

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

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), by sections 3202, 3204, 3264 and 3296 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65), the authority vested in me as Senior Official of the Intelligence Community (“SOIC”) by Executive Order No. 12333, entitled “United States Intelligence Activities,” the authority vested in me by Executive Order No. 12958, entitled “Classified National Security Information,” Executive Order No. 12968, “Access to Classified Information,” and by Presidential Decision Directive/NSC-61, “U.S. Department of Energy Counterintelligence Program,” I delegate to the Director of Intelligence authority to take the following actions:
 - 1.1 Act as the Senior Intelligence Officer (the “SIO”) 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 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 herein (National Defense Authorization Act, sections 3204, 3211, 3281 and 3296; Executive Order No. 12333, sections 1.6, 1.7 and 1.13).
 - 1.2 Exercise those authorities pertaining to intelligence activities vested in the Secretary under Executive Order No. 12958 (the Order) and implementing directives, including:
 - A. Section 3.5(c) of the Order providing for the systematic review, in accordance with procedures established by the Director of Central Intelligence (the “DCI”), for declassification of classified information pertaining to intelligence activities (including special activities), or intelligence sources or methods;
 - B. Section 3.6(e) of the Order providing, in accordance with procedures established by the DCI, for the mandatory review of information pertaining to intelligence activities (including special activities), or intelligence sources or methods; and
 - C. Section 4.4(a) of the Order pertaining to the creation and continuation of special access programs (including special activities) pertaining to intelligence activities or intelligence sources or methods, consistent with Departmental security policy. This authority may not be redelegated (Executive Order No. 12958, sections 1.4(a), (b), (c), 3.5(c), 3.6(e), and 4.4(a)).

- 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 DCI. This authority may not be redelegated (Executive Order No. 12958, section 4.4(a); Executive Order No. 12968, section 2.2; Executive Order No. 12333, section 1.7(e)).
- 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. This authority may not be redelegated (Executive Order No. 12333, section 1.7(e)).
- 1.5 Overtly collect intelligence information with respect to foreign energy matters (Executive Order No. 12333, section 1.13(a)).
- 1.6 Prepare and coordinate the Department's foreign intelligence program budget, to include the DOE portion of the National Foreign Intelligence Program ("NFIP"), and submit appropriate DOE inputs to the DCI, the Office of Management and Budget, and the Congress. This authority may not be redelegated (Executive Order No. 12333, section 1.6(b)).
- 1.7 Produce and disseminate foreign political, economic, military or facility threat-related intelligence and counterintelligence information responsive to requirements of Departmental managers, in coordination with the Director of the Office of Counterintelligence (CN) and the Chief, Defense Nuclear Counterintelligence, as appropriate (Executive Order No. 12333, section 1.13(b)).
- 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. This authority may not be redelegated (Executive Order No. 12333, sections 1.6(a), 1.7(c), and 1.13(b) and (d)).
- 1.9 Coordinate all counterintelligence matters with the Director, CN, the Chief, Defense Nuclear Counterintelligence, and with other Intelligence Community agencies as appropriate (Executive Order No. 12333, sections 1.4(c) and 1.7(b); Presidential Decision Directive/NSC-6I).
- 1.10 In coordination with the Office of Security and Emergency Operations and the Office of Defense Nuclear Security, 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 DCI. This authority may not be redelegated (Executive Order No. 12333, sections 1.5(g) and (h), and 1.7(e)).

- 1.11 Prepare, formulate, coordinate and sponsor, within the Intelligence Community, foreign intelligence collection and analysis requirements. This authority may not be redelegated (Executive Order No. 12333, section 1.13(c)).
 - 1.12 Oversee and coordinate, as the cognizant Secretarial Officer, the intelligence and intelligence-related reimbursable work-for-others program within the Department and its contractors (National Defense Authorization Act, section 3264; Executive Order No. 12333, section 1.13(d)).
 - 1.13 Manage and oversee the Special Technologies Program in support of the Intelligence Community and law enforcement authorities (Executive Order No. 12333, sections 1.13(d), 2.6).
 - 1.14 Provide expert technical, analytical and research assistance to other agencies within the Intelligence Community (Executive Order No. 12333, section 1.13(d)).
 - 1.15 Provide intelligence assistance and support to law enforcement authorities, including specialized equipment, technical knowledge and expert personnel. The provision of expert personnel shall be approved in each case by the Office of the General Counsel (Executive Order No. 12333, section 2.6).
 - 1.16 Approve all requests from other Intelligence Community agencies for assistance or support in the collection of foreign intelligence or counterintelligence information. This authority may not be redelegated (Executive Order No. 12333, sections 1.6(a) and 1.13(d)).
 - 1.17 Establish policy and procedures for the exchange of foreign intelligence information regarding energy related matters between DOE and its contractor personnel and foreign governments. This authority may not be redelegated (Executive Order No. 12333, sections 1.7(f) and 1.13(a)).
 - 1.18 Provide the intelligence Oversight Board with all information necessary to carry out its responsibilities pursuant to Executive Order No. 12863, "President's Foreign Intelligence Advisory Board" (Executive Order No. 12333, section 1.7(d); Executive Order No. 12863, section 2.4).
2. RESCISSION. Delegation Order 0204-180 is 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 Nothing in this Delegation Order shall be construed to supersede or otherwise interfere with the authorities provided to the Administrator for Nuclear Security by law or by delegation. Furthermore, nothing herein constitutes authority to exercise authority, direction, or control of an employee of the National Nuclear Security Administration or its contractors.

3.4 Any amendments to this Delegation Order shall be in 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 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 and Operations Support, 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 December 6, 2001.



Spencer Abraham
Secretary of Energy