

Editorial Notes

CODIFICATION

Section was enacted as part of the Miscellaneous Appropriations Act, 2001, and also as part of the Consolidated Appropriations Act, 2001, and not as part of the Department of Energy Organization Act which comprises this chapter.

§ 7142d. Definitions

For purposes of sections 7142a to 7142d of this title:

(1) Museum

The term “Museum” means the museum operated by the Secretary of Energy and located at 300 South Tulane Avenue in Oak Ridge, Tennessee.

(2) Secretary

The term “Secretary” means the Secretary of Energy or a designated representative of the Secretary.

(Pub. L. 106-554, §1(a)(4) [div. B, title IV, §404], Dec. 21, 2000, 114 Stat. 2763, 2763A-268.)

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REFERENCES IN TEXT

Sections 7142a to 7142d of this title, referred to in text, was in the original “this Act”, and was translated as reading “this title”, meaning §1(a)(4) [div. B, title IV] of Pub. L. 106-554, which enacted sections 7142a to 7142d of this title, to reflect the probable intent of Congress.

CODIFICATION

Section was enacted as part of the Miscellaneous Appropriations Act, 2001, and also as part of the Consolidated Appropriations Act, 2001, and not as part of the Department of Energy Organization Act which comprises this chapter.

§ 7143. Repealed. Pub. L. 106-65, div. C, title XXXII, § 3294(d)(1), Oct. 5, 1999, 113 Stat. 970

Section, Pub. L. 95-91, title II, §212, as added Pub. L. 103-337, div. C, title XXXI, §3158(a), Oct. 5, 1994, 108 Stat. 3093, established the Office of Fissile Materials Disposition.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Mar. 1, 2000, see section 3299 of Pub. L. 106-65, set out as an Effective Date note under section 2401 of Title 50, War and National Defense.

§ 7144. Establishment of policy for National Nuclear Security Administration**(a) Responsibility for establishing policy**

The Secretary shall be responsible for establishing policy for the National Nuclear Security Administration.

(b) Review of programs and activities

The Secretary may direct officials of the Department who are not within the National Nuclear Security Administration to review the programs and activities of the Administration and to make recommendations to the Secretary regarding administration of those programs and activities, including consistency with other similar programs and activities of the Department.

(c) Staff

The Secretary shall have adequate staff to support the Secretary in carrying out the Secretary’s responsibilities under this section.

(Pub. L. 95-91, title II, §213, as added Pub. L. 106-65, div. C, title XXXII, §3203(a), Oct. 5, 1999, 113 Stat. 954.)

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 Title 50, War and National Defense.

§ 7144a. Establishment of security, counterintelligence, and intelligence policies

The Secretary shall be responsible for developing and promulgating the security, counterintelligence, and intelligence policies of the Department. The Secretary may use the immediate staff of the Secretary to assist in developing and promulgating those policies.

(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; Pub. L. 116-92, div. E, title LXIV, §6422, Dec. 20, 2019, 133 Stat. 2200.)

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AMENDMENTS

2019—Pub. L. 116-92 struck out subsec. (a) designation and subsecs. (b) and (c), which, respectively, established the Intelligence Executive Committee and provided for budget justification materials.

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

Statutory Notes and Related Subsidiaries

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 Intelligence and Counterintelligence**(a) Definitions**

In this section, the terms “intelligence community” and “National Intelligence Program” have the meanings given such terms in section 3003 of title 50.

(b) In general

There is in the Department an Office of Intelligence and Counterintelligence. Such office shall be under the National Intelligence Program.

(c) Director

(1) The head of the Office shall be the Director of the Office of Intelligence and 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 an individual to serve as the Director from among individuals who have substantial expertise in matters relating to the intelligence community, including foreign intelligence and counterintelligence.

(d) Duties

(1) Subject to the authority, direction, and control of the Secretary, the Director shall perform such duties and exercise such powers as the Secretary may prescribe.

(2) The Director shall be responsible for establishing policy for intelligence and counterintelligence programs and activities at the Department.

(3) The Director shall develop and implement—

(A) a plan and cost assessment for delineated and standardized counterintelligence training for all personnel who interact with classified and sensitive military technology and dual-use commercial technology in the Department; and

(B) a delineated and standardized training plan to train officers in the Office of Intelligence and Counterintelligence who have counterintelligence responsibilities on counterintelligence skills and practices.

(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; Pub. L. 116-92, div. E, title LXIV, §6421(a), Dec. 20, 2019, 133 Stat. 2199; Pub. L. 118-159, div. F, title LXIII, §6309(a), Dec. 23, 2024, 138 Stat. 2477.)

Editorial Notes

AMENDMENTS

2024—Subsec. (d)(3). Pub. L. 118-159 added par. (3).

2019—Pub. L. 116-92 amended section generally. Prior to amendment, section related to establishment, director, duties, and annual reports of the Office of Counterintelligence.

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”.

Statutory Notes and Related Subsidiaries

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.

**OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE
REVIEW OF VISITORS AND ASSIGNEES**

Pub. L. 118-159, div. F, title LXIV, §6432, Dec. 23, 2024, 138 Stat. 2488, provided that:

“(a) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the congressional intelligence committees [Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives];

“(B) the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Homeland Security

and Governmental Affairs, and the Committee on Appropriations of the Senate; and

“(C) the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives.

