




Department of Energy
Washington, DC 20585

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January 31, 2001

MEMORANDUM FOR Deputy General Counsel
Assistant General Counsel
Field Chief Counsel

FROM:

Samuel M. Bradley 
Assistant General Counsel
for International and National Security Programs

SUBJECT: Unlawful Intelligence Activities

Executive Order No. 1263 (copy attached) requires the Department of Energy General Counsel to file a report "on a quarterly basis ...concerning intelligence activities that [she has] reason to believe may be unlawful or contrary to Executive Order or Presidential Directive." If you have not already done so, please provide a written response concerning any information of which you are aware that is required to be reported under Executive Order No. 12863 for the period October 1, 2000 through December 31, 2000. Your input is due by February 16, 2001.

If you are not aware of anything that needs to be reported under the Executive Order, please complete and return the negative response provided with this memorandum.

Please direct your reports to Jacqueline McKissick, Office of International and National Security Programs. Any questions you have on this matter should be directed to John Gurney at (202) 586-8269. Thank you for your attention to this matter.

Attachment(s)



Department of Energy
Washington, DC 20585

5
12

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: _____

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Fourth Quarter FY 2000

I am unaware of any DOE intelligence activities during the period from October 1, 2000 to December 31, 2000 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055



Department of Energy
Washington, DC 20585

6
R

July 24, 2001

MEMORANDUM FOR: Deputy General Counsel
Assistant General Counsel
Field Chief Counsel

FROM: Samuel M. Bradley *Samuel M. Bradley*
Assistant General Counsel
for International and National Security Programs

SUBJECT: Unlawful Intelligence Activities

Executive Order No. 1263 (copy attached) requires the Department of Energy General Counsel to file a report "on a quarterly basis ...concerning intelligence activities that [she has] reason to believe may be unlawful or contrary to Executive Order or Presidential Directive." If you have not already done so, please provide a written response concerning any information of which you are aware that is required to be reported under Executive Order No. 12863 for the period April 1, 2001 through June 30, 2001. Your input is due by August 20, 2001.

If you are not aware of anything that needs to be reported under the Executive Order, please complete and return the negative response provided with this memorandum.

Please direct your reports to Jacqueline McKissick, Office of International and National Security Programs. Any questions you have on this matter should be directed to John Gurney at (202) 586-8269. Thank you for your attention to this matter.

Attachment(s)

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②

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: _____

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

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12

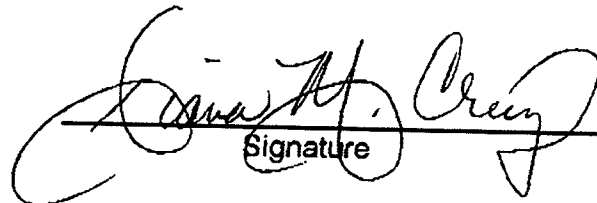
August 16, 2001

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Diana M. Cruz, Legal Staff Assistant,
LGLAFRS/OCC/AL

SUBJECT: Executive Order No. 12863 Unlawful Intelligence
Activities Report for Second Quarter FY 2001

"To the best of my knowledge, information and belief, I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that may be unlawful or contrary to Executive Order or Presidential Directive. This certification is made in the ordinary course of administrative and contractual oversight to fulfill a reporting requirement only and shall not be deemed evidence of the management, approval or oversight of any intelligence activity by the undersigned or the Albuquerque Operations Office."


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055

United States Government

Department of Energy

Oak Ridge Operations Office

memorandum

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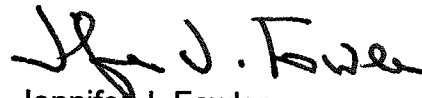
DATE: August 6, 2001

REPLY TO:
ATTN OF: CC-10:Thress

SUBJECT: **EXECUTIVE ORDER NO. 12863, UNLAWFUL INTELLIGENCE ACTIVITIES
REPORT FOR THIRD QUARTER, FY 2001**

TO: Samuel M. Bradley, Assistant General Counsel for International and National
Security Programs, GC-53, Headquarters, FORSTL

I am unaware of any DOE intelligence activities during the period April 1, 2001 through June 30, 2001, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.



Jennifer J. Fowler
Chief Counsel

United States Government

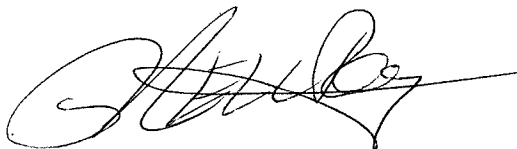
10
2
Department of Energy

memorandum

Rocky Flats Field Office

DATE: August 6, 2001
REPLY TO:
ATTN OF: OCC-01-0739
SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report for Third Quarter FY 2001
TO: Samuel M. Bradley, Assistant General Counsel for International and National Security Programs

I am unaware of any DOE intelligence activities during the period from April 1, 2001, to June 30, 2001, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive



Mell Roy
Chief Counsel

cc:
Henry F. Dalton, Assistant Manager
Facilities Disposition

United States Government

Department of Energy

memorandum

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②

DATE: **AUG 2 2001**
REPLY TO: Oakland Operations Office (OCC)
ATTN OF:
SUBJECT: Unlawful Intelligence Activities Report

TO: Samuel M. Bradley, Assistant General Counsel for International and National Security Programs (GC-3)

This memorandum is in response to the Assistant General Counsel's request of July 24, 2001.

The DOE Oakland Operations Office has reviewed its intelligence activities and the intelligence activities of its contractors during the period April 1, 2001 through June 30, 2001, and has no reportable activities. Our negative certification is attached.

Please feel free to contact me at (510) 637-1662 if you have further questions.


Peter A. Bernard
Chief Counsel

Attachments: Negative Report dated August 2, 2001

cc: Michael Hooper, AMFNS w/attachment
Jacqueline McKissick, GC-3 w/attachment

August 2, 2001

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Peter A. Bernard, Chief Counsel, DOE/NNSA

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

United States Government

Department of Energy

memorandum

12
2

DATE: **AUG 2 2001**
REPLY TO: **Oakland Operations Office (OCC)**
ATTN OF:
SUBJECT: **Unlawful Intelligence Activities Report**

TO: **Samuel M. Bradley, Assistant General Counsel for International and National Security Programs (GC-3)**

This memorandum is in response to the Assistant General Counsel's request of July 24, 2001.

The DOE Oakland Operations Office has reviewed its intelligence activities and the intelligence activities of its contractors during the period April 1, 2001 through June 30, 2001, and has no reportable activities. Our negative certification is attached.

Please feel free to contact me at (510) 637-1662 if you have further questions.


Peter A. Bernard
Chief Counsel

Attachments: Negative Report dated August 2, 2001

cc: Michael Hooper, AMFNS w/attachment
✓ Jacqueline McKissick, GC-3 w/attachment

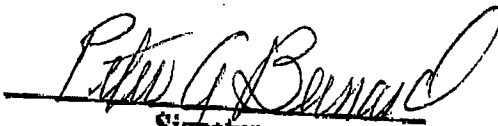
August 2, 2001

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Peter A. Bernard, Chief Counsel, DOE/NNSA

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

United States Government

Department of Energy

Oak Ridge Operations Office

memorandum

13 1

DATE: August 6, 2001


REPLY TO:

ATTN OF: CC-10:Thress

SUBJECT: EXECUTIVE ORDER NO. 12863, UNLAWFUL INTELLIGENCE ACTIVITIES
REPORT FOR THIRD QUARTER, FY 2001

TO: Samuel M. Bradley, Assistant General Counsel for International and National
Security Programs, GC-53, Headquarters, FORSTL

I am unaware of any DOE intelligence activities during the period April 1, 2001 through June 30, 2001, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Jennifer J. Fowler
Chief Counsel


memorandum

19
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DATE: August 2, 2001
REPLY TO
ATTN OF: EH-71:Gasperow:3-5577
SUBJECT: Report to the Intelligence Oversight Board (3rd Quarter, FY 2001)
TO: Gregory H. Friedman
Inspector General, IG-1

The Office of Environment, Safety and Health has not had any intelligence activities which we are aware of that may be unlawful or contrary to Executive order, Presidential directive, or Department of Energy guidelines or implementing procedures during the period April 1, 2001 through June 30, 2001.

If you have any questions or comments, please contact me (6-9024) or Lesley Gasperow (3-5577) of my staff.


