and

(2) to engage in outside activities related to their areas of expertise at the National Laboratory and may allow employees, in their employment capacity at such outside employment, to access the National Laboratories under the same contracting mechanisms as non-Laboratory employees and entities, in accordance with appropriate conflict of interest protocols.

**(b) Requirements**

If a Director elects to use the authority granted by subsection (a) of this section, the Director, or their designee, shall—

(1) require employees to disclose to and obtain approval from the Director or their designee prior to engaging in any outside employment;

(2) develop and require appropriate conflict of interest protocols for employees that engage in outside employment;

(3) maintain the authority to terminate employees engaging in outside employment if they are found to violate terms, including conflict of interest protocols, mandated by the Director; and

(4) ensure that any such programs or activities are in conformance with the Department's research security policies, including DOE Order 486.1.

**(c) Additional restrictions**

Employees engaging in outside employment may not—

(1) allow such activities to interfere with or impede their duties at the National Laboratory;

(2) engage in activities related to outside employment using National Laboratory government equipment, property, or resources, unless such activities are performed under National Laboratory contracting mechanisms, such as Cooperative Research and Development Agreements or Strategic Partnership Projects, whereby all conflicts of interest requirements apply; or

(3) use their position at a National Laboratory to provide an unfair competitive advantage to an outside employer or start-up activity.

**(d) Federal ethics**

Nothing in this section shall affect existing Federal ethics rules applicable to Federal personnel.

(Pub. L. 117–167, div. B, title VI, §10720, Aug. 9, 2022, 136 Stat. 1707.)

SUBPART 3—DEPARTMENT OF ENERGY  
MODERNIZATION

**§ 19321. Special hiring authority for scientific, engineering, and project management personnel**

**(a) In general**

The Under Secretary for Science shall have the authority to—

(1) make appointments of not more than 60 scientific, engineering, and professional personnel, without regard to civil service laws, to assist the Department in meeting specific project or research needs;

(2) fix the basic pay of any employee appointed under this section at a rate to be determined by the Under Secretary at rates not in excess of Level II of the Executive Schedule (EX-II) under section 5311 of title 5 without regard to the civil service laws; and

(3) pay any employee appointed under this section payments in addition to basic pay, except that the total amount of additional payments paid to an employee under this subsection for any 12-month period shall not exceed the lesser of the following amounts:

(A) \$25,000.

(B) The amount equal to 25 percent of the annual rate of basic pay of that employee.

(C) The amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5.

**(b) Term**

**(1) In general**

The term of any employee appointed under this section shall not exceed 3 years unless otherwise authorized in law.

**(2) Termination**

The Under Secretary for Science shall have the authority to terminate any employee appointed under this section at any time based on performance or changing project or research needs of the Department.

(Pub. L. 117–167, div. B, title VI, §10726, Aug. 9, 2022, 136 Stat. 1710.)

PART I—MICRO ACT

**§ 19331. Microelectronics research for energy innovation**

**(a) Definitions**

In this section:

**(1) Center**

The term “Center” means a Microelectronics Science Research Center established pursuant to subsection (d).