

shall consist of the Deputy Secretary of Energy, who shall chair the Committee, and each Under Secretary of Energy.

(2) The Committee shall be staffed by the Director of the Office of Intelligence and the Director of the Office of Counterintelligence.

(3) The Secretary shall use the Committee to assist in developing and promulgating the counterintelligence and intelligence policies, requirements, and priorities of the Department.

**(c) Budget justification materials**

In the budget justification materials submitted to Congress in support of each budget submitted by the President to Congress under title 31, the amounts requested for the Department for intelligence functions and the amounts requested for the Department for counterintelligence functions shall each be specified in appropriately classified individual, dedicated program elements. Within the amounts requested for counterintelligence functions, the amounts requested for the National Nuclear Security Administration shall be specified separately from the amounts requested for other elements of the Department.

(Pub. L. 95-91, title II, §214, as added Pub. L. 106-65, div. C, title XXXII, §3204(a), Oct. 5, 1999, 113 Stat. 955; amended Pub. L. 109-364, div. C, title XXXI, §3117(g), Oct. 17, 2006, 120 Stat. 2508.)

AMENDMENTS

2006—Pub. L. 109-364 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

EFFECTIVE DATE

Section effective Oct. 5, 1999, see section 3299 of Pub. L. 106-65, set out as a note under section 2401 of Title 50, War and National Defense.

**§ 7144b. Office of Counterintelligence**

**(a) Establishment**

There is within the Department an Office of Counterintelligence.

**(b) Director**

(1) The head of the Office shall be the Director of the Office of Counterintelligence, who shall be an employee in the Senior Executive Service, the Senior Intelligence Service, the Senior National Intelligence Service, or any other Service that the Secretary, in coordination with the Director of National Intelligence, considers appropriate. The Director of the Office shall report directly to the Secretary.

(2) The Secretary shall select the Director of the Office from among individuals who have substantial expertise in matters relating to counterintelligence.

(3) The Director of the Federal Bureau of Investigation may detail, on a reimbursable basis, any employee of the Bureau to the Department for service as Director of the Office. The service of an employee of the Bureau as Director of the Office shall not result in any loss of status, right, or privilege by the employee within the Bureau.

**(c) Duties**

(1) The Director of the Office shall be responsible for establishing policy for counter-

intelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.

(2) The Director of the Office shall be responsible for establishing policy for the personnel assurance programs of the Department.

(3) The Director shall inform the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation on a regular basis, and upon specific request by any such official, regarding the status and effectiveness of the counterintelligence programs and activities at Department facilities.

**(d) Annual reports**

(1) Not later than March 1 each year, the Director of the Office shall submit a report on the status and effectiveness of the counterintelligence programs and activities at each Department facility during the preceding year. Each such report shall be submitted to the following:

(A) The Secretary.

(B) The Director of Central Intelligence.

(C) The Director of the Federal Bureau of Investigation.

(D) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(E) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) Each such report shall include for the year covered by the report the following:

(A) A description of the status and effectiveness of the counterintelligence programs and activities at Department facilities.

(B) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities, including—

(i) the number of violations that were investigated; and

(ii) the number of violations that remain unresolved.

(C) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.

(D) The adequacy of the Department's procedures and policies for protecting national security information, making such recommendations to Congress as may be appropriate.

(E) A determination of whether each Department of Energy national laboratory is in full compliance with all departmental security requirements and, in the case of any such laboratory that is not, what measures are being taken to bring that laboratory into compliance.

(3) Not less than 30 days before the date that the report required by paragraph (1) is submitted, the director of each Department of Energy national laboratory shall certify in writing to the Director of the Office whether that laboratory is in full compliance with all departmental security requirements and, if not, what measures are being taken to bring that laboratory into compliance and a schedule for implementing those measures.

(4) Each report under this subsection as submitted to the committees referred to in subparagraphs (D) and (E) of paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(Pub. L. 95–91, title II, §215, as added Pub. L. 106–65, div. C, title XXXII, §3204(a), Oct. 5, 1999, 113 Stat. 955; amended Pub. L. 109–364, div. C, title XXXI, §3117(f), Oct. 17, 2006, 120 Stat. 2508.)

