

SUBJECT: LIMITED CHANGE TO DOE O 484.1, *REIMBURSABLE WORK FOR THE DEPARTMENT OF HOMELAND SECURITY*

1. EXPLANATION OF CHANGES. This Limited Change updates policy and procedural roles and responsibilities to align with the current Departmental organizational structure. No new requirements were added.

2. LOCATIONS OF CHANGES:

Page	Paragraph	Changed	To
1	2	<u>CANCELLATION</u> . DOE N 481.1A, <i>Reimbursable Work for Department of Homeland Security</i> , dated 4-21-03, and DOE N 251.62, <i>Extension of DOE N 481.1A</i> , dated 4-21-05, are canceled. Cancellation of the above Notices does not modify or otherwise affect any contractual obligation to comply with the Notices. Canceled Notices that are incorporated by reference in a contract remain in effect until the contract is modified to delete the reference to the requirements of the canceled Notices.	<u>CANCELLATION</u> . DOE O 481.1 Chg 2 (AdminChg), <i>Reimbursable Work for Department of Homeland Security</i> , dated 6-30-14. Cancellation of a directive does not, by itself, modify or otherwise affect any contractual or regulatory obligation to comply with the directive. Contractor Requirements Documents (CRDs) that have been incorporated into a contract remain in effect throughout the term of the contract unless and until the contract or regulatory commitment is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.
1	3.a.(1)	The NNSA Administrator will ensure that NNSA employees and contractors comply with their respective responsibilities under this Order.	The Administrator of the National Nuclear Security Administration (NNSA) must ensure that NNSA employees comply with their responsibilities under this directive. Nothing in this directive will be construed to interfere with the NNSA

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			Administrator's authority under section 3212(d) of Public Law (P.L.) 106-65 to establish Administration-specific policies, unless disapproved by the Secretary.
1	3.b.	<p>(1) Except for the exclusions in paragraph 3c, the Contractor Requirements Document (CRD), Attachment 1, sets forth requirements of this Order that will apply to site/facility management contracts that include the CRD.</p> <p>(2) This CRD must be included in site/facility management contracts to provide authorization to the contractor to perform reimbursable work for DHS under the facility management contract.</p>	The Contractor Requirements Document (CRD), Attachment 1 must be included in all site/facility management contracts that authorize the contractor to perform reimbursable work for DHS unless an exemption in paragraph 3.c. applies.
1 and 2	3.c.(1)-(2)	<p>(1) Any work performed on a reimbursable basis under DOE O 481.1C, <i>Work for Others (Non-Department of Energy Funded Work)</i>, dated 1-24-05.</p> <p>(2) Work conducted under an agreement with the private sector or other agencies, regardless of whether the funds originated with DHS.</p>	<p>(1) <u>Exemptions</u>. This Order and the attached CRD do not apply to work performed for DHS under the following situations:</p> <p>(a) The work is performed on a reimbursable basis under DOE O 481.1, <i>Strategic Partnership Projects [Formerly Known as Work for Others (Non-Department of Energy Funded Work)]</i>, current version.</p> <p>(b) The work is performed under an agreement with the private sector or other agencies, regardless of whether the</p>

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			funds originated with DHS.
2	3.c.(3)	DHS activities that use DOE laboratory or site intelligence personnel, information, technology, or systems defined as “intelligence and intelligence-related” per section V of the “Memorandum of Agreement between Department of Energy and Department of Homeland Security,” dated 2-28-03, (DOE/DHS MOA), which provides that these projects will be conducted through and administered by the DOE Office of Intelligence and Counterintelligence.	Removed.
2	3.c.(4)	Renumbered.	3.c.(1)(c)
2	3.c.(2)	Added.	<u>Equivalency</u> . In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at 50 USC sections 2406 and 2511 and to ensure consistency throughout the joint Navy/DOE Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this Directive for activities under the Director's cognizance, as deemed appropriate.
2	4	<u>REQUIREMENTS</u> . It is Departmental policy that DOE resources be available to DHS consistent with the Homeland Security Act of 2002, which authorizes DHS to access the capabilities of DOE’s laboratories and other sites to further DHS mission objectives. In addition, DOE will provide access to its facilities under the terms of the DOE/DHS MOA	<u>REQUIREMENTS</u> . It is Departmental policy that DOE resources will be made available to DHS consistent with the Homeland Security Act of 2002 (6 U.S.C. 189), which authorizes DHS to access the capabilities of DOE’s laboratories and other sites to further DHS mission objectives. In addition, DOE will provide access to its facilities under the