Geoffrey Judge
Deputy Assistant Secretary
Planning and Administration
Environment, Safety and Health

cc:
General Counsel
B. Minihan, IG-40



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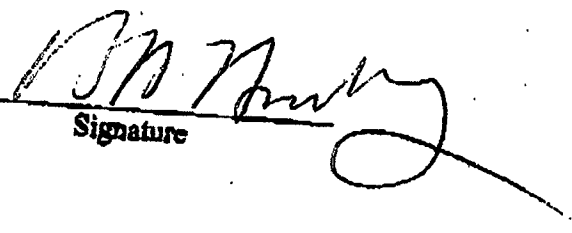
AUG 03 2001

MEMORANDUM FOR: Samuel M. Bradley
 Assistant General Counsel
 for International and National Security Programs

FROM: Budd B. Bornhoft, Jr., Chief Counsel, NNSA/NV

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
 for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


 Signature

Please return to:

Jacqueline McKissick
 Office of Assistant General Counsel
 for International and National Security Programs, GC-3
 Room 6A-141, Forrestal Building
 Fax (202) 586-3055

Post-it® Fax Note	7671	Date	8/3/01	# of Pages	1
To	Jacqueline McKissick	From	Budd Bornhoft		
cc/ded.	GC-3	Co.	NNSA/NV		
Phone #	(202) 586-0806	Phone #	(702) 295-3581		
Fax #	(202) 586-3055	Fax #	(702) 295-1067		

16/2

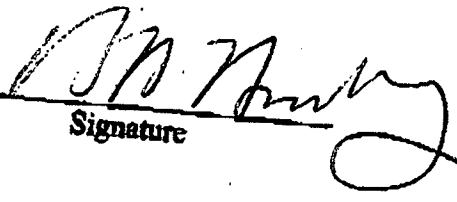
AUG 03 2001

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Budd B. Bornhoft, Jr., Chief Counsel, NNSA/NV

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building
Fax (202) 586-3055

Post-it® Fax Note	7671	Date	8/3/01	# of pages	1
To	Jacqueline McKissick	From	Budd Bornhoft		
Off./Dept.	GC-3	Co.	NNSA/NV		
Phone #	(202) 586-0806	Phone #	(702) 295-3581		
Fax #	(202) 586-3055	Fax #	(702) 295-1067		

United States Government

Department of Energy
Richland Operations Office

memorandum

17 2

DATE: ~~JUL 30 2001~~
REPLY TO:
ATTN OF: OCC:AE/01-OCC-252
SUBJECT: EXECUTIVE ORDER NO. 1263 UNLAWFUL INTELLIGENCE ACTIVITIES
REPORT FOR THIRD QUARTER FY 2001

TO: Samuel M. Bradley
Assistant General Counsel
for International and National
Security Programs, GC-53, HQ

I am unaware of any DOE intelligence activities during the period from
April 1, 2001, through June 30, 2001, that I have reason to believe may be unlawful or
contrary to Executive Order of Presidential Directive.

Betty L. Hollowell
Betty L. Hollowell
Chief Counsel

80

August 2, 2001

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Peter A. Bernard, Chief Counsel, DOE/NNSA

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKisick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

United States Government

Department of Energy

memorandum

DATE: **AUG 2 2001**
REPLY TO: **Oakland Operations Office (OCC)**
ATTN OF:
SUBJECT: **Unlawful Intelligence Activities Report**

TO: **Samuel M. Bradley, Assistant General Counsel for International and National Security Programs (GC-3)**

This memorandum is in response to the Assistant General Counsel's request of July 24, 2001.

The DOE Oakland Operations Office has reviewed its intelligence activities and the intelligence activities of its contractors during the period April 1, 2001 through June 30, 2001, and has no reportable activities. Our negative certification is attached.

Please feel free to contact me at (510) 637-1662 if you have further questions.


Peter A. Bernard
Chief Counsel

Attachments: Negative Report dated August 2, 2001

cc: Michael Hooper, AMFNS w/attachment
Jacqueline McKissick, GC-3 w/attachment

UNCLASSIFIED FAX MESSAGE

**U.S. Department of Energy
Oakland Operations Office
1301 Clay Street, Room 700N
Oakland, CA 94612-5208**



OFFICE OF CHIEF COUNSEL

DATE: August 2, 2001

TO: Jacqueline McKissick, Office of Assistant General
Counsel for International and National Security Programs, GC-3

FAX NO.: 202 586-3055

PHONE NO.: _____

FROM: Peter A. Bernard, Chief Counsel

FAX NO.: 510 637-2014

PHONE NO.: 510 637-1662

NO. OF PAGES TO FOLLOW: 2

MESSAGE: -----

**THIS MESSAGE CONTAINS ONLY UNCLASSIFIED INFORMATION
Fax Number 510 637-2014
Verify 510 637-1664/1677**

FAX TRANSMISSION



U.S. DEPARTMENT OF ENERGY
YUCCA MOUNTAIN SITE CHARACTERIZATION OFFICE
P.O. Box 30307
N. LAS VEGAS, NEVADA 89036-0307

DIANE C. QUENELL, MANAGEMENT ANALYST
OFFICE OF CHIEF COUNSEL
TELEPHONE (702) 794-5004
FAX: (702) 794-5000

TO: *Jacqueline McKissick*

DATE: *July 31, 2001*

FAX #: *202/586-3055*

PAGES: *2* (INCLUDING COVER SHEET)

SUBJECT: *Intelligence Activities*

*See attached response to
Mr Bradley's July 24, 2001 memorandum.*

Diane

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone and return the original message to me at the above address via the U.S. Postal Service. Thank you.

