

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; Pub. L. 118-31, div. C, title XXXI, § 3114, Dec. 22, 2023, 137 Stat. 790.)

#### Editorial Notes

##### 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, 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

2023—Pub. L. 118-31 substituted “1,200” for “800”.

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.”

#### 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.

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

##### (a) 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.

##### (b) 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”.

##### (c) Annual briefing

In conjunction with the submission of the budget of the President to Congress pursuant to section 1105 of title 31, the Administrator shall provide to the congressional defense committees a briefing containing the following information:

(1) A projection of the expected number of employees of the Office of the Administrator, as counted under subsection (d), for the fiscal year covered by the budget and the four subsequent fiscal years, broken down by the office

in which the employees are projected to be assigned.

(2) With respect to the most recent fiscal year for which data is available—

(A) the number of service support contracts of the Administration and whether such contracts are funded using program or program direction funds;

(B) the number of full-time equivalent contractor employees working under each contract identified under subparagraph (A);

(C) the number of full-time equivalent contractor employees described in subparagraph (B) that have been employed under such a contract for a period greater than two years;

(D) with respect to each contract identified under subparagraph (A)—

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

(ii) the amount obligated under the contract during the fiscal year, listed by each such account; and

(E) with respect to each appropriations account identified under subparagraph (D)(i), the total amount obligated for contracts identified under subparagraph (A).

##### (d) Counting rule

(1) A determination of the number of employees in the Office of the Administrator under subsection (c) 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 (c), 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 (c):

(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”).

(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; Pub. L. 117-263, div. C, title XXXI, § 3117, Dec. 23, 2022, 136 Stat. 3054.)

#### Editorial Notes

##### AMENDMENTS

2022—Subsec. (a). Pub. L. 117-263, § 3117(a)(1), (2), redesignated subsec. (d) as (a) and struck out former sub-

sec. (a) which limited the number of employees of the Office of the Administrator to 1,890 and required justification for any excess starting with fiscal year 2020.

Subsec. (b). Pub. L. 117-263, § 3117(a)(2), redesignated subsec. (e) as (b). Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 117-263, § 3117(a)(2), (b), redesignated subsec. (f) as (c) and amended it generally. Prior to amendment, subsec. related to report to be included in annual budget justification materials. Former subsec. (e) struck out.

Pub. L. 117-263, § 3117(a)(1), struck out subsec. (c). Text read as follows: “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).”

Subsec. (d). Pub. L. 117-263, § 3117(a)(3), (c), redesignated subsec. (b) as (d) and substituted “under subsection (c)” for “under subsection (a)” wherever appearing. Former subsec. (d) redesignated (a).

Subsecs. (e), (f). Pub. L. 117-263, § 3117(a)(2), redesignated subsecs. (e) and (f) as (b) and (c), respectively.

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 National Nuclear Security Administration.

**(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.