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		(Attachment 2). DOE O 481.1C does not apply to work directly funded by DHS. All DHS reimbursable work requires the approval of a DOE contracting officer or authorized designee. Approval must not be delegated to the contractor. DHS-funded work at a DOE national laboratory or site will be performed on an equal basis to other missions at the laboratory or site and not on a non-interference basis with other missions of such laboratory or site.	<p>terms of the DOE/DHS MOA (Attachment 2).</p> <p>a. All DHS reimbursable work conducted under a DOE site/facility management contract requires the approval of a DOE Responsible Contracting Officer (RCO). Approval may not be delegated to the contractor.</p> <p>b. The DOE/NNSA Program Secretarial Officer (PSO) or designee may approve work performed at Headquarters.</p> <p>c. DHS-funded work at a DOE national laboratory or site will be performed on an equal basis to other missions at the laboratory or site.</p>
2-3	4.a.-k.	Renumbered.	4.d.-n.
2	4.d.	Unless otherwise noted in this Order, all DHS reimbursable work will be performed consistent with the terms and conditions set forth in the applicable DOE facility/site contracts and subject to other DOE approvals consistent with DOE work.	Unless otherwise noted in this Order, all DHS reimbursable work will be performed consistent with the terms and conditions set forth in the applicable DOE facility/site management contracts and will be subject to other DOE approvals consistent with DOE work.
2	4.e.	DHS is responsible for costs a DOE contractor incurs while performing work for DHS under DOE O 484.1, including third party liability costs determined allowable under the contract and consistent with the DHS approved scope of work.	DHS is responsible for all costs a DOE contractor incurs while performing work for DHS under DOE O 484.1, including third party liability costs determined allowable under the contract and consistent with the DHS approved scope of work.
3	4.h.	Work will be priced in accordance with DOE pricing policies and the pricing provisions applicable to DHS work, which includes the following.	Work will be priced in accordance with DOE O 522.1, <i>Pricing of Departmental Materials and Services</i> , current version, and the pricing provisions applicable to DHS

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			work, which includes the following:
3	4.h.(1)	(2) Costs charged to DHS will be consistent with the costs of similar work performed for DOE.	Costs charged to DHS will be consistent with similar work performed for DOE. DHS will receive an allocation of safeguards and security costs congruent with the cost accounting practices used to recover these costs from all reimbursable work customers (see Chapter 15.1 of the DOE Financial Management Handbook for additional guidance on the allocation of Safeguard and Security costs).
3	4.h.(2)	Costs for the DOE Federal administrative charge will not be assessed for directly funded DHS work.	The DOE Federal administrative charge will not be assessed for reimbursable work done directly for DHS.
3	4.h.(5)	Laboratory-directed research and development (LDRD) costs to be charged will be identified to DHS in the proposal and will be consistent with costs charged to DOE for similar activities. The objectives of the LDRD program are to maintain scientific and technical vitality of the laboratories, enhance the laboratories' ability to address future DOE and national missions, foster creativity and stimulate exploration of forefront science and technology, serve as a proving ground for new research, and support high-risk, potentially high-value R&D. Normally, LDRD will also include one or more of the following characteristics: (a) advanced study of hypotheses, concepts, or innovative approaches to scientific or technical problems;	Laboratory-directed research and development (LDRD) costs to be charged will be identified to DHS in the proposal and will be consistent with costs charged to DOE for similar activities. The objectives of the LDRD program are to maintain scientific and technical vitality of the laboratories, enhance each laboratory's ability to address future DOE and national missions, foster creativity and stimulate exploration of forefront science and technology, serve as a proving ground for new research, and support high-risk, potentially high-value R&D.

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		<p>(b) experiments and analyses directed towards "proof of principle" or early determination of the utility of new scientific ideas, technical concepts, or devices; and</p> <p>(c) conception and preliminary technical analyses of experimental facilities or devices.</p>	
4	4.i.	Equipment acquired as part of a project must be accounted for and maintained in the same manner as DOE property. Disposition of equipment must be as previously agreed or as instructed by DHS. Equipment shipping costs are the responsibility of DHS.	Equipment acquired as part of a project must be accounted for in accordance with the DOE Financial Management Handbook and maintained in the same manner as DOE property. Disposition of equipment must be as previously agreed or as instructed by DHS. Equipment shipping costs are the responsibility of DHS.
4	4.1.	(3) DHS proposed project construction that exceeds the general plant project (GPP) threshold at a DOE site must be coordinated with the cognizant Secretarial Officer and the DOE Chief Financial Officer (CFO) for a DOE site or, for an NNSA site, the NNSA Associate Administrator for Management and	<p>Before initiating DHS construction exceeding the DOE approved minor construction threshold as referenced in the DOE Financial Management Handbook at a DOE site:</p> <p>(4) Approval must be granted by the DOE Cognizant Secretarial Officer (CSO), 5.i.(2), and the DOE Chief Financial Officer, 5.b.(2). The CFO must be</p>

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		<p>Administration and the NNSA Director, Office of Field Financial Management. Projects must meet the following requirements:</p> <p>(a) construction projects must be performed according to the requirements of DOE O 413.3B, <i>Program and Project Management for the Acquisition of Capital Assets</i>, dated 11-29-10, and</p> <p>(b) title for permanent construction must vest with DOE. Title disposition for permanent construction located on DOE-owned or controlled property shall be determined and agreed upon between DOE and DHS during the initial planning stages of a project.</p>	<p>notified seven days in advance of approval of a construction project funded through a DHS agreement that exceeds \$1 million but is less than the DOE-approved minor construction limit.</p> <p>(5) For an NNSA site, approval for DHS construction exceeding the DOE-approved minor construction limit must be granted by the Associate Administrator for Infrastructure, 6.c.; the Associate Administ</p>

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			<p>rator for Management and Budget, 6.b.(4); and the cognizant NNSA Deputy Administrator, 6.f.; and notification provided to the NNSA Director, Office of Deputy Associate Administrator for Budget, 6.b.(4), before work can begin.</p> <p>(6) DOE's minor construction authority does not apply to DHS funding. DHS is responsible for determining that the requested construction represents a valid purpose</p>

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			<p>of DHS funding.</p> <p>(7) Projects must meet the following requirements:</p> <p>(a) Construction projects must be performed according to requirements of DOE O 413.3, <i>Program Project Management for the Acquisition of Capital Assets</i>, current version.</p> <p>(b) Upon completion, title to constructed assets must vest in DOE/NNSA unless otherwise approved by the Head of the Departmental Element, the CFO, and the Senior Real Property Officer or NNSA Real Estate Director.</p> <p>(c) Construction funded through DHS agreements must not supplement DOE-funded construction activities unless the DHS-funded portion of the construction effort is explicitly approved by the CFO.</p>
5	5	<u>RESPONSIBILITIES.</u>	<u>RESPONSIBILITIES—NON-NNSA ENTITIES WITHIN DOE.</u>
5	5.a.	<u>Deputy Under Secretary for Counterterrorism.</u> (1) Serves as DOE and NNSA senior point of contact with DHS. (2) Provides DHS (Office of Science and Technology) a	Removed.

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		copy of DOE's annual report to Congress on LDRD activities.	
5-	5.b-	Renumbered.	5.a-
5	5.a.	<u>Director, Office of Management.</u> (1) Coordinates the establishment of DHS reimbursable work policy and procedures with Secretarial Officers and NNSA officials. (2) Conducts periodic reviews of the implementation of this Order by Secretarial Officers and heads of field organizations. (3) Approves requests for excluding DHS projects from requirements of this Order [for NNSA exclusions see paragraph 6b(4)].	<u>Director, Office of Management.</u> (1) Establishes DOE DHS Reimbursable Work policies, in conjunction with Cognizant Secretarial Officers (CSO) and NNSA officials. ¹ (2) Approves requests for excluding DHS projects from requirements of this Order [for NNSA exclusions see paragraph 6.b.(5)].
5	5.a.(1) Footnote	Added.	¹ NNSA officials whose responsibilities parallel those of DOE Secretarial Officers are Deputy Administrators and Assistant Deputy Administrators.
6	5.b.	<u>Chief Financial Officer.</u> (1) Concurs on all DHS construction projects that exceed the GPP threshold established by the DOE CFO. (2) Develops and maintains financial information on DHS reimbursable work and prepares financial reports as required. (3) Coordinates with the NNSA Director, Office of Field Financial Management, on approval of requests to exclude NNSA DHS projects from the requirements of this Order.	<u>Chief Financial Officer.</u> (1) Establishes and maintains DOE financial policies and procedures. (2) Concurs on construction projects funded by a DHS reimbursable agreement that exceed the DOE-approved minor construction limits, see section 4.1. (3) Prepares financial information on DHS reimbursable work and financial reports as required.
6	5.c.	<u>Director, Office of Procurement and Assistance Management.</u>	<u>Director, Office of Acquisition Management.</u> Conducts periodic

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		Ensures that the Director, Office of Headquarters Procurement Services, or an authorized designee, reviews and accepts all Headquarters-accepted DHS projects, unless delegated (see paragraph 5i).	reviews of implementation of this Order by Secretarial Officers and heads of field organizations as required.
6	5.d.(5)	Provides the DHS Office of General Counsel quarterly reports of invention disclosures arising from reimbursable work directly funded by DHS.	Removed.
6	5.f.	<p><u>DOE Director, Office of Intelligence and Counter-Intelligence.</u></p> <p>(1) Develops and implements procedures for DHS intelligence and intelligence-related reimbursable work.</p> <p>(2) Reviews and approves proposed intelligence and intelligence-related DHS reimbursable work and intelligence SAPs through the appropriate site office.</p> <p>(3) Coordinates program reviews of intelligence and intelligence-related DHS reimbursable work with the participation of appropriate field organizations.</p> <p>(4) Reviews intelligence and intelligence-related DHS reimbursable work for duplication of effort.</p> <p>(5) Serves as the DOE, including the NNSA, central point of contact for coordination with DHS on intelligence and intelligence-related reimbursable work for DHS.</p> <p>(6) Ensures that the cognizant Secretarial Officer/NNSA Administrator is informed of problems in field management of intelligence</p>	<p><u>DOE Director, Office of Intelligence and Counterintelligence.</u></p> <p>(1) Manages, reviews, and approves proposed DHS intelligence and intelligence-related work including intelligence SAPs pursuant to 4.j., in coordination with the appropriate field office manager or designee.</p> <p>(2) Coordinates program review of DHS intelligence and intelligence-related work with the participation of appropriate Field Intelligence Elements (defined in paragraph 8.e.) and Field Office Manager or designee.</p> <p>(3) Reviews DHS intelligence and intelligence-related work for duplication of effort if duplication is not requested by the sponsor.</p> <p>(4) Serves as central point of contact for coordination with DHS intelligence and intelligence-related work.</p> <p>(5) