




**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

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# Presidential Documents

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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.

Sec. 2.3. The IOB shall, when required by this order, report to the President through the Chairman of the PFIAB. The IOB shall consider and take appropriate action with respect to matters identified by the Director of Central Intelligence, the Central Intelligence Agency or other agencies of the Intelligence Community. With respect to matters deemed appropriate by the President, the IOB shall advise and make appropriate recommendations to the Director of Central Intelligence, the Central Intelligence Agency and other agencies of the Intelligence Community.

Sec. 2.4. The heads of departments and agencies of the Intelligence Community, to the extent permitted by law, shall provide the IOB with all information that the IOB deems necessary to carry out its responsibilities. Inspectors General and General Counsel of the Intelligence Community, to the extent permitted by law, shall report to the IOB, at least on a quarterly basis and from time to time as necessary or appropriate, concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive.

**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.*

United States Government

Department of Energy

# memorandum

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Idaho Operations Office

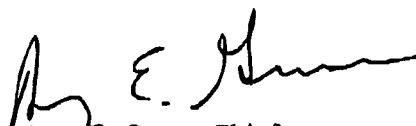
Date: February 14, 2005

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**

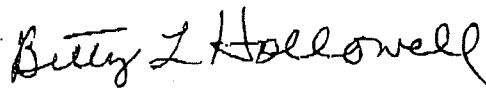
DATE: FEB 14 2005

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 17<sup>th</sup> 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.

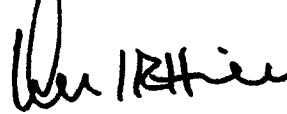
I do wish to point out that in March and April of this year, the Secretary of Energy took a number of actions to enhance the effectiveness of DOE's intelligence and counterintelligence programs within the Department. First, in March the Secretary took administrative action to combine DOE's Office of 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

421  
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September 8, 2006

~~The Honorable Stephen Friedman  
Chairman  
President's Intelligence Oversight Board  
Room 5020 - New Executive Office Building  
725 17<sup>th</sup> 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 17<sup>th</sup> 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.

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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 17<sup>th</sup> 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

437  
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 17<sup>th</sup> 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".

Eric J. Fygi  
Acting General Counsel





**Department of Energy**  
Washington, DC 20585

425  
R

September 21, 2005

The Honorable James Langdon  
Chairman  
President's Intelligence Oversight Board  
Room 5020 - New Executive Office Building  
725 17<sup>th</sup> 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

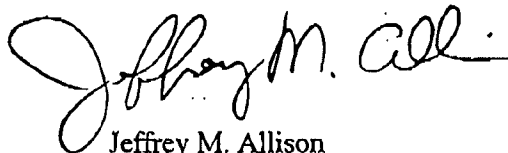
ATTN OF: OCI (Menger, 803/725-7646)

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.



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)

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.

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Attachment(s)

cc: Inspector General





**Department of Energy**  
Washington, DC 20585

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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

**Bradley, Samuel**

**TRANSMITTAL**

43  
P

To: David Hill, GC-1

Through: Mary Neumayr, GC-50

From: Sam Bradley, GC-53

*SMB 12/7/06*

Re: **Intelligence Oversight Board -- 4th Q FY 06 Report**

Attached, for your signature, is proposed letter to the IOB submitting a negative report for the 4th Q FY 06.

Please note that in accordance with the August 18, 2006, memorandum from the Assistant to the President for National Security Affairs on the subject of Intelligence Oversight Board Reporting, we and the Inspector General will send copies of our respective IOB reports to Ms. Darlene Connelly, General Counsel, President's Foreign Intelligence Advisory Board, for sharing with the DNI.

*Report is due by 12/29*



**Department of Energy**  
Washington, DC 20585

432  
1

December 12, 2006

The Honorable Stephen Friedman  
Chairman  
President's Intelligence Oversight Board  
Room 5020 - New Executive Office Building  
725 17<sup>th</sup> 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 July 1, 2006, through September 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

cc: General Counsel  
President's Foreign Intelligence Advisory Board



**Department of Energy**  
Washington, DC 20585

433 (L)

September 8, 2006

The Honorable Stephen Friedman  
Chairman  
President's Intelligence Oversight Board  
Room 5020 - New Executive Office Building  
725 17<sup>th</sup> 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.

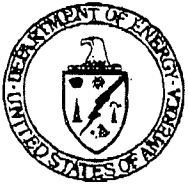
I understand that, in accordance with a December 11, 1992, memorandum from the Intelligence Oversight Board, the Board intends to exercise control over all copies of this report, including copies maintained in agency files, and does not consider this report to be an agency record.

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



430  
2

**Department of Energy**

Washington, DC 20585

December 11, 2006

The Honorable Stephen Friedman  
Chairman  
Intelligence Oversight Board  
Room 5020, New Executive Office Building  
725 17<sup>th</sup> Street, NW  
Washington, D.C. 20503

Re: Report to the Intelligence Oversight Board (Fourth Quarter, Fiscal Year 2006; S06IS044)

Dear Mr. Friedman:

Executive Order 12863, "President's Foreign Intelligence Advisory Board," requires the Inspector General to report on a quarterly basis to the President's Intelligence Oversight Board concerning intelligence activities at the Department of Energy and the National Nuclear Security Administration. For the Fourth Quarter, Fiscal Year 2006, July 1, 2006, through September 30, 2006, no Department of Energy or National Nuclear Security Administration intelligence activity has come to my attention that I have reason to believe was unlawful or contrary to Executive Order or Presidential directive.

Pursuant to guidance previously provided by the President's Intelligence Oversight Board, this report is not considered an agency record and is the property of the Board. This report is not to be disseminated without the Board's consent.

Please contact me if we can provide any further assistance.

Sincerely,

Gregory H. Friedman  
Inspector General

cc: General Counsel  
President's Foreign Intelligence Advisory Board



United States Government

Department of Energy

# memorandum

435  
12

DATE: September 27, 2006  
REPL TO:  
ATTN OF: IG-1  
SUBJECT: Report to the Intelligence Oversight Board (Fourth Quarter, Fiscal Year 2006)  
TO: See Distribution


Executive Order 12863, "President's Foreign Intelligence Oversight Board," requires the Inspector General to report on a quarterly basis to the Intelligence Oversight Board concerning intelligence activities at the Department of Energy, including the National Nuclear Security Administration. The purpose of this memorandum is to request that you advise the Office of Inspections and Special Inquiries, IG-40, of any intelligence activities that occurred during the Fourth Quarter, Fiscal Year 2006, July 1, 2006, through September 30, 2006, that may be unlawful or contrary to Executive order, Presidential Directive, or Department of Energy guidelines or implementing procedures, such as the retention of U.S. persons information. We request that the responses from the Department's intelligence and counterintelligence offices include, as an attachment, the responses from their respective field and headquarters elements.

Your response to this request should be based on a thorough review of all the activities under your purview. In order for us to provide our report to the Intelligence Oversight Board in a timely manner, please provide your signed, written reply by **October 20, 2006**. Your reply may be sent by mail, by facsimile, or as an attachment to an e-mail. Any facsimile responses should be sent to IG-40 at (202) 586-4902, and any e-mail responses should be addressed to james.pugh@hq.doe.gov. The mailing address for your unclassified response is:

U.S. Department of Energy  
Office of Inspector General  
Office of Inspections and Special Inquiries (IG-40)  
1000 Independence Avenue, SW  
Washington, D.C. 20585

If your response is classified, please contact Mr. James Pugh, Office of Inspections and Special Inquiries, Forrestal Building, Room 5B-250, (202) 586-4109, for our classified mailing address.

Thank you for your cooperation with this request.

  
Gregory H. Friedman  
Inspector General

## DISTRIBUTION

Director, Office of Intelligence and Counterintelligence  
Associate Administrator for Management and Administration, National Nuclear Security  
Administration  
Deputy Administrator for Naval Reactors  
Director, Office of Hearings and Appeals  
Director, Office of Nuclear Energy, Science and Technology  
Director, Office of Science  
Director, Office of Security and Safety Performance Assurance  
Chief Information Officer  
Director, National Nuclear Security Administration Service Center  
Manager, Chicago Operations Office  
Manager, Golden Field Office  
Manager, Idaho Operations Office  
Manager, Kansas City Site Office  
Manager, Livermore Site Office  
Manager, Los Alamos Site Office  
Manager, Nevada Site Office  
Manager, Oak Ridge Office  
Manager, Pacific Northwest Site Office  
Manager, Pantex Site Office  
Manager, Rocky Flats Project Office  
Manager, Sandia Site Office  
Manager, Y-12 Site Office  
Manager, Savannah River Operations Office  
Assistant Director, Office of Financial Management, Environmental Management  
Consolidated Business Center  
Deputy Inspector General for Audit Services  
Assistant Inspector General for Investigations

cc: General Counsel  
General Counsel, National Nuclear Security Administration



Department of Energy

Washington, DC 20585

August 8, 2006

436  
2

The Honorable Stephen Friedman  
Chairman  
Intelligence Oversight Board  
Room 5020, New Executive Office Building  
725 17<sup>th</sup> Street, NW  
Washington, D.C. 20503

