




Department of Energy
Washington, DC 20585

416 A

January 12, 2006

MEMORANDUM FOR: Deputy General Counsel
Assistant General Counsel
Field Chief Counsel
General Counsel, National Nuclear Security Administration

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

SUBJECT: Unlawful Intelligence Activities (First Quarter, FY 2006)

Executive Order No. 12863 (copy attached) requires the Department of Energy General Counsel to report to the Intelligence Oversight Board "on a quarterly basis ... concerning intelligence activities that he 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, 2005, through December 31, 2005. Your report is due by February 15, 2006.

If you are not aware of any activity 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)

cc: Inspector General

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 First Quarter, FY 2006

I am unaware of any DOE intelligence activities during the period from October 1, 2005, to December 31, 2005 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Signature

Please return to:

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

Fax (202) 586-3055

Presidential Documents

Title 3—

Executive Order 12863 of September 13, 1993

The President

President's Foreign Intelligence Advisory Board

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to enhance the security of the United States by improving the quality and effectiveness of intelligence available to the United States, and to assure the legality of activities of the Intelligence Community, it is ordered as follows:

PART I. ASSESSMENT OF INTELLIGENCE ACTIVITIES

Section 1.1. There is hereby established within the White House Office, Executive Office of the President, the President's Foreign Intelligence Advisory Board (PFIAB). The PFIAB shall consist of not more than 16 members, who shall serve at the pleasure of the President and shall be appointed by the President from among trustworthy and distinguished citizens outside the Government who are qualified on the basis of achievement, experience and independence. The President shall establish the terms of the members upon their appointment. To the extent practicable, one-third of the PFIAB at any one time shall be comprised of members whose term of service does not exceed 2 years. The President shall designate a Chairman and Vice Chairman from among the members. The PFIAB shall utilize full-time staff and consultants as authorized by the President. Such staff shall be headed by an Executive Director, appointed by the President.

Sec. 1.2. The PFIAB shall assess the quality, quantity, and adequacy of intelligence collection, of analysis and estimates, and of counterintelligence and other intelligence activities. The PFIAB shall have the authority to review continually the performance of all agencies of the Federal Government that are engaged in the collection, evaluation, or production of intelligence or the execution of intelligence policy. The PFIAB shall further be authorized to assess the adequacy of management, personnel and organization in the intelligence agencies. The heads of departments and agencies of the Federal Government, to the extent permitted by law, shall provide the PFIAB with access to all information that the PFIAB deems necessary to carry out its responsibilities.

Sec. 1.3. The PFIAB shall report directly to the President and advise him concerning the objectives, conduct, management and coordination of the various activities of the agencies of the Intelligence Community. The PFIAB shall report periodically, but at least semiannually, concerning its findings and appraisals and shall make appropriate recommendations for the improvement and enhancement of the intelligence efforts of the United States.

Sec. 1.4. The PFIAB shall consider and recommend appropriate action with respect to matters, identified to the PFIAB by the Director of Central Intelligence, the Central Intelligence Agency, or other Government agencies engaged in intelligence or related activities, in which the advice of the PFIAB will further the effectiveness of the national intelligence effort. With respect to matters deemed appropriate by the President, the PFIAB shall advise and make recommendations to the Director of Central Intelligence, the Central Intelligence Agency, and other Government agencies engaged in intelligence and related activities, concerning ways to achieve increased effectiveness in meeting national intelligence needs.

PART II. OVERSIGHT OF INTELLIGENCE ACTIVITIES

Sec. 2.1. The Intelligence Oversight Board (IOB) is hereby established as a standing committee of the PFIAB. The IOB shall consist of no more than four members appointed from among the membership of the PFIAB by the Chairman of the PFIAB. The Chairman of the IOB shall be appointed by the Chairman of the PFIAB. The Chairman of the PFIAB may also serve as the Chairman of the IOB. The IOB shall utilize such full-time staff and consultants as authorized by the Chairman of the PFIAB.