“(2) COUNTRY OF RISK.—The term ‘country of risk’ means—

“(A) the People’s Republic of China;

“(B) the Russian Federation;

“(C) the Islamic Republic of Iran; and

“(D) the Democratic People’s Republic of Korea.

“(3) COVERED ASSIGNEE; COVERED VISITOR.—The terms ‘covered assignee’ and ‘covered visitor’ mean a foreign national from a country of risk who—

“(A) is not an employee of either the Department of Energy or the management and operations contractor operating a National Laboratory on behalf of the Department of Energy; and

“(B) has requested access to the premises, information, or technology of a National Laboratory.

“(4) DIRECTOR.—The term ‘Director’ means the Director of the Office of Intelligence and Counterintelligence of the Department of Energy (or their designee).

“(5) FOREIGN NATIONAL.—The term ‘foreign national’ has the meaning given the term ‘alien’ in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

“(6) NATIONAL LABORATORY.—The term ‘National Laboratory’ has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

“(7) NONTRADITIONAL INTELLIGENCE COLLECTION.—The term ‘nontraditional intelligence collection’ means a risk posed by an individual not employed by a foreign intelligence service, who is seeking access to information about a capability, research, or organizational dynamics of the United States to inform a foreign adversary or non-state actor.

“(b) POLICY FOR REVIEW OF COVERED VISITOR AND COVERED ASSIGNEE ACCESS REQUESTS.—(1) The Director shall, in consultation with the applicable Under Secretary of the Department of Energy that oversees the National Laboratory, or their designee, promulgate a policy to assess the counterintelligence risk that covered visitors or covered assignees pose to the research or activities undertaken at a National Laboratory.

“(2) Prior to being granted access to the premises, information, or technology of a National Laboratory, a covered visitor or covered assignee should be appropriately screened by the National Laboratory and the Office of Intelligence and Counterintelligence of the Department in accordance with the policy promulgated under paragraph (1).

“(c) ADVICE WITH RESPECT TO COVERED VISITORS OR COVERED ASSIGNEES.—

“(1) IN GENERAL.—The Director shall provide advice to a National Laboratory on covered visitors and covered assignees when 1 or more of the following conditions are present:

“(A) The Director has reason to believe that a covered visitor or covered assignee poses a non-traditional intelligence collection risk.

“(B) The Director is in receipt of information indicating that a covered visitor or covered assignee poses a counterintelligence risk to a National Laboratory.

“(2) ADVICE DESCRIBED.—Advice provided to a National Laboratory in accordance with paragraph (1) shall include a description of the assessed risk.

“(3) RISK MITIGATION.—When appropriate, the Director shall, in consultation with the Secretary of Energy, or the Secretary’s designee, provide recommendations to mitigate the assessed risk as part of the advice provided in accordance with paragraph (1).

“(d) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act [Dec. 23,

2024], and quarterly thereafter, the Secretary of Energy shall submit to the appropriate congressional committees a report, which shall include—

“(1) the number of covered visitors or covered assignees permitted to access the premises, information, or technology of each National Laboratory during the previous quarter;

“(2) the number of instances in which the Director provided advice to a National Laboratory in accordance with subsection (c) during the previous quarter; and

“(3) the number of instances in which a National Laboratory took action inconsistent with advice provided by the Director in accordance with subsection (c) during the previous quarter.

“(e) FUNDING.—The Secretary of Energy may expend such sums as are authorized to be appropriated for the purposes detailed in this section.”

§ 7144c. Repealed. Pub. L. 116–92, div. E, title LXIV, § 6421(b), Dec. 20, 2019, 133 Stat. 2199

Section, 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, established the Office of Intelligence.

§ 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).

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

Editorial Notes

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 Office shall be headed by a Director, who shall be appointed by the Secretary and compensated at a rate equal to that of level IV of the Executive Schedule under section 5315 of title 5.

(b) Duties of Director

The Director, in accordance with Federal policies promoting Indian self-determination and the purposes of this chapter, shall provide, direct, foster, coordinate, and implement energy planning, education, management, conservation, and delivery programs of the Department that—

(1) promote Indian tribal energy development, efficiency, and use;

(2) reduce or stabilize energy costs;

(3) enhance and strengthen Indian tribal energy and economic infrastructure relating to natural resource development and electrification; and

(4) bring electrical power and service to Indian land and the homes of tribal members located on Indian lands or acquired, constructed, or improved (in whole or in part) with Federal funds.

(Pub. L. 95–91, title II, §217, as added Pub. L. 109–58, title V, §502(a), Aug. 8, 2005, 119 Stat. 763.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 95–91, Aug. 4, 1977, 91 Stat. 565, known as the Department of Energy Organization Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of this title and Tables.

SUBCHAPTER III—TRANSFERS OF FUNCTIONS

§ 7151. General transfers

(a) Except as otherwise provided in this chapter, there are transferred to, and vested in, the Secretary all of the functions vested by law in the Administrator of the Federal Energy Administration or the Federal Energy Administration, the Administrator of the Energy Research and Development Administration or the Energy Research and Development Administration; and the functions vested by law in the officers and components of either such Administration.

(b) Except as provided in subchapter IV, there are transferred to, and vested in, the Secretary the function of the Federal Power Commission, or of the members, officers, or components thereof. The Secretary may exercise any power described in section 7172(a)(2) of this title to the extent the Secretary determines such power to be necessary to the exercise of any function within his jurisdiction pursuant to the preceding sentence.

(Pub. L. 95–91, title III, §301, Aug. 4, 1977, 91 Stat. 577.)