
DEPARTMENT OF ENERGY
OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE

DOE-IN POLICY GUIDANCE
NUMBER 712.1



U.S. DEPARTMENT OF
ENERGY

Intelligence and
Counterintelligence

REQUIREMENTS FOR CERTAIN EMPLOYMENT ACTIVITIES BY FORMER
INTELLIGENCE COMMUNITY EMPLOYEES
(Effective: March 24, 2026)

- A. SUMMARY:** In some cases, post-service employment by former Intelligence Community (IC) employees may promote or advance U.S. values, interests, or national security. Other types of post-service employment may threaten U.S. national security by providing foreign governments with access to the experience and expertise of former U.S. intelligence employees, which can then be used for purposes that are inconsistent with U.S. values and interests. IC Directive (ICD) 712 addresses these concerns. This Department of Energy, Office of Intelligence and Counterintelligence (DOE-IN) Policy Guidance (INPG) implements that directive within DOE-IN. This INPG rescinds and replaces DOE-IN Policy (INP) 605, *Reporting Post-DOE-IN Employment with Foreign Government Entities* (2015).
- B. AUTHORITY:** The National Security Act of 1947, as amended; 50 U.S.C. Sec. 3073a; Executive Order 12333, as amended; and ICD 712, *Requirements for Certain Employment Activities by Former Intelligence Community Employees*.
- C. PURPOSE:** This INPG provides guidance on implementing the requirements of 50 U.S. Code Sec. 3073a and ICD 712 concerning employment activities by former IC employees. It ensures that DOE-IN employees occupying covered intelligence positions are restricted from occupying covered post-service positions.
- D. APPLICABILITY**
1. This INPG applies to all DOE-IN Federal and contractor employees and detailees working at Headquarters, the Field Intelligence Elements, and the Counterintelligence Field Offices.

2. This INPG does not address other restrictions on foreign compensation that may apply, such as those pertaining to certain military personnel under the Emoluments Clause of the U.S. Constitution.
3. The positions designated for reporting post-service employment, as detailed in Section G.1, are **Senior Executive Service (SES) personnel, Field Intelligence Element (FIE) Directors, Senior Counterintelligence Officers (SCIOs), and Senior-Levels (SLs)**.
4. Definitions for “covered intelligence position,” “covered post-service employment,” “covered post-service position,” “designated prohibited foreign country,” “employee,” “former employee,” and “government of a foreign country” are located in Section G. of this INPG.

E. ROLES AND RESPONSIBILITIES

1. The Director, DOE-IN (IN-1):

- a. Certifies the list of covered intelligence positions within DOE-IN.
- b. Informs the Director of National Intelligence (DNI) upon any significant changes to the positions determined to be covered intelligence positions.
- c. Supports the DNI in fulfilling the congressional notification and annual reporting requirements in 50 U.S.C. Sec. 3073a.
- d. Establishes internal policies to implement the requirements of 50 U.S.C. Sec. 3073a and ICD 712.
- e. Reviews waiver applications and coordinates with other IC elements, as needed. Notifies the applicant if the requirements have not been met and the application will not be considered. If an application meets the requirements of ICD 712, then IN-1 approves, denies, renews, or revokes the waiver, and notifies the applicant of the decision.
- f. Upon request from an employee or former employee who currently or previously occupied a covered intelligence position, provides a written advisory opinion regarding whether a proposed employment, representation, or provision of advice or services constitutes covered post-service employment.
- g. On a quarterly basis, submits to congressional committees a written notification of each waiver or revocation, in accordance with the requirements in 50 U.S.C. Sec. 3073a.

2. The Counterintelligence Directorate (IN-20) shall:

- a. Support the review of covered post-service employment for threats to U.S. national security interests or counterintelligence risks in accordance with current authorities.
- b. Conduct an annual review of DOE-IN's designated covered intelligence positions in coordination with the DOE-IN Security Division (IN-33) and recommend any necessary updates to IN-1. The review should assess positions based on criteria outlined in ICD 712, including the requirement for a Top Secret clearance and Sensitive Compartmented Information (SCI) access, the necessity for access to other compartments or sub-compartments of controlled access programs as established in accordance with Executive Order 13526, and the duration of SCI or other compartmented accesses required by the position. Special attention should also be given to the designations of covered intelligence positions throughout other IC elements.

3. The Security Division (IN-33) shall:

- a. Coordinate annually with IN-20 to review and update DOE-IN's designated covered intelligence positions, as outlined in Section E.2.b.
- b. Recommend any necessary changes to IN-1 to ensure the accuracy and relevance of the positions.
- c. Manage the waiver process for former DOE-IN employees, including the development of internal processes.
- d. Maintain a record of all waiver approvals and denials.
- e. Support the submission of annual reports in accordance with 50 U.S.C. Sec. 3073a and submit congressional notifications, as necessary.
- f. Draft a certification memo for IN-1, following the template in Attachment B, when required by Office of the Director of National Intelligence (ODNI).
- g. Provide updated Covered Intelligence Position Training during headquarters New Hire Orientation, and as otherwise may be necessary, to ensure all employees in covered intelligence positions are aware of reporting requirements and penalties for violations.
- h. Ensure that all debriefings of personnel in covered intelligence positions include a review of the reporting requirements and penalties for violations. Each debriefing must be signed and retained in the employee's personnel security record.

4. The **Human Resources Division (IN-35)** shall:
 - a. Inform current and new-hire Federal employees in covered intelligence positions of their responsibilities, and ensure the agreement is promptly documented and stored according to records management standards.
 - b. Establish a period of no less than thirty (30) days and no more than sixty (60) days post-agreement for personnel to opt out of a covered intelligence position. Opting out may require transferring to another position or termination in employment.
 - c. Update all covered intelligence position descriptions and hiring documents to include post-service employment reporting as a condition of employment.
5. The **HQ IT Operations Division (IN-46)** shall add this INPG, ICD 712 and information about its requirements, and guidance on the submission of waiver applications to DOE-IN's classified and public-facing website(s).
6. **Field Intelligence Elements and Counterintelligence Field Offices** shall inform current and new Management and Operating (M&O) Contractors of their responsibilities through established training (see Attachment A – Covered Intelligence Position Training) and ensure the agreement is promptly documented and stored according to records management standards.
7. **Former DOE-IN employees holding covered intelligence positions** shall:
 - a. Annually report any covered post-service employment to DOE-IN in accordance with the established reporting procedures.
 - b. Report covered post-service employment to the IC element of the corresponding intelligence position last occupied by the applicant upon acceptance, whether during or after any period requiring a waiver.
 - c. Obtain, if necessary, a waiver of the relevant restriction that satisfies the requirements of Section D.2. of ICD 712 and this policy guidance.

F. GUIDANCE

1. DOE-IN employees who occupied covered intelligence positions are temporarily restricted, for a period of thirty (30) months following departure from their position, from occupying a covered post-service position.
2. DOE-IN employees who occupied covered intelligence positions are permanently restricted from occupying a covered post-service position with a designated prohibited country.

3. On a case-by-case basis, IN-1 may waive a temporary or permanent restriction upon a determination that granting such a waiver will not harm the national security interests of the United States.
4. Employees shall receive training regularly to ensure covered intelligence positions are aware of reporting requirements, and penalties for violations.
5. DOE-IN shall provide written notice of the restrictions and reporting requirements to an employee when they cease to occupy a covered intelligence position, cease to be employed by the IC element, or may become subject to such restrictions and reporting requirements.


G. DEFINITIONS

1. **Covered intelligence position.** A position within an element of the Intelligence Community that, based on the level of access of a person occupying such position to information regarding sensitive intelligence sources or methods or other exceptionally sensitive matters, the head of such element determines should be subject to the requirements of this policy. For DOE-IN, these positions are designated as:
 - a. Senior Executive Service (SES) personnel
 - b. Field Intelligence Element (FIE) Directors
 - c. Senior Counterintelligence Officers (SCIOs)
 - d. Senior-Levels (SLs)
2. **Covered post-service employment.** Direct or indirect employment by, representation of, or any provision of advice or services relating to national security, intelligence, the military, or internal security to, the government of a foreign country or any company, entity, or other person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized, in whole or in major part, by any government of a foreign country.
3. **Covered post-service position.** A position of employment described in Section G.2.
4. **Designated prohibited foreign country.** The People's Republic of China, Russian Federation, Democratic People's Republic of Korea, Islamic Republic of Iran, Republic of Cuba, and Syrian Arab Republic.
5. **Employee.** The term "employee," with respect to an employee occupying a covered intelligence position, includes an officer or official of an element of the Intelligence Community, a contractor of such an element, a detailee to such an element, or a member of the Armed Forces assigned to such an element. At DOE-IN, this includes

DOE-IN Federal and contractor employees working at Headquarters, the Field Intelligence Element, and the Counterintelligence Field Offices.

6. **Former employee.** For DOE-IN, this includes an individual who was a DOE-IN Federal or contractor employee working at Headquarters, the Field Intelligence Element, or the Counterintelligence Field Offices, who was occupying a covered intelligence position and who is subject to the requirements in ICD 712.
7. **Government of a foreign country.** The term "government of a foreign country" has the meaning given the term in Section 1.e. of the Foreign Agents Registration Act of 1938 (22 U.S.C. Sec. 611(e)).

H. EFFECTIVE DATE: This policy guidance is effective upon signature.



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3/24/26

Date

- Attachment A** – Covered Intelligence Position Training
- Attachment B** – Covered Intelligence Position Certification Memo
- Attachment C** – Federal Covered Intelligence Position User Agreement
- Attachment D** – M&O Covered Intelligence Position User Agreement (*To be created*)