

and authorized to be appropriated such sums as were necessary.

REPORT WITH RESPECT TO RENEGOTIATIONS,
REAPPRAISALS, AND SALES PROCEEDINGS

Pub. L. 85-162, title II, §203, Aug. 21, 1957, 71 Stat. 410, directed Atomic Energy Commission, Federal Housing Administration, and Housing and Home Finance Agency to report to Joint Committee by Jan. 31, 1958, with respect to renegotiations, reappraisals, and sales proceedings authorized under sections 201 and 202 of Pub. L. 85-162 [amending subsec. (e) of this section and enacting section 2325(c) of this title].

Executive Documents

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Members of the Nuclear Regulatory Commission, see Parts 1, 2, and 21 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of this title.

§ 2201a. Use of firearms by security personnel

(a) Definitions

In this section, the terms “handgun”, “rifle”, “shotgun”, “firearm”, “ammunition”, “machinegun”, “short-barreled shotgun”, and “short-barreled rifle” have the meanings given the terms in section 921(a) of title 18.

(b) Authorization

Notwithstanding subsections (a)(4), (a)(5), (b)(2), (b)(4), and (o) of section 922 of title 18, section 925(d)(3) of title 18, section 5844 of title 26, and any law (including regulations) of a State or a political subdivision of a State that prohibits the transfer, receipt, possession, transportation, importation, or use of a handgun, a rifle, a shotgun, a short-barreled shotgun, a short-barreled rifle, a machinegun, a semiautomatic assault weapon, ammunition for any such gun or weapon, or a large capacity ammunition feeding device, in carrying out the duties of the Commission, the Commission may authorize the security personnel of any licensee or certificate holder of the Commission (including an employee of a contractor of such a licensee or certificate holder) to transfer, receive, possess, transport, import, and use 1 or more such guns, weapons, ammunition, or devices, if the Commission determines that—

(1) the authorization is necessary to the discharge of the official duties of the security personnel; and

(2) the security personnel—

(A) are not otherwise prohibited from possessing or receiving a firearm under Federal or State laws relating to possession of firearms by a certain category of persons;

(B) have successfully completed any requirement under this section for training in the use of firearms and tactical maneuvers;

(C) are engaged in the protection of—

(i) a facility owned or operated by a licensee or certificate holder of the Commission that is designated by the Commission; or

(ii) radioactive material or other property owned or possessed by a licensee or certificate holder of the Commission, or that is being transported to or from a fa-

cility owned or operated by such a licensee or certificate holder, and that has been determined by the Commission to be of significance to the common defense and security or public health and safety; and

(D) are discharging the official duties of the security personnel in transferring, receiving, possessing, transporting, or importing the weapons, ammunition, or devices.

(c) Background checks

A person that receives, possesses, transports, imports, or uses a weapon, ammunition, or a device under subsection (b) shall be subject to a background check by the Attorney General, based on fingerprints and including a background check under section 103(b) of the Brady Handgun Violence Prevention Act (Public Law 103-159; 18 U.S.C. 922 note)¹ to determine whether the person is prohibited from possessing or receiving a firearm under Federal or State law.

(d) Effective date

This section takes effect on the date on which guidelines are issued by the Commission, with the approval of the Attorney General, to carry out this section.

(Aug. 1, 1946, ch. 724, title I, §161A, as added Pub. L. 109-58, title VI, §653, Aug. 8, 2005, 119 Stat. 811.)

Editorial Notes

REFERENCES IN TEXT

Section 103 of the Brady Handgun Violence Prevention Act, referred to in subsec. (c), is section 103 of Pub. L. 103-159, which was classified as a note under section 922 of Title 18, Crimes and Criminal Procedure, prior to editorial reclassification as section 40901 of Title 34, Crime Control and Law Enforcement.

Guidelines to carry out this section, referred to in subsec. (d), were issued effective Sept. 11, 2009, see 74 F.R. 46800.

§ 2201b. Commission workforce

(a) Direct hire authority

(1) In general

Notwithstanding section 2201(d) of this title and any provision of Reorganization Plan No. 1 of 1980 (94 Stat. 3585; 5 U.S.C. app.),¹ and without regard to any provision of title 5 (except section 3328) governing appointments in the civil service, the Chairman of the Nuclear Regulatory Commission (in this section referred to as the “Chairman”) may, in order to carry out the Nuclear Regulatory Commission’s (in this section referred to as the “Commission”) responsibilities and activities in a timely, efficient, and effective manner and subject to the limitations described in paragraphs (2), (3), and (4)—

(A) recruit and directly appoint exceptionally well-qualified individuals into the excepted service for covered positions; and

(B) establish in the excepted service term-limited covered positions and recruit and directly appoint exceptionally well-qualified individuals into such term-limited covered

¹ See References in Text note below.

¹ So in original. Probably should be capitalized.

positions, which may not exceed a term of 4 years.

(2) Limitations

(A) Number

(i) In general

The number of exceptionally well-qualified individuals serving in covered positions pursuant to paragraph (1)(A) may not exceed 210 at any one time.

(ii) Term-limited covered positions

The Chairman may not appoint more than 20 exceptionally well-qualified individuals into term-limited covered positions pursuant to paragraph (1)(B) during any fiscal year.

(B) Compensation

(i) Annual rate

The annual basic rate of pay for any individual appointed under paragraph (1)(A) or paragraph (1)(B) may not exceed the annual basic rate of pay for level III of the Executive Schedule under section 5314 of title 5.

(ii) Experience and qualifications

Any individual recruited and directly appointed into a covered position or a term-limited covered position shall be compensated at a rate of pay that is commensurate with such individual's experience and qualifications.

(C) Senior executive service position

The Chairman may not, under paragraph (1)(A) or paragraph (1)(B), appoint exceptionally well-qualified individuals to any Senior Executive Service position, as defined in section 3132 of title 5.

(3) Level of positions

To the extent practicable, in carrying out paragraph (1) the Chairman shall recruit and directly appoint exceptionally well-qualified individuals into the excepted service to entry, mid, and senior level covered positions, including term-limited covered positions.

(4) Consideration of future workforce needs

When recruiting and directly appointing exceptionally well-qualified individuals to covered positions pursuant to paragraph (1)(A), to maintain sufficient flexibility under the limitations of paragraph (2)(A)(i), the Chairman shall consider the future workforce needs of the Commission to carry out its responsibilities and activities in a timely, efficient, and effective manner.

(b) Addressing insufficient compensation of employees and other personnel of the Commission

(1) In general

Notwithstanding any other provision of law, the Chairman may fix the compensation for employees or other personnel serving in a covered position without regard to any provision of title 5 governing General Schedule classification and pay rates.

(2) Applicability

The authority under this subsection to fix the compensation of employees or other per-

sonnel shall apply with respect to an employee or other personnel serving in a covered position regardless of when the employee or other personnel was hired.

(3) Limitations on compensation

(A) Annual rate

The Chairman may not use the authority under paragraph (1) to fix the compensation of employees or other personnel—

(i) at an annual rate of basic pay higher than the annual basic rate of pay for level III of the Executive Schedule under section 5314 of title 5; or

(ii) at an annual rate of basic pay that is not commensurate with such an employee or other personnel's experience and qualifications.

(B) Senior Executive Service positions

The Chairman may not use the authority under paragraph (1) to fix the compensation of an employee serving in a Senior Executive Service position, as defined in section 3132 of title 5.

(c) Additional compensation authority

(1) For new employees

The Chairman may pay an individual recruited and directly appointed under subsection (a) a 1-time hiring bonus in an amount not to exceed \$25,000.

(2) For existing employees

(A) In general

Subject to subparagraphs (B) and (C), an employee or other personnel who the Chairman determines exhibited exceptional performance in a fiscal year may be paid a performance bonus in an amount not to exceed the least of—

(i) \$25,000; and

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

(B) Exceptional performance

Exceptional performance under subparagraph (A) includes—

(i) leading a project team in a timely and efficient licensing review to enable the safe use of nuclear technology;

(ii) making significant contributions to a timely and efficient licensing review to enable the safe use of nuclear technology;

(iii) the resolution of novel or first-of-a-kind regulatory issues;

(iv) developing or implementing licensing or regulatory oversight processes to improve the effectiveness of the Commission; and

(v) other performance, as determined by the Chairman.

(C) Limitations

(i) Subsequent bonuses

Any person who receives a performance bonus under subparagraph (A) may not receive another performance bonus under that subparagraph for a period of 5 years thereafter.

(ii) Hiring bonuses

Any person who receives a 1-time hiring bonus under paragraph (1) may not receive

a performance bonus under subparagraph (A) unless more than one year has elapsed since the payment of such 1-time hiring bonus.

(iii) No bonus for Senior Executive Service positions

No person serving in a Senior Executive Service position, as defined in section 3132 of title 5, may receive a performance bonus under subparagraph (A).

(d) Implementation plan and report

(1) In general

Not later than 180 days after July 9, 2024, the Chairman shall develop and implement a plan to carry out this section. Before implementing such plan, the Chairman shall submit to the Committee on Energy and Commerce of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Office of Personnel Management a report on the details of the plan.

(2) Report content

The report submitted under paragraph (1) shall include—

- (A) evidence and supporting documentation justifying the plan; and
- (B) budgeting projections on costs and benefits resulting from the plan.

(3) Consultation

The Chairman may consult with the Office of Personnel Management, the Office of Management and Budget, and the Comptroller General of the United States in developing the plan under paragraph (1).

(e) Delegation

The Chairman shall delegate, subject to the direction and supervision of the Chairman, the authority provided by subsections (a), (b), and (c) to the Executive Director for Operations of the Commission.

(f) Information on hiring, vacancies, and compensation

(1) In general

The Commission shall include in its budget materials submitted in support of the budget of the President (submitted to Congress pursuant to section 1105 of title 31), for fiscal year 2026 and each fiscal year thereafter, information relating to hiring, vacancies, and compensation at the Commission.

(2) Inclusions

The information described in paragraph (1) shall include—

- (A) an analysis of any trends with respect to hiring, vacancies, and compensation at the Commission;
- (B) a description of the efforts to retain and attract employees or other personnel to serve in covered positions at the Commission;
- (C) information that describes—
 - (i) how the authority provided by subsection (a) is being used to address the hiring needs of the Commission;
 - (ii) the total number of exceptionally well-qualified individuals serving in—

(I) covered positions described in subsection (g)(1) pursuant to subsection (a)(1)(A);

(II) covered positions described in subsection (g)(2) pursuant to subsection (a)(1)(A);

(III) term-limited covered positions described in subsection (g)(1) pursuant to subsection (a)(1)(B); and

(IV) term-limited covered positions described in subsection (g)(2) pursuant to subsection (a)(1)(B);

(iii) how the authority provided by subsection (b) is being used to address the hiring or retention needs of the Commission;

(iv) the total number of employees or other personnel serving in a covered position that have their compensation fixed pursuant to subsection (b); and

(v) the attrition levels with respect to term-limited covered positions appointed under subsection (a)(1)(B), including the number of individuals leaving a term-limited covered position before completion of the applicable term of service and the average length of service for such individuals as a percentage of the applicable term of service; and

(D) an assessment of—

(i) the current critical workforce needs of the Commission and any critical workforce needs that the Commission anticipates in the next five years; and

(ii) additional skillsets that are or likely will be needed for the Commission to fulfill the licensing and oversight responsibilities of the Commission.

(g) Covered position

In this section, the term “covered position” means—

(1) a position in which an employee or other personnel is responsible for conducting work of a highly-specialized scientific, technical, engineering, mathematical, or otherwise skilled nature to address a critical licensing or regulatory oversight need for the Commission; or

(2) a position that the Executive Director for Operations of the Commission determines is necessary to fulfill the responsibilities of the Commission in a timely, efficient, and effective manner.

(h) Sunset

(1) In general

Except as provided in paragraph (2), the authorities provided by subsections (a) and (b) shall terminate on September 30, 2034.

(2) Certification

If, no later than the date referenced in paragraph (1), the Commission issues a certification that the authorities provided by subsection (a), subsection (b), or both subsections are necessary for the Commission to carry out its responsibilities and activities in a timely, efficient, and effective manner, the authorities provided by the applicable subsection shall terminate on September 30, 2039.

(3) Compensation

The termination of the authorities provided by subsections (a) and (b) shall not affect the compensation of an employee or other personnel serving in a covered position whose compensation was fixed by the Chairman in accordance with subsection (a) or (b).

(Aug. 1, 1946, ch. 724, title I, § 161B, as added Pub. L. 118-67, div. B, title V, § 502(a)(1), July 9, 2024, 138 Stat. 1471.)

Editorial Notes

REFERENCES IN TEXT

Reorganization Plan No. 1 of 1980, referred to in subsec. (a)(1), is set out in the Appendix to Title 5, Government Organization and Employees, and as a note under section 5841 of this title.

Statutory Notes and Related SubsidiariesANNUAL SOLICITATION FOR NUCLEAR REGULATOR
APPRENTICESHIP NETWORK APPLICATIONS

Pub. L. 118-67, div. B, title V, § 502(c), July 9, 2024, 138 Stat. 1476, provided that: “The [Nuclear Regulatory] Commission, on an annual basis, shall solicit applications for the Nuclear Regulator Apprenticeship Network.”

§ 2202. Contracts

The President may, in advance, exempt any specific action of the Commission in a particular matter from the provisions of law relating to contracts whenever he determines that such action is essential in the interest of the common defense and security.

(Aug. 1, 1946, ch. 724, title I, § 162, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 951; renumbered title I, Pub. L. 102-486, title IX, § 902(a)(8), Oct. 24, 1992, 106 Stat. 2944.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1812(b) of this title, prior to the general amendment and renumbering of act Aug. 1, 1946, by act Aug. 30, 1954.

§ 2203. Advisory committees

The members of the General Advisory Committee established pursuant to section 2036¹ of this title and the members of advisory boards established pursuant to section 2201(a) of this title may serve as such without regard to the provisions of sections 281, 283, or 284¹ of title 18, except insofar as such sections may prohibit any such member from receiving compensation from a source other than a nonprofit educational institution in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested.

(Aug. 1, 1946, ch. 724, title I, § 163, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 951; amended Pub. L. 86-300, § 2, Sept. 21, 1959, 73 Stat. 574; renumbered title I, Pub. L. 102-486, title IX, § 902(a)(8), Oct. 24, 1992, 106 Stat. 2944.)

¹ See References in Text note below.

Editorial Notes

REFERENCES IN TEXT

Section 2036 of this title, referred to in text, was repealed by Pub. L. 95-91, title VII, § 709(c)(1), Aug. 4, 1977, 91 Stat. 608.

Sections 281, 283, and 284 of title 18, referred to in text, were repealed by Pub. L. 87-849, § 2, Oct. 23, 1962, 76 Stat. 1126, except as sections 281 and 283 apply to retired officers of the Armed Forces of the United States, and were supplanted by sections 203, 205, and 207, respectively, of Title 18, Crimes and Criminal Procedures. For further details, see “Exemptions” note set out under section 203 of Title 18.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1812(c) of this title, prior to the general amendment and renumbering of act Aug. 1, 1946, by act Aug. 30, 1954.

AMENDMENTS

1959—Pub. L. 86-300 inserted “from a source other than a nonprofit educational institution” after “compensation”.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of this title. General Advisory Committee transferred to Energy Research and Development Administration and functions of Commission with respect thereto transferred to Administrator by section 5814(d) of this title. See, also, notes set out under sections 5814 and 5841 of this title. General Advisory Committee abolished by Pub. L. 95-91, title VII, § 709(c)(1), Aug. 4, 1977, 91 Stat. 608. Energy Research and Development Administration terminated and functions vested by law in Administrator thereof transferred to Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of this title.

TERMINATION OF ADVISORY BOARDS AND COMMITTEES

Advisory boards and committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a board or committee established by the President or an officer of the federal government, such board or committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board or committee established by the Congress, its duration is otherwise provided by law. Advisory boards and committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board or committee established by the President or an officer of the federal government, such board or committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board or committee established by the Congress, its duration is otherwise provided for by law. See sections 1001(2) and 1013 of Title 5, Government Organization and Employees.

§ 2204. Electric utility contracts; authority to enter into; cancellation; submission to Energy Committees

The Commission is authorized in connection with the construction or operation of the Oak Ridge, Paducah, and Portsmouth installations of the Commission, without regard to sections 1341, 1342, and 1349-1351 and subchapter II of chapter 15 of title 31, to enter into new contracts or modify or confirm existing contracts to provide for electric utility services for periods not