

U.S. Department of Energy
Washington, D.C.

ORDER

DOE O 221.1

Approved: 03-22-01
Sunset Review: 03-22-03
Expires: 03-22-05

**SUBJECT: REPORTING FRAUD, WASTE, AND ABUSE TO THE OFFICE OF
INSPECTOR GENERAL**

1. **OBJECTIVE.** To establish policies and procedures for reporting fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement to the Department of Energy (DOE), Office of Inspector General (OIG).
2. **CANCELLATION.** DOE 2030.4B, REPORTING FRAUD, WASTE, AND ABUSE TO THE OFFICE OF INSPECTOR GENERAL, dated 5-18-92. Cancellation of this Order does not, by itself, modify or otherwise affect any contractual obligations to comply with the Order. Canceled Orders that are incorporated by reference in a contract will remain in effect until the contract is modified to delete the reference to the requirements in the canceled Orders.
3. **APPLICABILITY.**
 - a. **DOE Elements.** This Order applies to all DOE Headquarters and field elements, including the National Nuclear Security Administration (NNSA).
 - b. **Contractors.** This Order applies to all DOE major facilities management contractors and all other contractors as contractually mandated. Contractor requirements are listed in the Contractor Requirements Document (CRD), Attachment 1. Contractors are responsible for—
 - (1) compliance with the requirements of the CRD of this Order regardless of the performer of the work, and
 - (2) flowing down the requirements of the CRD of this Order to subcontracts to the extent necessary to ensure contractors' compliance with the requirements.
4. **POLICY.**
 - a. The OIG shall seek to uncover fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement relating to DOE programs, operations, facilities, contracts, and information technology systems, and ensure that corrective action is taken. When

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Office of Inspector General

appropriate, referral of allegations/information shall be made by the OIG to other appropriate law enforcement entities, prosecutors, other DOE components, or other agencies.

- b. Employees of DOE and its contractors who have information about actual or suspected violations of law, regulations, or policy including fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement relating to DOE programs, operations, facilities, contracts, or information technology systems shall immediately notify the appropriate authorities. Notwithstanding the above, employees should, when appropriate, report directly to the OIG any information concerning alleged wrongdoing by DOE; its contractors, subcontractors, grantees, or other recipients of DOE financial assistance; or their employees.
- c. DOE managers and contractor managers must ensure that reprisals are not taken against their employees who report fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement.

5. RESPONSIBILITIES.

a. Office of Inspector General

- (1) Notifies all DOE employees, at least annually, of their duty to report allegations of fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement relating to DOE programs, operations, facilities, contracts, or information technology systems, as well as, of OIG responsibilities in this area.
- (2) Operates and publicizes a telephone hotline to permit individuals/entities to report allegations of fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement relating to DOE programs, operations, facilities, contracts, or information technology systems to the OIG.
- (3) Processes allegations in accordance with OIG operations and procedures.
- (4) Disseminates to the Lead Program Secretarial Office (LPSO) for their respective facilities and organizations, procedures for reporting allegations of fraud, waste, misuse, abuse, corruption, criminal acts, or mismanagement relating to operations, facilities, contracts, or information technology systems. Also, disseminates these procedures to all applicable DOE contracting officers for further dissemination to DOE contractors, including contractors of NNSA, and their employees.

- (5) Designates an OIG representative for each DOE facility or site, and ensures that the Inspector General representative communicates regularly and on a timely basis with the applicable DOE officials at that facility or site.
 - (6) Notifies the Director of Security Affairs (SO-20) and the Chief of Defense Nuclear Security, as appropriate, of allegations involving the security of special nuclear material, classified computer systems, and classified information.
 - (7) Notifies the Deputy Administrator for Naval Reactors (NR-1), as appropriate, of allegations involving the security of special nuclear material or classified or sensitive information under that office's cognizance.
 - (8) Notifies the Chief Information Officer (SO-30), as appropriate, of allegations relating to the security of unclassified computer systems and sensitive unclassified automated information.
 - (9) Notifies the Director of Counterintelligence (CN-1)/Chief of Defense Nuclear Counterintelligence, as appropriate, of allegations regarding espionage, including approaches made by representatives of other governments for the commission of espionage or the collection of information.
 - (10) Notifies the DOE Designated Agency Ethics Official (GC-80), as appropriate, of alleged violations of Standards of Conduct.
 - (11) Notifies the Deputy Assistant Secretary for Oversight (EH-2), as appropriate, of allegations concerning environmental, safety, or health operational hazards.
 - (12) Notifies appropriate Heads of Departmental Elements of allegations involving matters under their purview, unless the OIG determines that such notification might jeopardize the successful progress or completion of an inquiry.
- b. Heads of All Field Elements, the Administrator for Nuclear Security, and the Director, Office of Management and Administration (MA-1), must ensure that the OIG hotline telephone number is:
- (1) Displayed in common areas under their cognizance, such as cafeterias, public telephone areas, official bulletin boards, reception rooms, and building lobbies.
 - (2) Published in telephone books and employee newsletters under their cognizance.
- c. Heads of All Field Elements, the Administrator for Nuclear Security, and the Director, Office of Procurement and Assistance Management (MA-5), must ensure that:

- (1) Contractors under their cognizance are required to notify their employees annually of their duty to report allegations of fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement relating to DOE programs, operations, facilities, contracts, or information technology systems to the appropriate authorities. The annual notification shall include the provision that, notwithstanding the above, DOE contractor employees should, when appropriate, report directly to the OIG any information concerning alleged wrongdoing by DOE; its contractors, subcontractors, grantees, or other recipients of DOE financial assistance; or their employees.
- (2) Contractors under their cognizance are required to display the OIG hotline telephone number in common areas of buildings, such as cafeterias, public telephone areas, official bulletin boards, reception rooms, and building lobbies.
- (3) Contractors under their cognizance are required to publish the OIG hotline telephone number in telephone books and newsletters under the contractor's cognizance.
- (4) All alleged violations of law, regulations, or policy, including incidents of fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement which have been referred to Federal, State, or local law enforcement entities are also reported to the OIG within a reasonable period of time, but not later than 24 hours.

d. Employees of DOE and its contractors must:

- (1) Report actual or suspected violations of law, regulations, or policy including fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement relating to DOE programs, operations, facilities, contracts, or information technology systems to the appropriate authorities. Notwithstanding the above, employees should, when appropriate, report directly to the OIG any information concerning alleged wrongdoing by DOE; its contractors, subcontractors, grantees, or other recipients of DOE financial assistance; or their employees.
- (2) Report to the OIG any allegations of reprisals taken against employees who have reported fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement relating to DOE programs, operations, facilities, contracts, or information technology systems.

6. REFERENCES.

- a. The Inspector General Act of 1978, Public Law 95-452, as amended, 5 United States Codes (U.S.C.), App. 3, sets forth authority and functions of the Inspector General.
- b. Public Law 101-12, Whistleblower Protection Act of 1989, which strengthens the protection available to Federal employees against prohibited personnel practices.
- c. Title 10 CFR Part 1010, Conduct of Employees, which requires an employee to report fraud, waste, abuse, and corruption in DOE programs.
- d. Title 18, Federal Criminal Code and Rules, Crimes and Criminal Procedures, as amended, which prescribes rules that govern all criminal procedures in the courts of the United States.
- e. Executive Order 12333, "United States Intelligence Activities," dated 12-4-81, which designates the Department of Energy as a member of the Intelligence Community.
- f. Executive Order 12863, "President's Foreign Intelligence Advisory Board," dated 9-13-93, which establishes intelligence reporting requirements for the OIG.
- g. Executive Order 12344, "Naval Nuclear Propulsion Program," dated 1-27-82, which preserves the basic structure, policies, and practices developed for the program in the past and establishes additional policies, organization, and administrative procedures to ensure that the program will continue to function with excellence.
- h. Executive Order 12731, "Principles of Ethical Conduct for Government Officers and Employees," dated 10-17-90, which establishes the requirement for Government employees to disclose fraud, waste, abuse, and corruption.
- i. DOE N 205.1, UNCLASSIFIED COMPUTER SECURITY PROGRAM, dated 7-26-99, which establishes requirements, policies, responsibilities, and procedures for developing, implementing, and sustaining a DOE unclassified computer security program.
- j. DOE O 221.2, COOPERATION WITH THE OFFICE OF INSPECTOR GENERAL, dated 03/22/01, which establishes DOE policy for cooperating with the OIG.

- k. DOE O 471.1A, IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION, dated 6-30-00, which establishes policy and procedures for identifying Unclassified Controlled Nuclear Information (UCNI) and for reviewing and marking documents and material containing UCNI.
7. CONTACT. Questions concerning this Order should be addressed to the Office of Inspector General, 202-586-3202.



SPENCER ABRAHAM
SECRETARY OF ENERGY

CANCELED

CONTRACTOR REQUIREMENTS DOCUMENT

DOE O 221.1, REPORTING FRAUD, WASTE, AND ABUSE TO THE OFFICE OF INSPECTOR GENERAL

DOE contractors, including National Nuclear Security Administration (NNSA) contractors, or their employees who have information about actual or suspected violations of law, regulations, or policy including fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement relating to DOE programs, operations, facilities, contracts, or information technology systems shall immediately notify the appropriate authorities. When appropriate, DOE contractors and their employees should report directly to the OIG any information concerning alleged wrongdoing by DOE employees; its contractors, subcontractors, grantees, or other recipients of DOE financial assistance; or their employees.

1. Contractor managers must ensure that reprisals are not taken against DOE contractor employees who report fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement.
2. Contractors and their employees are also required to—
 - a. Notify their employees annually of their duty to report allegations of fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement relating to DOE programs, operations, facilities, contracts, or information technology systems to appropriate authorities. The notification shall include the provision that employees should, when appropriate, report directly to the OIG any information concerning alleged wrongdoing by DOE employees; its contractors, subcontractors, grantees, or other recipients of DOE financial assistance; or their employees.
 - b. Display the OIG hotline telephone number in common areas of buildings, such as cafeterias, public telephone areas, official bulletin boards, reception rooms, and building lobbies.
 - c. Publish the OIG hotline telephone number in telephone books and newsletters under the contractor's cognizance.
 - d. Report to the OIG any allegations of reprisals taken against employees who have reported fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement relating to DOE programs, operations, facilities, contracts, or information technology systems.
 - e. Report to the OIG within a reasonable period of time, but not later than 24 hours, all alleged violations of law, regulations, or policy, including incidents of fraud, waste, abuse, misuse, corruption, criminal acts, or mismanagement which have been referred to Federal, State, or local law enforcement entities.