

**§ 2410. Status of Administration and contractor personnel within Department of Energy**

**(a) Status of Administration personnel**

Each officer or employee of the Administration—

(1) shall be responsible to and subject to the authority, direction, and control of—

(A) the Secretary acting through the Administrator and consistent with section 7132(c)(3) of title 42;

(B) the Administrator; or

(C) the Administrator's designee within the Administration; and

(2) shall not be responsible to, or subject to the authority, direction, or control of, any other officer, employee, or agent of the Department of Energy.

**(b) Status of contractor personnel**

Each officer or employee of a contractor of the Administration shall not be responsible to, or subject to the authority, direction, or control of, any officer, employee, or agent of the Department of Energy who is not an employee of the Administration, except for the Secretary of Energy consistent with section 7132(c)(3) of title 42.

**(c) Construction of section**

Subsections (a) and (b) may not be interpreted to in any way preclude or interfere with the communication of technical findings derived from, and in accord with, duly authorized activities between—

(1) the head, or any contractor employee, of a national security laboratory or of a nuclear weapons production facility; and

(2) the Department of Energy, the President, or Congress.

**(d) Prohibition on dual office holding**

Except in accordance with sections 2402(a)(2) and 2406(a)(1) of this title:

(1) An individual may not concurrently hold or carry out the responsibilities of—

(A) a position within the Administration; and

(B) a position within the Department of Energy not within the Administration.

(2) No funds appropriated or otherwise made available for any fiscal year may be used to pay, to an individual who concurrently holds or carries out the responsibilities of a position specified in paragraph (1)(A) and a position specified in paragraph (1)(B), the basic pay, salary, or other compensation relating to any such position.

**(e) Status of intelligence and counterintelligence personnel**

Notwithstanding the restrictions of subsections (a) and (b), each officer or employee of the Administration, or of a contractor of the Administration, who is carrying out activities related to intelligence or counterintelligence shall, in carrying out those activities, be subject to the authority, direction, and control of the Secretary of Energy or the Secretary's delegate.

(Pub. L. 106-65, div. C, title XXXII, § 3220, formerly § 3213, Oct. 5, 1999, 113 Stat. 958; Pub. L. 106-398, § 1 [div. C, title XXXI, § 3157], Oct. 30,

2000, 114 Stat. 1654, 1654A-468; renumbered § 3220, Pub. L. 107-107, div. C, title XXXI, § 3141(a)(1), Dec. 28, 2001, 115 Stat. 1370; Pub. L. 109-364, div. C, title XXXI, § 3117(a)(2)(B), (d), Oct. 17, 2006, 120 Stat. 2507, 2508; Pub. L. 111-84, div. C, title XXXI, § 3121, Oct. 28, 2009, 123 Stat. 2710; Pub. L. 113-66, div. C, title XXXI, § 3145(b), Dec. 26, 2013, 127 Stat. 1071; Pub. L. 113-291, div. C, title XXXI, § 3143(a), Dec. 19, 2014, 128 Stat. 3902.)

**Editorial Notes**

**CODIFICATION**

Section was formerly classified to section 2403 of this title.

**AMENDMENTS**

2014—Subsec. (c). Pub. L. 113-291 substituted “activities between—” for “activities between” before par. (1) designation and “; and” for “, and” at end of par. (1) and realigned margins of pars. (1) and (2).

2013—Subsecs. (a)(1)(A), (b). Pub. L. 113-66 made technical amendment to reference in original act which appears in text as reference to section 7132(c)(3) of title 42.

2009—Subsec. (e). Pub. L. 111-84 amended Pub. L. 109-364, § 3117(a). See 2006 Amendment note below.

2006—Subsec. (e). Pub. L. 109-364, § 3117(a), which, in par. (2), directed repeal of subsec. (e) effective Sept. 30, 2010, was amended generally by Pub. L. 111-84, and as so amended, no longer contains a par. (2) or amends this section.

Pub. L. 109-364, § 3117(d), added subsec. (e).

2000—Subsec. (a). Pub. L. 106-398, § 1 [div. C, title XXXI, § 3157(1)], struck out “Administration, in carrying out any function of the” after “employee of the” in introductory provisions.

Subsec. (b). Pub. L. 106-398, § 1 [div. C, title XXXI, § 3157(2)], struck out “, in carrying out any function of the Administration,” after “contractor of the Administration”.

Subsec. (d). Pub. L. 106-398, § 1 [div. C, title XXXI, § 3157(3)], added subsec. (d).

**Statutory Notes and Related Subsidiaries**

**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.

**§ 2411. Director for Cost Estimating and Program Evaluation**

**(a) Establishment**

(1) There is in the Administration a Director for Cost Estimating and Program Evaluation (in this section referred to as the “Director”).

(2) The position of the Director shall be a Senior Executive Service position (as defined in section 3132(a) of title 5).

**(b) Duties**

(1) The Director shall be the principal advisor to the Administrator, the Deputy Secretary of Energy, and the Secretary of Energy with respect to cost estimation and program evaluation for the Administration. The Director shall report directly to the Administrator.

(2) The Administrator may not delegate responsibility for receiving or acting on communications from the Director with respect to cost estimation and program evaluation for the Administration.

**(c) Activities for cost estimation**

(1) The Director shall be the responsible for the following activities relating to cost estimation: