

DEPARTMENT OF ENERGY  
DELEGATION ORDER NO. 0204-168  
TO THE DIRECTOR OF COUNTERINTELLIGENCE

1. DELEGATION. Pursuant to the authority vested in me as Secretary of Energy (the "Secretary") and by Section 642 of the Department of Energy Organization Act (Pub. L. No. 95-91), and the authority vested in me as Senior Official of the Intelligence Community ("SOIC") by Executive Order 12333, entitled "United States Intelligence Activities," and by Presidential Decision Directive/NSC-61, "U.S. Department of Energy Counterintelligence Program," and section 811(c) of the Intelligence Authorization Act of 1995, there is hereby delegated to the Director of Counterintelligence the authority to:
  - a. Act as the CounterIntelligence Officer for the Department responsible for the management, implementation and oversight of the Department's counterintelligence activities including administrative inquiries, counterintelligence polygraph examinations and investigations, except for those authorities and responsibilities of the Inspector General, the General Counsel, and the nondelegable authorities of the Secretary. [ Presidential Decision Directive/NSC-61]
  - b. Provide overall management, guidance and oversight to the Department's counterintelligence programs.
  - c. Approve, conduct and coordinate all counterintelligence policy and investigative matters with the FBI and other law enforcement agencies. [Presidential Decision Directive NCS/-61; and section 811(c) of the Intelligence Authorization Act of 1995.]
  - d. Analyze, produce and disseminate threat-related counterintelligence information responsive to requirements of departmental managers.
  - e. On counterintelligence matters, and in coordination with the Director of the Office of Intelligence (IN), provide assistance and support to law enforcement authorities, including specialized equipment, technical knowledge and expert personnel. Provision of assistance by expert personnel shall be approved in each case by the General Counsel. [Executive Order 12333, section 2.6.]

- f. Approve all requests from other Intelligence Community agencies for assistance or support in the domestic collection of counterintelligence information. [Executive Order 12333, sections 1.6(a) and 1.13(d).]
- g. Provide the Intelligence Oversight Board with all information necessary to carry out its responsibilities pursuant to Executive Order 12863, "President's Foreign Intelligence Advisory Board." [Executive Order 12333, section 1.7(d); Executive Order 12863, section 2.4.]

2. LIMITATION.

- a. In exercising the authorities delegated by this Order or as redelegated pursuant thereto, the delegatee(s) shall be governed by the rules and regulations of DOE and the policies and procedures prescribed by the Secretary and his or her delegates.
- b. Nothing in this Order shall preclude the Secretary from exercising any of the authorities so delegated whenever in his or her judgment the exercise of such authority is necessary or appropriate to administer the functions vested in the Secretary.

3. AUTHORITY TO REDELEGATE. The authority delegated to the Director of Counterintelligence may be further delegated, in whole or in part, as may be appropriate, provided that the authority delegated to him in paragraphs 1.e and 1.f may not be further redelegated.

4. RATIFICATION AND DURATION. All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended, or superseded.

5. RECISSION. This Order rescinds counterintelligence reference in paragraph 1.g. of Delegation Order 0204-146.

6. EFFECTIVE DATE. This Order is effective 12/2/98.

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BILL RICHARDSON  
Secretary of Energy

DEPARTMENT OF ENERGY  
AMENDMENT NO. 1  
TO DELEGATION ORDER NO. 0204-168  
TO THE DIRECTOR OF COUNTERINTELLIGENCE

Pursuant to the authority vested in me as Secretary of Energy (“Secretary”) and by Section 642 of the Department of Energy Organization Act (Pub. L. 95-91), paragraph 1.a. of Delegation Order No. 0204-168 is hereby amended to read as follows:

- “a. Act as the CounterIntelligence Officer for the Department responsible for the management, implementation and oversight of the Department’s counterintelligence activities including administrative inquiries, counterintelligence polygraph examinations and investigations, except for those authorities and responsibilities of the Inspector General, the General Counsel, and the Director of Security Affairs, and the nondelegable authorities of the Secretary. [Presidential Decision Directive/NSC-61]”

This Amendment is effective January 26, 1999.

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/s/  
Bill Richardson  
Secretary of Energy