107–314, div. D, title XLV, § 4523, and amended Pub. L. 108–136, div. C, title XXXI, § 3141(h)(13), Nov. 24, 2003, 117 Stat. 1775.)

Editorial Notes

REFERENCES IN TEXT

Executive Order No. 12958, referred to in subsec. (b), which was formerly set out as a note under section 435 (now section 3161) of this title, was revoked by Ex. Ord. No. 13526, § 6.2(g), Dec. 29, 2009, 75 F.R. 731.

CODIFICATION

Section was formerly set out as a note under section 435 of this title prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–136, § 3141(h)(13)(D)(i), substituted ''subsection (a) of section 2672 of this title'' for ''subsection (a) of section 3161 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2260; 50 U.S.C. 435 note)''.

Subsec. (b). Pub. L. 108–136, § 3141(h)(13)(D)(ii), substituted ''subsection (b)(1) of section 2672 of this title'' for ''section 3161(b)(1) of that Act'' and ''October 17, 1998,'' for ''the date of the enactment of that Act''.

Subsec. (c). Pub. L. 108–136, § 3141(h)(13)(D)(iii), substituted ''subsection (c) of section 2672 of this title'' for ''section 3161(c) of that Act'' and ''subsection (a) of such section'' for ''section 3161(a) of that Act''.

Subsec. (d). Pub. L. 108–136, § 3141(h)(13)(D)(iv), substituted ''subsection (d) of section 2672 of this title'' for ''section 3161(d) of that Act''.

§ 2674. Protection of classified information during laboratory-to-laboratory exchanges

(a) Provision of training

The Secretary of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) Countering of espionage and intelligence-gathering abroad

(1) The Secretary shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Director of Intelligence and Counterintelligence of the Department of Energy may assign at least one employee from the pool established under paragraph (1) to accompany a group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(Pub. L. 107–314, div. D, title XLV, § 4524, formerly Pub. L. 106–65, div. C, title XXXI, § 3145, Oct. 5, 1999, 113 Stat. 935; renumbered Pub. L. 107–314, div. D, title XLV, § 4524, by Pub. L. 108–136, div. C, title XXXI, § 3141(h)(14), Nov. 24, 2003, 117 Stat. 1775; amended Pub. L. 116–92, div. E, title LXVII, § 6744(b), Dec. 20, 2019, 133 Stat. 2241.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 7383b of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2019—Subsec. (b)(2). Pub. L. 116–92 inserted ''Intelligence and'' after ''The Director of''.

§ 2675. Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities

(a) Amounts for declassification of records

The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) specific identification, as a budgetary line item, of the amounts required to carry out programmed activities during that fiscal year to declassify records pursuant to Executive Order No. 13526 (50 U.S.C. 3161 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records.

(b) Certification required with respect to automatic declassification of records

No records of the Department of Energy that have not as of October 5, 1999, been reviewed for declassification shall be subject to automatic declassification unless the Secretary of Energy certifies to Congress that such declassification would not harm the national security.

(Pub. L. 107–314, div. D, title XLV, § 4525, formerly Pub. L. 106–65, div. C, title XXXI, § 3173, Oct. 5, 1999, 113 Stat. 949; renumbered Pub. L. 107–314, div. D, title XLV, § 4525, and amended Pub. L. 108–136, div. C, title XXXI, § 3141(h)(15), Nov. 24, 2003, 117 Stat. 1775; Pub. L. 113–66, div. C, title XXXI, § 3146(f)(4), Dec. 26, 2013, 127 Stat. 1079; Pub. L. 113–291, div. C, title XXXI, § 3142(n), Dec. 19, 2014, 128 Stat. 3901.)

Editorial Notes

CODIFICATION

Section was formerly set out as a note under section 435 of this title prior to renumbering by Pub. L. 108–136.

PRIOR PROVISIONS

A prior section 2691, Pub. L. 107–314, div. D, title XLV, § 4541, formerly Pub. L. 104–106, div. C, title XXXI, § 3158, Feb. 10, 1996, 110 Stat. 626; renumbered Pub. L. 107–314, div. D, title XLV, § 4541, by Pub. L. 108–136, div. C, title XXXI, § 3141(h)(17), Nov. 24, 2003, 117 Stat. 1776, related to responsibility for Defense Programs Emergency Response Program, prior to repeal by Pub. L. 113–66, div. C, title XXXI, § 3146(f)(5)(A), Dec. 26, 2013, 127 Stat. 1079.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113–291 substituted ''Executive Order No. 13526 (50 U.S.C. 3161 note)'' for ''Executive Order No. 12958 (50 U.S.C. 435 note)''.

2013—Subsec. (c). Pub. L. 113–66 struck out subsec. (c) which required submission of a report on automatic declassification of Department of Energy records.

2003—Subsec. (b). Pub. L. 108–136, § 3141(h)(15)(D), substituted ''October 5, 1999,'' for ''the date of the enactment of this Act''.

SUBCHAPTER VI—PERSONNEL MATTERS

PART A—PERSONNEL MANAGEMENT

§ 2701. Authority for appointment of certain scientific, engineering, and technical personnel

(a) Authority

(1) Notwithstanding any provision of title 5 governing appointments in the competitive service and General Schedule classification and pay rates, the Secretary of Energy may—

(A) establish and set the rates of pay for not more than 200 positions in the Department of Energy for scientific, engineering, and technical personnel whose duties will relate to safety at defense nuclear facilities of the Department; and

(B) appoint persons to such positions.

(2) The rate of pay for a position established under paragraph (1) may not exceed the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5.