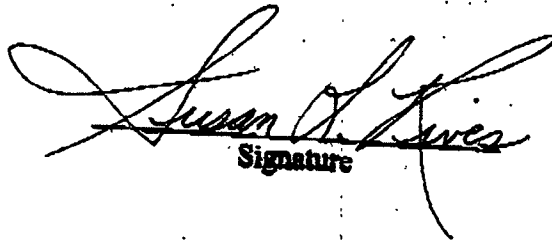
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MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: *Yucca Mountain Site Characterization Office*

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

21

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: David G. Darugh, Chief Counsel, DOE-SR

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

David G. Darugh
Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building
Fax (202) 586-3055

200

United States Government

Department of Energy

memorandum

Idaho Operations Office

Date: July 30, 2001

Subject: Executive Order No. 12863 Unlawful Intelligence Activities Report for Third Quarter FY 2001
(OCC-01-105)

To: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs
GC-3, 6A-141/FORS

(VIA FACSIMILE to Jacqueline McKissick, (202) 586-3055)

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.



Eva M. Auman, Counsel
Office of Chief Counsel

③ ②

July 30, 2001

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: J.S. Carey, Jr., Chief Counsel, Pittsburgh Naval Reactors Office

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

J.S. Carey Jr.
Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 1

To Jacqueline McKissick	From J.S. Carey Jr
Dept/Agency DOE GC-53	Phone # (412) 476-7202
Fax # (202) 586-3055	Fax # (412) 476-7310

NSN 7540-01-317-7368

5089-101

GENERAL SERVICES ADMINISTRATION



Department of Energy
National Nuclear Security Administration
Washington, DC 20585

24

July 16, 2001

MEMORANDUM FOR INSPECTOR GENERAL
GENERAL COUNSEL

FROM:

KENNETH E. BAKER
ACTING DEPUTY ADMINISTRATOR FOR
DEFENSE NUCLEAR NONPROLIFERATION

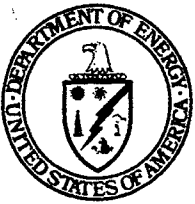
SUBJECT:

REPORT TO THE INTELLIGENCE OVERSIGHT BOARD
3RD QUARTER, FY 2001

The Office of Defense Nuclear Nonproliferation is unaware of any intelligence activities conducted by this organization during the period from April 1, 2001, through June 30, 2001, that may be unlawful or contrary to Executive Order, Presidential Directive, or Department of Energy guidelines or implementing procedures.

cc: Executive Staff Director, Immediate Office of the Administrator
National Nuclear Security Administration
General Counsel, Office of NNSA General Counsel
Director, Office of Intelligence
MA-75





Department of Energy
Washington, DC 20585

27A 2

June 12, 2001

The Honorable Warren B. Rudman
Acting Chairman
Intelligence Oversight Board
The White House
Room 340, Old Executive Office Building
Washington, D.C. 20500

Dear Chairman Rudman:

This letter is my report pursuant to Executive Order No. 12863, entitled "President's Foreign Intelligence Advisory Board."

After conferring with the Department's Deputy and Assistant General Counsel and Field Counsel, I am unaware of any Department of Energy intelligence activities that were, or may have been, unlawful or contrary to Executive Order or Presidential Directive during the period January 1, 2001, through March 31, 2001.

I understand that, in accordance with a December 11, 1992, memorandum from the Intelligence Oversight Board, the Board intends to exercise control over all copies of this report, including copies maintained in agency files, and does not consider this report to be an agency record.

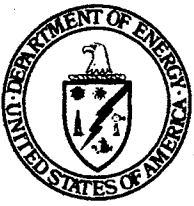
If this office can provide further assistance, please contact me at 586-5281.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lee Liberman Otis".