#### AMENDMENTS

2006—Subsec. (b)(1). Pub. L. 109–364 substituted “who shall be an employee in the Senior Executive Service, the Senior Intelligence Service, the Senior National Intelligence Service, or any other Service that the Secretary, in coordination with the Director of National Intelligence, considers appropriate” for “which shall be a position in the Senior Executive Service”.

#### CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 3001 of Title 50, War and National Defense.

#### EFFECTIVE DATE

Section effective Oct. 5, 1999, see section 3299 of Pub. L. 106–65, set out as a note under section 2401 of Title 50, War and National Defense.

#### TRANSFER OF FUNCTIONS

Pub. L. 109–364, div. C, title XXXI, §3117(a), Oct. 17, 2006, 120 Stat. 2507, as amended by Pub. L. 111–84, div. C, title XXXI, §3121, Oct. 28, 2009, 123 Stat. 2710, provided that: “The functions, personnel, funds, assets, and other resources of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration are transferred to the Secretary of Energy, to be administered (except to any extent otherwise directed by the Secretary) by the Director of the Office of Counterintelligence of the Department of Energy.”

### § 7144c. Office of Intelligence

#### (a) Establishment

There is within the Department an Office of Intelligence.

#### (b) Director

(1) The head of the Office shall be the Director of the Office of Intelligence, who shall be an employee in the Senior Executive Service, the Senior Intelligence Service, the Senior National Intelligence Service, or any other Service that the Secretary, in coordination with the Director of National Intelligence, considers appropriate. The Director of the Office shall report directly to the Secretary.

(2) The Secretary shall select the Director of the Office from among individuals who have substantial expertise in matters relating to foreign intelligence.

#### (c) Duties

Subject to the authority, direction, and control of the Secretary, the Director of the Office

shall perform such duties and exercise such powers as the Secretary may prescribe.

(Pub. L. 95–91, title II, §216, as added Pub. L. 106–65, div. C, title XXXII, §3204(a), Oct. 5, 1999, 113 Stat. 956; amended Pub. L. 109–364, div. C, title XXXI, §3117(f), Oct. 17, 2006, 120 Stat. 2508.)

#### AMENDMENTS

2006—Subsec. (b)(1). Pub. L. 109–364 substituted “who shall be an employee in the Senior Executive Service, the Senior Intelligence Service, the Senior National Intelligence Service, or any other Service that the Secretary, in coordination with the Director of National Intelligence, considers appropriate” for “which shall be a position in the Senior Executive Service”.

#### EFFECTIVE DATE

Section effective Oct. 5, 1999, see section 3299 of Pub. L. 106–65, set out as a note under section 2401 of Title 50, War and National Defense.

### § 7144d. Office of Arctic Energy

#### (a) Establishment

The Secretary of Energy may establish within the Department of Energy an Office of Arctic Energy.

#### (b) Purposes

The purposes of such office shall be as follows:

(1) To promote research, development, and deployment of electric power technology that is cost-effective and especially well suited to meet the needs of rural and remote regions of the United States, especially where permafrost is present or located nearby.

(2) To promote research, development, and deployment in such regions of—

(A) enhanced oil recovery technology, including heavy oil recovery, reinjection of carbon, and extended reach drilling technologies;

(B) gas-to-liquids technology and liquified natural gas (including associated transportation systems);

(C) small hydroelectric facilities, river turbines, and tidal power;

(D) natural gas hydrates, coal bed methane, and shallow bed natural gas; and

(E) alternative energy, including wind, geothermal, and fuel cells.

#### (c) Location

The Secretary shall locate such office at a university with expertise and experience in the matters specified in subsection (b) of this section.

(Pub. L. 106–398, §1 [div. C, title XXXI, §3197], Oct. 30, 2000, 114 Stat. 1654, 1654A–482.)

#### CODIFICATION

Section was enacted as part of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and not as part of the Department of Energy Organization Act which comprises this chapter.

### § 7144e. Office of Indian Energy Policy and Programs

#### (a) Establishment

There is established within the Department an Office of Indian Energy Policy and Programs (referred to in this section as the “Office”). The