

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 00-020.00A
TO THE DIRECTOR OF INTELLIGENCE AND COUNTERINTELLIGENCE

1. DELEGATION. Under the authority vested in me as Secretary of Energy (the "Secretary"), and pursuant to section 642 of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7252), sections 3202, 3204, 3264 and 3296 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65), by section 3117 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), the authority vested in me as the Head of DOE's Intelligence Community element by Executive Order No. 12333, as amended, entitled "*United States Intelligence Activities*," the *Department of Energy Procedures For Intelligence Activities* approved by the Attorney General on October 19, 1992, Executive Order No. 13526, entitled "*Classified National Security Information*," Executive Order No. 12968, as amended, entitled "*Access to Classified Information*," Executive Order No. 13462, as amended, entitled "*President's Intelligence Advisory Board and Intelligence Oversight Board*," section 811(c) of the Intelligence Authorization Act of 1995, and by Presidential Decision Directive/NSC-61 "*U.S. Department of Energy Counterintelligence Program*," I delegate to the Director of Intelligence and Counterintelligence authority to take the following actions:
 - 1.1 Act as the Senior Intelligence Officer for the Department of Energy (DOE or Department), including the National Nuclear Security Administration, its facilities and contractors; responsible for the management, implementation and oversight of the Department's counterintelligence functions and responsibilities assigned to DOE in Presidential Decision Directive/NSC-61 "*U.S. Department of Energy Counterintelligence Program*" and intelligence activities pursuant to Executive Order No. 12333, except for those authorities and responsibilities of the Inspector General and the General Counsel; and exercise the Secretary's delegable authorities and responsibilities under Executive Order No. 12333 as set forth in this Delegation Order (National Defense Authorization Act for Fiscal Year 2000, sections 3204, 3211, 3281 and 3296; John Warner National Defense Authorization Act for Fiscal Year 2007, section 3117; Executive Order No. 12333, sections 1.5, 1.6 and 1.12; Department of Energy Procedures for Intelligence Activities, section IV.A).
 - 1.2 Exercise those authorities pertaining to intelligence activities vested in the Secretary under Executive Order No. 13526 (the Order) and its implementing directives, including:
 - A. Classification of information originally as Top Secret, Secret, or Confidential (section 1.3). This authority may not be redelegated;

- B. Consultation with the Secretary of Defense concerning the Secretary of Defense's authority to develop special procedures for the review of cryptologic information (section 3.5(f));
 - C. Creation of special access programs except for programs pertaining to intelligence sources, methods, and activities, consistent with Departmental security policy (section 4.3(a)). This authority may not be redelegated;
 - D. Consultation with the Director of National Intelligence (DNI) concerning directives to implement the Order with respect to the protection of intelligence sources, methods, and activities; the classification and declassification of all intelligence and intelligence-related information; and for access to and dissemination of all intelligence and intelligence-related information, both in its final form and in the form when initially gathered (sections 5.1(c) and 6.2(b)).
- 1.3 Act as the final authority for the determination of access to special access programs pertaining to intelligence, including the denial and revocation of access and the resolution of all appeals from such denials or revocations, in accordance with guidance from the DNI (Executive Order No. 13526, section 4.3(b); Executive Order No. 12968, section 2.2(b); Executive Order No. 12333, section 1.6(d)). This authority may not be redelegated.
 - 1.4 Exercise the authority vested in the Secretary by Executive Order No. 12333 and implementing directives to adjudicate, grant, deny, and revoke access to intelligence information, including Sensitive Compartmented Information (SCI), and oversee the dissemination and protection of all classified intelligence information within the Department (Executive Order No. 12333, section 1.6).
 - 1.5 Participate with the Department of State in overtly collecting intelligence information with respect to foreign energy matters (Executive Order No. 12333, sections 1.7(i)(1) and 1.12(c)).
 - 1.6 Develop and provide the DNI, the Office of Management and Budget, and the Congress all programmatic and budgetary information necessary to support the National Intelligence Program (Executive Order No. 12333, section 1.5(b); John Warner National Defense Authorization Act for Fiscal Year 2007, section 3117).
 - 1.7 Analyze, produce, and disseminate intelligence, which may include foreign political, economic, military or facility threat-related intelligence and counterintelligence, responsive to requirements of Departmental managers (Executive Order No. 12333, sections 1.4 and 1.12).
 - 1.8 Manage, coordinate, and oversee the production of foreign scientific and technical intelligence relating to nuclear proliferation, weapons, energy, and threat-related

and emerging nuclear technologies, in support of DOE and the Intelligence Community (Executive Order No. 12333, sections 1.4, 1.5(a), 1.6(a), and 1.12).

- 1.9 Approve all policies, plans, and procedures within the Department for the protection of intelligence and intelligence sources and methods from unauthorized disclosure consistent with guidance from the DNI (Executive Order No. 12333, sections 1.3(b)(8) and 1.6(d)).
- 1.10 Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute (Executive Order No. 12333, section 1.12(b)).
- 1.11 Oversee and coordinate, as the cognizant Secretarial Officer, the intelligence and intelligence-related reimbursable work under DOE's work-for-others program within the Department and its contractors (National Defense Authorization Act for Fiscal Year 2000, section 3264; Executive Order No. 12333, section 1.12(a)).
- 1.12 Provide expert scientific, technical, analytical, and research capabilities to other agencies within the Intelligence Community (Executive Order No. 12333, section 1.12(a)).
- 1.13 Provide assistance to law enforcement and other civil authorities including: cooperation with appropriate law enforcement agencies for the purpose of protecting the employees, information, property, and facilities of any element of the Intelligence Community; unless otherwise precluded by law or Executive Order, participate in law enforcement activities to investigate or prevent clandestine intelligence activities by foreign powers, or international terrorist or narcotics activities; provide specialized equipment, technical knowledge or assistance of expert personnel for use by any department or agency, or when lives are endangered, to support local law enforcement agencies, provision of assistance by expert personnel shall be approved in each case by the DOE General Counsel; and render any other assistance and cooperation to law enforcement or other civil authorities not precluded by applicable law (Executive Order No. 12333, section 2.6).
- 1.14 Provide, to the maximum extent permitted by law, subject to the availability of appropriations and not inconsistent with the mission of the Department, support to the DNI as the DNI may request (Executive Order No. 12333, section 1.5(d)).
- 1.15 Disseminate information or intelligence to foreign governments and international organizations under intelligence or counterintelligence arrangements or agreements established in accordance with sections 1.3(b)(4), 1.6(f), and 1.7(i)(2) of Executive Order No. 12333.
- 1.16 Provide the President's Intelligence Advisory Board and Intelligence Oversight Board with all information necessary to carry out their responsibilities set forth in

Executive Order No. 13462, as amended, and report to the Intelligence Oversight Board reports of any intelligence activities that DOE has reason to believe may be unlawful or contrary to executive order or presidential directive (Executive Order No. 12333, section 1.6(c); Executive Order No. 13462, section 8).

- 1.17 Deconflict, coordinate, and integrate all intelligence and counterintelligence activities with the Intelligence Community elements in accordance with Executive Order No. 12333, section 1.3(b)(20), and intelligence and other activities in accordance with Executive Order No. 12333, section 1.3(b)(21).
 - 1.18 Conduct and coordinate all counterintelligence policy and investigative matters with the FBI and other law enforcement agencies in accordance with section 811(c) of the Intelligence Authorization Act of 1995 (50 U.S.C. § 402a).
2. RESCISSION. Delegation Orders No. 00-020.00 and No. 00-007.00 are hereby rescinded.
3. LIMITATION.
 - 3.1 In exercising the authority delegated in this Delegation Order, a delegate shall be governed by the rules and regulations of the Department of Energy and the policies and procedures prescribed by the Secretary or delegate(s).
 - 3.2 Nothing in this Delegation Order precludes the Secretary from exercising any of the authority delegated by this Delegation Order.
 - 3.3 Any amendments to this Delegation Order shall be made after consultation with the Department of Energy General Counsel.
4. AUTHORITY TO REDELEGATE.
 - 4.1 Except as expressly prohibited by law, regulation, and this Delegation Order, the Director of Intelligence and Counterintelligence may delegate this authority further, in whole or in part.
 - 4.2 Copies of redelegations and any subsequent redelegations shall be provided to the Office of Management, which manages the Secretarial Delegations of Authority system.
5. DURATION AND EFFECTIVE DATE.
 - 5.1 All actions pursuant to any authority delegated prior to this Delegation Order or pursuant to any authority delegated by this Delegation Order taken prior to and in effect on the date of this Delegation Order are ratified and remain in force as if

taken under this Delegation Order, unless or until rescinded, amended, or superseded.

5.2 This Delegation Order is effective MAR 19 2013.

A handwritten signature in dark ink, appearing to read "Steven Chu", is written over a horizontal line.

Steven Chu
Secretary of Energy