Re: Report to the Intelligence Oversight Board (Third Quarter, Fiscal Year 2006; S06IS036)

Dear Mr. Friedman:

Executive Order 12863, "President's Foreign Intelligence Advisory Board," requires the Inspector General to report on a quarterly basis to the President's Intelligence Oversight Board concerning intelligence activities at the Department of Energy and the National Nuclear Security Administration. For the Third Quarter, Fiscal Year 2006, April 1, 2006, through June 30, 2006, no Department of Energy or National Nuclear Security Administration intelligence activity has come to my attention that I have reason to believe was unlawful or contrary to Executive Order or Presidential directive.

Pursuant to guidance previously provided by the President's Intelligence Oversight Board, this report is not considered an agency record and is the property of the Board. This report is not to be disseminated without the Board's consent.

Please contact me if we can provide any further assistance.

Sincerely,

Gregory H. Friedman  
Inspector General

cc: General Counsel







Department of Energy  
National Nuclear Security Administration  
Washington, DC 20585

U37  
V2




July 26, 2006

MEMORANDUM FOR Gregory H. Friedman  
Inspector General

David S. Jonas  
NNSA General Counsel

FROM:

Michael C. Kane   
Associate Administrator  
for Management and Administration

SUBJECT:

Report to the Intelligence Oversight Board for 3<sup>rd</sup>  
Quarter, Fiscal Year 2006

The Office of the Associate Administrator for Management and Administration, on behalf of the Headquarters element of the National Nuclear Security Administration, is unaware of any intelligence activities conducted by this organization during the period from April 1, 2006, through June 30, 2006, that may be unlawful or contrary to Executive Order, Presidential Directive, or Department of Energy guidelines or implementing procedures.

Should you have any questions, please contact Richard Speidel, of my staff, for assistance.

cc: Director, Office of Intelligence, IN-1  
General Counsel, GC-1





Department of Energy  
Washington, DC 20585

June 22, 2006

The Honorable Stephen Friedman  
Chairman  
President's Intelligence Oversight Board  
Room 5020 - New Executive Office Building  
725 17<sup>th</sup> 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.

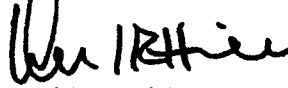
I do wish to point out that in March and April of this year, the Secretary of Energy took a number of actions to enhance the effectiveness of DOE's intelligence and counterintelligence programs within the Department. First, in March the Secretary took administrative action to combine DOE's Office of 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 faint, illegible typed name.

David R. Hill  
General Counsel

Enclosure



**Department of Energy**  
Washington, DC 20585

439  
10

**March 20, 2006**

The Honorable Stephen Friedman  
Chairman  
President's Intelligence Oversight Board  
Room 5020 - New Executive Office Building  
725 17<sup>th</sup> 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 October 1, 2005, through December 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,

David R. Hill  
General Counsel





**Department of Energy**  
Washington, DC 20585

440  
R

**March 20, 2006**

The Honorable Stephen Friedman  
Chairman  
President's Intelligence Oversight Board  
Room 5020 - New Executive Office Building  
725 17<sup>th</sup> 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 October 1, 2005, through December 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 "David R. Hill".

David R. Hill  
General Counsel





**Department of Energy**  
Washington, DC 20585

441  
P

**March 20, 2006**

The Honorable Stephen Friedman  
Chairman  
President's Intelligence Oversight Board  
Room 5020 - New Executive Office Building  
725 17<sup>th</sup> 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 October 1, 2005, through December 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,

David R. Hill  
General Counsel



United States Government

Department of Energy

Oak Ridge Office

# memorandum

112  
11

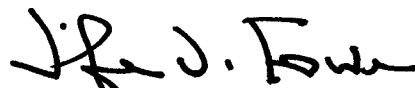
DATE: February 13, 2006

REPLY TO  
ATTN OF: CC-10:Carnes

SUBJECT: **EXECUTIVE ORDER NO. 12863, UNLAWFUL INTELLIGENCE ACTIVITIES REPORT  
FOR FIRST QUARTER, FY 2006**

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 October 1, 2005, through December 31, 2005, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

  
Jennifer J. Fowler  
Chief Counsel

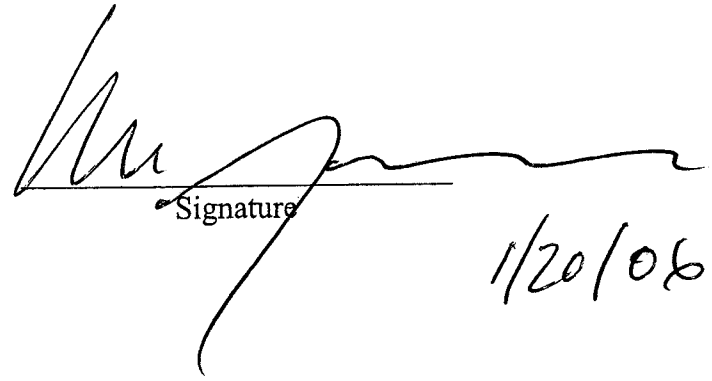
443  
12

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

FROM: Marc Johnston

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  
1/20/06

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




4402

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

**FROM:** Los Alamos Site Office

**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

445

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

FROM: MARY H. EGGER

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.

M. H. Egger 2/27/06  
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

446 (2)



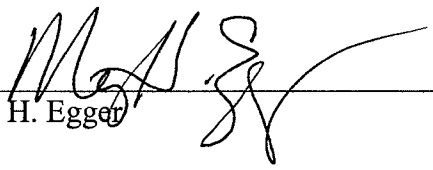
**Department of Energy**  
Washington, DC 20585  
May 25, 2005

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

FROM: Mary H. Egger  
Deputy General Counsel  
For Technology Transfer and Procurement

SUBJECT: Executive Order No. 12863 Unlawful Intelligence  
Activities Report for Second Quarter, FY 2005

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

  
\_\_\_\_\_  
Mary H. Egger

Handwritten initials in a circle, possibly "MFV".



Department of Energy  
National Nuclear Security Administration  
Service Center



May 12, 2005

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

**FROM:** Diana M. Cruz, Legal Staff Assistant,  
LGLAFRS/OCC/NNSA SC

**SUBJECT:** Executive Order No. 12863 Unlawful Intelligence Activities Report  
for Second Quarter FY 2005

"To the best of my knowledge, information and belief, I am unaware of any DOE intelligence activities during the period from January 1, 2005 to March 31, 2005 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 NNSA SC."

*Diana M. Cruz*  
\_\_\_\_\_  
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

448  
K

April 11, 2006

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 (Second 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 January 1, 2006, through March 31, 2006. Your report is due by May 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





449 12

**Department of Energy**  
Washington, DC 20585

April 11, 2006

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 (Second 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 January 1, 2006, through March 31, 2006. Your report is due by May 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





**Department of Energy**  
Washington, DC 20585

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 2006

I am unaware of any DOE intelligence activities during the period from January 1, 2006, to March 31, 2006 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



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# Presidential Documents

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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.

Sec. 2.3. The IOB shall, when required by this order, report to the President through the Chairman of the PFIAB. The IOB shall consider and take appropriate action with respect to matters identified by the Director of Central Intelligence, the Central Intelligence Agency or other agencies of the Intelligence Community. With respect to matters deemed appropriate by the President, the IOB shall advise and make appropriate recommendations to the Director of Central Intelligence, the Central Intelligence Agency and other agencies of the Intelligence Community.

Sec. 2.4. The heads of departments and agencies of the Intelligence Community, to the extent permitted by law, shall provide the IOB with all information that the IOB deems necessary to carry out its responsibilities. Inspectors General and General Counsel of the Intelligence Community, to the extent permitted by law, shall report to the IOB, at least on a quarterly basis and from time to time as necessary or appropriate, concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive.

## 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.



**Department of Energy**  
Washington, DC 20585

April 11, 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 (Second 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 January 1, 2006, through March 31, 2006. Your report is due by May 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





## Department of Energy

Washington, DC 20585

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 2006

I am unaware of any DOE intelligence activities during the period from January 1, 2006, to March 31, 2006 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.

Sec. 2.3. The IOB shall, when required by this order, report to the President through the Chairman of the PFIAB. The IOB shall consider and take appropriate action with respect to matters identified by the Director of Central Intelligence, the Central Intelligence Agency or other agencies of the Intelligence Community. With respect to matters deemed appropriate by the President, the IOB shall advise and make appropriate recommendations to the Director of Central Intelligence, the Central Intelligence Agency and other agencies of the Intelligence Community.

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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.