(3) To the maximum extent practicable, the Secretary shall appoint persons under paragraph (1)(B) to the positions established under paragraph (1)(A) in accordance with the merit system principles set forth in section 2301 of such title.

(b) OPM review

(1) The Secretary shall enter into an agreement with the Director of the Office of Personnel Management under which agreement the Director shall periodically evaluate the use of the authority set forth in subsection (a)(1). The Secretary shall reimburse the Director for evaluations conducted by the Director pursuant to the agreement. Any such reimbursement shall be credited to the revolving fund referred to in section 1304(e) of title 5.

(2) If the Director determines as a result of such evaluation that the Secretary of Energy is not appointing persons to positions under such authority in a manner consistent with the merit system principles set forth in section 2301 of title 5 or is setting rates of pay at levels that are not appropriate for the qualifications and experience of the persons appointed and the duties of the positions involved, the Director shall notify the Secretary and Congress of that determination.

(3) Upon receipt of a notification under paragraph (2), the Secretary shall—

(A) take appropriate actions to appoint persons to positions under such authority in a manner consistent with such principles or to set rates of pay at levels that are appropriate for the qualifications and experience of the persons appointed and the duties of the positions involved; or

(B) cease appointment of persons under such authority.

(c) Termination

(1) The authority provided under subsection (a)(1) shall terminate on September 30, 2026.

(2) An employee may not be separated from employment with the Department of Energy or receive a reduction in pay by reason of the termination of authority under paragraph (1).

(Pub. L. 107–314, div. D, title XLVI, § 4601, formerly Pub. L. 103–337, div. C, title XXXI, § 3161, Oct. 5, 1994, 108 Stat. 3095; Pub. L. 105–85, div. C, title XXXI, § 3139, Nov. 18, 1997, 111 Stat. 2040; Pub. L. 105–261, div. C, title XXXI, §§ 3152, 3155, Oct. 17, 1998, 112 Stat. 2253, 2257; Pub. L. 106–398, § 1 [div. C, title XXXI, § 3191], Oct. 30, 2000, 114 Stat. 1654, 1654A–480; Pub. L. 107–314, div. C, title XXXI, § 3174, Dec. 2, 2002, 116 Stat. 2745; renumbered Pub. L. 107–314, div. D, title XLVI, § 4601, by Pub. L. 108–136, div. C, title XXXI, § 3141(i)(2), Nov. 24, 2003, 117 Stat. 1776; Pub. L. 108–375, div. C, title XXXI, § 3112, Oct. 28, 2004, 118 Stat. 2160; Pub. L. 109–364, div. C, title XXXI, § 3115, Oct. 17, 2006, 120 Stat. 2506; Pub. L. 111–32, title IV, § 402, June 24, 2009, 123 Stat. 1877; Pub. L. 111–84, div. C, title XXXI, § 3119, Oct. 28, 2009, 123 Stat. 2709; Pub. L. 111–383, div. C, title XXXI, § 3117, Jan. 7, 2011, 124 Stat. 4513; Pub. L. 113–66, div. C, title XXXI, § 3146(g)(1), Dec. 26, 2013, 127 Stat. 1079; Pub. L. 114–328, div. C, title XXXI, § 3136(b), Dec. 23, 2016, 130 Stat. 2771; Pub. L. 116–283, div. C, title XXXI, § 3141, Jan. 1, 2021, 134 Stat. 4386; Pub. L. 117–81, div. C, title XXXI, § 3117, Dec. 27, 2021, 135 Stat. 2227.)

Editorial Notes

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a)(1), is set out under section 5332 of Title 5, Government Organization and Employees.

CODIFICATION

Section was formerly set out as a note under section 7231 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2021—Subsec. (c)(1). Pub. L. 117–81 substituted ''September 30, 2026'' for ''September 30, 2021''.

Subsec. (c)(1). Pub. L. 116–283 substituted ''September 30, 2021'' for ''September 30, 2020''.

2016—Subsec. (c)(1). Pub. L. 114–328 substituted ''2020'' for ''2016''.

2013—Subsec. (a)(4). Pub. L. 113–66 struck out par. (4) which read as follows: ''The Secretary may not appoint more than 100 persons during fiscal year 1995 under the authority provided in this subsection.''

2011—Subsec. (c)(1). Pub. L. 111–383 substituted ''September 30, 2016'' for ''September 30, 2011''.

2009—Subsec. (c)(1). Pub. L. 111–84 substituted ''September 30, 2011'' for ''September 30, 2009''.

Pub. L. 111–32 substituted ''September 30, 2009'' for ''September 30, 2008''.

2006—Subsec. (c)(1). Pub. L. 109–364 substituted ''September 30, 2008'' for ''September 30, 2006''.

2004—Subsec. (c)(1). Pub. L. 108–375 substituted ''September 30, 2006'' for ''September 30, 2004''.

2002—Subsec. (c)(1). Pub. L. 107–314, § 3174, substituted ''September 30, 2004'' for ''September 30, 2002''.

2000—Subsec. (c)(1). Pub. L. 106–398 substituted ''September 30, 2002'' for ''September 30, 2000''.

1998—Subsec. (a)(2). Pub. L. 105–261, § 3155, substituted ''level III of the Executive Schedule under section 5314'' for ''level IV of the Executive Schedule under section 5315''.

Subsec. (c)(1). Pub. L. 105–261, § 3152, substituted ''September 30, 2000'' for ''September 30, 1999''.

1997—Subsec. (c). Pub. L. 105–85, § 3139(a), redesignated subsec. (d) as (c) and struck out former subsec. (c) which related to a study to be conducted by the Environmental Protection Agency.