Lee Liberman Otis
General Counsel





Department of Energy

Washington, DC 20585

June 8, 2001

MEMORANDUM FOR: Lee Liberman Otis
General Counsel

THRU: William J. Dennison *WJD*
Acting Deputy General Counsel for Environment and
Nuclear Programs

FROM: Samuel M. Bradley *Samuel M Bradley*
Assistant General Counsel for International and National Security
Programs

SUBJECT: Quarterly Intelligence Activities Report

Attached is a draft quarterly report to the Intelligence Oversight Board (IOB) for activities occurring during the period January 1, 2001 through March 31, 2001. Based upon my personal knowledge, my consultation with the Department's Deputy General Counsel, and the quarterly reports received from Assistant General Counsel and Field Counsel, I am not aware of any Department of Energy intelligence activities, including activities performed for other agencies, that are, or may have been, unlawful or contrary to Executive Order or Presidential Directive that occurred during this period.



Attachment



11 June 01

TRANSMITTAL

TO: Lee Otis, GC-1 

THROUGH: Bill Dennison, GC-50 
James Tibbs, GC-1 

FROM: Sam Bradley, GC-53 

SUBJECT: Quarterly Report (2Q) to White House Intelligence Oversight Board on Unlawful Intelligence Activities

Attached for your signature is a memorandum from me requesting you sign a letter to the Acting Chairman of the Intelligence Oversight Board (IOB) reporting, pursuant to section 2.4 of Executive Order 12863 ("President's Foreign Intelligence Advisory Board") (9/13/93) (copy attached) that you are unaware of any DOE "intelligence activities that were, or may have been, unlawful or contrary to Executive Order or Presidential Directive" during the period January 1, 2001 through March 31, 2001. The proposed report is based on negative reports from Deputy General Counsel, Assistant General Counsel and Field Counsel, in response to my 4/13/01 memorandum to them (copy attached). DOE's historically reports no unlawful activities. The following provides background information on the quarterly reports required by the Executive Order.¹

The IOB is a standing committee of the President's Foreign Intelligence Advisory Board ("PFIAB"), both of which were established by Executive Order 12863). PFIAB is comprised of 16 members from outside the government. Its principal function is to assess the quality, quantity, and adequacy of intelligence collection, intelligence analysis and estimates, and counterintelligence and other intelligence activities. The IOB consists of four members appointed from among the membership of the PFIAB. The IOB's principal functions are to:

- (1) prepare for the President reports of intelligence activities that the IOB believes may be unlawful or contrary to Executive Order or Presidential directive (focus is on unlawful intelligence gathering on U.S. citizens);
- (2) forward to the Attorney General reports received concerning unlawful intelligence activities;
- (3) review the internal guidelines of each agency within the Intelligence Community –

¹I'm attaching the report for the same period last year.

including DOE – that concern the lawfulness of intelligence activities; and

(4) review the practices and procedures of Inspectors General and General Counsel of the Intelligence Community for discovering and reporting intelligence activities that may be unlawful or contrary to Executive Order or Presidential directive.

The Executive Order requires Inspectors General and General Counsel to report to the IOB at least quarterly and “from time to time as necessary” concerning intelligence activities they have reason to believe may be unlawful or contrary to Executive Order or Presidential directive. The IOB requires quarterly reports to be submitted by the end of the quarter following the quarter the report covers.

The report is expected to disclose any violation by DOE of statute, executive order or Presidential directive applicable to the intelligence community, including DOE’s intelligence activities. As noted, the focus is on unlawful intelligence gathering on United States citizens. Thus, for example, any violation or substantial deviation from Executive Order 12333, “United States Intelligence Activities,” and DOE’s implementing procedures, “Department of Energy Procedures for Intelligence Activities,” should be reported. These documents contain explicit guidelines and restrictions on collection of intelligence within the United States and they are useful guides in determining what’s to be reported.

Examples of unauthorized intelligence activities by DOE intelligence personnel or other DOE federal employee or contractor personnel might include:

(a) Collecting information on U.S. persons that is not publicly available without the consent of the person the information concerns (for example, undisclosed participation, without authorization of the Director of Intelligence, or in the absence of a request from the FBI or authorized U.S. counterintelligence agency, in a U.S. group, such as an antinuclear group, for purposes of obtaining for the intelligence community information about the groups members, activities, objectives, etc.);

(b) Collecting foreign intelligence pertaining to foreign energy matters and concerning a U.S. person in a COVERT manner and the collection is not restricted to persons reasonably believed to be employees of or acting on behalf of a foreign power; and

(c) Compromising lawful intelligence sources, methods, etc. by the U.S. intelligence community.

As noted, DOE’s Inspector General reports separately to the IOB.