**Department of Energy**  
Washington, DC 20585

450 R

September 8, 2006

The Honorable Stephen Friedman  
Chairman  
President's Intelligence Oversight Board  
Room 5020 - New Executive Office Building  
725 17<sup>th</sup> 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

451  
2

July 10, 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 (Third 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 April 1, 2006, through June 30, 2006. Your report is due by August 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






Department of Energy  
Washington, DC 20585

452  
12

July 10, 2006

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

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Assistant General Counsel  
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Department of Energy  
Washington, DC 20585

453  
2

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Attachment(s)

cc: Inspector General





**Department of Energy**  
Washington, DC 20585

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

FROM: Mary Neumayr

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report  
for Third Quarter, FY 2006

I am unaware of any DOE intelligence activities during the period from April 1, 2006, to June 30, 2006 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Mary Neumayr  
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



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---

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*William Clinton*

THE WHITE HOUSE,  
September 13, 1993.

[FR Citation 58 FR 48441]

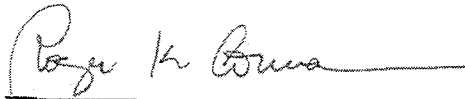
UK 1/2

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

FROM: Los Alamos Site Office

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report  
for Third Quarter, FY 2006

I am unaware of any DOE intelligence activities during the period from April 1, 2006, to June 30, 2006 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



United States Government

Department of Energy

Oak Ridge Office

# memorandum

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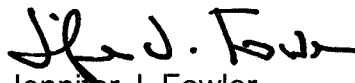
DATE: August 14, 2006

REPLY TO  
ATTN OF: CC-10:Carnes

SUBJECT: **EXECUTIVE ORDER NO. 12863, UNLAWFUL INTELLIGENCE ACTIVITIES REPORT  
FOR THIRD QUARTER, FY 2006**

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, 2006 through June 30, 2006, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

  
Jennifer J. Fowler  
Chief Counsel

## McKissick, Jacqueline

---

**From:** Bradley, Samuel  
**Sent:** Friday, July 21, 2006 9:16 AM  
**To:** McKissick, Jacqueline  
**Subject:** FW: Report to Intelligence Oversight Board, 3rd Quarter FY 2006



-----Original Message-----

**From:** Parenti, Janis [mailto:janis.parenti@Oak.doe.gov]  
**Sent:** Thursday, July 20, 2006 4:02 PM  
**To:** Jonas, Dave  
**Cc:** Bradley, Samuel; Wynn, Maria; Yuan-Soo Hoo, Camille  
**Subject:** Report to Intelligence Oversight Board, 3rd Quarter FY 2006

Dave,  
Regarding the third quarter of FY 2006, I am unaware of any intelligence activities not in accordance with Executive Orders, Director of Central Intelligence directives and Department of Energy guidelines or implementing procedures for intelligence activities.

Janis M. Parenti  
Site Counsel  
NNSA/Livermore Site Office  
(925) 424-4565 (phone)  
(925) 423-4279 (fax)

DOE F 1325.8  
19.021

United States Government

Department of Energy

Oak Ridge Office

# memorandum

(45) (1)

DATE: August 14, 2006

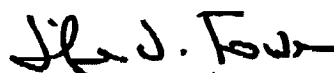
REPLY TO:

ATTN OF: CC-10:Carne:

SUBJECT: EXECUTIVE ORDER NO. 12863, UNLAWFUL INTELLIGENCE ACTIVITIES REPORT FOR THIRD QUARTER, FY 2006

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, 2006 through June 30, 2006, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

  
Jennifer J. Fowler  
Chief Counsel

4501

FACSIMILE FROM  
OFFICE OF CHIEF COUNSEL

FACSIMILE NO.: 865-576-1071

VERIFICATION NO.: 865-576-1203

URGENT: \_\_\_\_\_  
PRIORITY: \_\_\_\_\_  
ROUTINE: \_\_\_\_\_

DATE: 8/14/06

TO: Sam Bradley/Jacqueline McKissick TELEPHONE NO.: 202-586-6738

LOCATION: \_\_\_\_\_

FACSIMILE NO.: 202-586-3055 VERIFICATION NO.: \_\_\_\_\_

FROM: Jennifer Fowler TELEPHONE NO.: 865-576-1200

THIS TRANSMITTAL CONSISTS OF 1 UNCLASSIFIED PAGE(S), EXCLUDING THIS COVER SHEET.

SPECIAL NOTE TO RECIPIENT:

FOR DOE-OCC USE  
VERIFICATION TIME:

UNCLASSIFIED USE ONLY



Department of Energy  
National Nuclear Security Administration  
Service Center



August 8, 2006

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

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

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report  
for Third Quarter FY 2006

"To the best of my knowledge, information and belief, I am unaware of any DOE intelligence activities during the period from April 1, 2006 to June 30, 2006, 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, the NNSA SC or Pantex Site 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



Department of Energy  
National Nuclear Security Administration  
Service Center



August 8, 2006

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

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

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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