Sec. 2.2. The IOB shall:

(a) prepare for the President reports of intelligence activities that the IOB believes may be unlawful or contrary to Executive order or Presidential directive;

(b) forward to the Attorney General reports received concerning intelligence activities that the IOB believes may be unlawful or contrary to Executive order or Presidential directive;

(c) review the internal guidelines of each agency within the Intelligence Community that concern the lawfulness of intelligence activities;

(d) review the practices and procedures of the 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; and

(e) conduct such investigations as the IOB deems necessary to carry out its functions under this order.

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PART III. GENERAL PROVISIONS

Sec. 3.1. Information made available to the PFIAB, or members of the PFIAB acting in their IOB capacity, shall be given all necessary security protection in accordance with applicable laws and regulations. Each member of the PFIAB, each member of the PFIAB's staff and each of the PFIAB's consultants shall execute an agreement never to reveal any classified information obtained by virtue of his or her services with the PFIAB except to the President or to such persons as the President may designate.

Sec. 3.2. Members of the PFIAB shall serve without compensation but may receive transportation expenses and per diem allowance as authorized by law. Staff and consultants to the PFIAB shall receive pay and allowances as authorized by the President.

Sec. 3.3. Executive Order No. 12334 of December 4, 1981, as amended,
and Executive Order No. 12537 of October 28, 1985, as amended, are revoked.

William Clinton

THE WHITE HOUSE,
September 13, 1993.

[FR Citation 58 FR 48441]

United States Government

Department of Energy

memorandum

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Idaho Operations Office

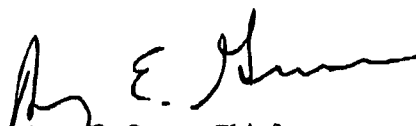
Date: February 14, 2005

Subject: Executive Order No. 12863 Unlawful Intelligence Activities Report for First Quarter FY 2005
(OCC-05-05)

To: Samuel M. Bradley
Assistant General Counsel
For International and National Security Programs
GC-53, 6A-141/FORS

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

I am unaware of any DOE intelligence activities during the period from October 1, 2004 through December 31, 2004, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Amy E. Grose, Chief
Office of Chief Counsel

RL-F-1325.8 (02/08)

418 (K)

United States Government

Department of Energy
Richland Operations Office**memorandum**

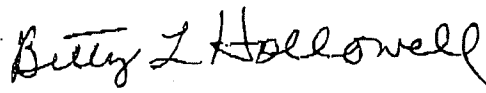
DATE: FEB 14 2005

REPLY TO
ATTN OF: OCC:JLD/05-OCC-0031

SUBJECT: EXECUTIVE ORDER NO. 12863 UNLAWFUL INTELLIGENCE ACTIVITIES
REPORT FOR FIRST QUARTER FISCAL YEAR 2005

TO: S. 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 October 1, 2004, through December 31, 2004, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. If you have any questions, please contact me on (509) 376-7311.



Betty L. Hollowell
Chief Counsel

cc: J. McKissick, GC-53



Department of Energy
Washington, DC 20585



September 7, 2006

MEMORANDUM FOR: David R. Hill
General Counsel

THROUGH: Mary B. Neumayr *MB Neumayr*
Deputy General Counsel for Environment and Nuclear Programs

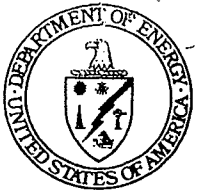
FROM: Samuel M. Bradley *SM Bradley*
Assistant General Counsel for International and National Security
Programs

SUBJECT: Quarterly Intelligence Activities Report

Attached is a draft quarterly report to the Intelligence Oversight Board (IOB) for activities occurring during the period April 1, 2006, through June 30, 2006. Based upon my personal knowledge and the quarterly reports from the Department's Deputy General Counsel, Assistant General Counsel, Field Counsel, and NNSA General 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.

The IOB requires submission of this report by the end of the quarter following the quarter the report covers. Also attached is a copy of your letter to the IOB for the prior quarter.

Attachments



Department of Energy
Washington, DC 20585

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June 22, 2006

The Honorable Stephen Friedman
Chairman
President's Intelligence Oversight Board
Room 5020 - New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear Chairman Friedman:

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

Based on reports from the Department's Deputy and Assistant General Counsel, Field Counsel, and the General Counsel of the Department's National Nuclear Security Administration, I am unaware of any Department of Energy (DOE) intelligence activities that were, or may have been, unlawful or contrary to Executive Order or Presidential Directive during the period January 1, 2006, through March 31, 2006.

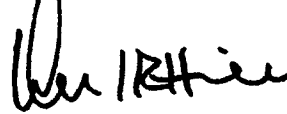
I do wish to point out that in March and April of this year, the Secretary of Energy took a number of actions to enhance the effectiveness of DOE's intelligence and counterintelligence programs within the Department. First, in March the Secretary took administrative action to combine DOE's Office of Intelligence and Office of Counterintelligence, establishing a new Office of Intelligence and Counterintelligence headed by the Department's Senior Intelligence Officer (SIO). The Secretary also appointed the SIO to serve concurrently as the director of the separate Offices of Intelligence and Counterintelligence in the new organization. The Office of the Director, National Intelligence, concurred in these appointments. Secondly, on April 6, 2006, the Secretary submitted to Congress proposed legislation to amend the National Nuclear Security Administration Act which would abolish the National Nuclear Security Administration's Office of Defense Nuclear Counterintelligence and consolidate that office's functions within the new Office of Intelligence and Counterintelligence, and be subject to direct Secretarial oversight. Enclosed is a copy of the Secretary's letter submitting this proposed legislation to Congress and explaining the need for the administrative actions described above and for the legislation.



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 (202) 586-5281.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hill", written over a horizontal line.

David R. Hill
General Counsel

Enclosure



Department of Energy
Washington, DC 20585

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September 8, 2006

~~The Honorable Stephen Friedman
Chairman
President's Intelligence Oversight Board
Room 5020 - New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503~~

Darlene Connelly
General Counsel
President's Foreign Intelligence Advisory Board
725 17th Street, N.W.
Washington, D.C. 20502

Dear ~~Chairman Friedman~~

MS. CONNELLY

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

Based on reports from the Department's Deputy and Assistant General Counsel, Field Counsel, and the General Counsel of the Department's National Nuclear Security Administration, 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 April 1, 2006, through June 30, 2006.

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 (202) 586-5281.

Sincerely,

David R. Hill
General Counsel



Department of Energy
Washington, DC 20585

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September 8, 2006

The Honorable Stephen Friedman
Chairman
President's Intelligence Oversight Board
Room 5020 - New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear Chairman Friedman:

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

Based on reports from the Department's Deputy and Assistant General Counsel, Field Counsel, and the General Counsel of the Department's National Nuclear Security Administration, 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 April 1, 2006, through June 30, 2006.

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 (202) 586-5281.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hill".

David R. Hill
General Counsel



Department of Energy
Washington, DC 20585

412

September 8, 2006

The Honorable Stephen Friedman
Chairman
President's Intelligence Oversight Board
Room 5020 - New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear Chairman Friedman:

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

Based on reports from the Department's Deputy and Assistant General Counsel, Field Counsel, and the General Counsel of the Department's National Nuclear Security Administration, 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 April 1, 2006, through June 30, 2006.

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 (202) 586-5281.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hill".

David R. Hill
General Counsel




Department of Energy
Washington, DC 20585

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2

September 14, 2005

MEMORANDUM FOR: David R. Hill
General Counsel

FROM: 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 April 1, 2005, through June 30, 2005. Based upon my personal knowledge and the quarterly reports from the Department's Deputy General Counsel, Assistant General Counsel, Field Counsel, and NNSA General 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.

The IOB requires submission of this report by the end of the quarter following the quarter the report covers. Also attached is a copy of your letter to the IOB for the prior quarter.

Attachments



Department of Energy
Washington, DC 20585

June 9, 2005

The Honorable James Langdon
Chairman
President's Intelligence Oversight Board
Room 5020 - New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear Chairman Langdon:

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

Based on reports from the Department's Deputy and Assistant General Counsel, Field Counsel, and the General Counsel of the Department's National Nuclear Security Administration, 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, 2005, through March 31, 2005.

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 (202) 586-5281.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. Fygi", written over the word "Sincerely,".

Eric J. Fygi
Acting General Counsel





Department of Energy
Washington, DC 20585

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September 21, 2005

The Honorable James Langdon
Chairman
President's Intelligence Oversight Board
Room 5020 - New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear Chairman Langdon:

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

Based on reports from the Department's Deputy and Assistant General Counsel, Field Counsel, and the General Counsel of the Department's National Nuclear Security Administration, 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 April 1, 2005, through June 30, 2005.

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 (202) 586-5281.

Sincerely,

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David R. Hill
General Counsel

DOE F 1325.B
(7.02)

United States Government

Department of Energy

Oak Ridge Office

memorandum

126

DATE: November 8, 2005

REPLY TO

ATTN OF: CC-10:Carne:

SUBJECT: EXECUTIVE ORDER NO. 12863, UNLAWFUL INTELLIGENCE ACTIVITIES REPORT FOR FOURTH QUARTER, FY 2005

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 July 1, 2005, through September 30, 2005, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Jennifer J. Fowler
Chief Counsel

(427) (2)

DOE F 1325 8

United States Government

Department of Energy (DOE)

Savannah River Operations Office (SR)

memorandum

DATE: OCT 21 2005

REPLY TO

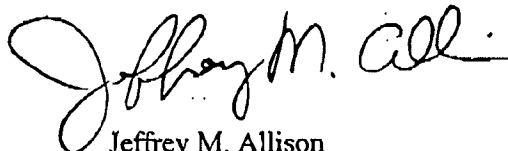
ATTN OF: OCI (Menger, 803/725-7646)

SUBJECT: Report to the Intelligence Oversight Board (Fourth Quarter, Fiscal Year 2005)
(Your Memorandum, 09/30/05)

TO: Office of Inspector General (IG-1), HQ

On the basis of the attached certifications, the Department of Energy (DOE) Savannah River Site (SRS) neither managed nor conducted any intelligence or counterintelligence activities that may be unlawful or contrary to Executive Order 12333, Presidential Directives, or DOE Guidelines or implementing procedures during the period July 1, 2005, through September 30, 2005, inclusive.

If you have any questions, please contact Robert Menger, Senior Counterintelligence Officer, at (803) 725-5086/7646.



Jeffrey M. Allison
Manager

OCI:REM:db

OCI-06-0002

2 Attachments:

1. Memo, A. L. Boni to Robert Menger, 10/3/05
2. Memo, R. Menger to J. M. Allison, 10/4/05

cc w/o attaches:

- I. Triay, (EM-3), HQ
- D. Jonas, (NA-3.1)



Department of Energy
Washington, DC 20585

428
12

October 13, 2005

MEMORANDUM FOR: Deputy General Counsel
Assistant General Counsel
Field Chief Counsel
General Counsel, National Nuclear Security Administration

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

SUBJECT: Unlawful Intelligence Activities (Fourth Quarter, FY 2005)

Executive Order No. 12863 (copy attached) requires the Department of Energy General Counsel to report to the Intelligence Oversight Board "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 July 1, 2005, through September 30, 2005. Your report is due by November 15, 2005.

If you are not aware of any activity 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)

cc: Inspector General

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

FROM: Susan Beard

SUBJECT: AAC for General Law
Executive Order No. 12863 Unlawful Intelligence Activities Report
for Fourth Quarter, FY 2005

I am unaware of any DOE intelligence activities during the period from July 1, 2005, to September 30, 2005 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Susan Beard 10/26/05
Signature

Please return to:

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

Fax (202) 586-3055

Presidential Documents

Title 3—

Executive Order 12863 of September 13, 1993

The President

President's Foreign Intelligence Advisory Board

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Sec. 3.3. Executive Order No. 12334 of December 4, 1981, as amended, and Executive Order No. 12537 of October 28, 1985, as amended, are revoked.

William J. Clinton

THE WHITE HOUSE,
September 13, 1993.

[FR Citation 58 FR 48441]



Department of Energy
Washington, DC 20585

429
2

October 13, 2005

MEMORANDUM FOR: Deputy General Counsel
Assistant General Counsel
Field Chief Counsel
General Counsel, National Nuclear Security Administration

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

SUBJECT: Unlawful Intelligence Activities (Fourth Quarter, FY 2005)

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cc: Inspector General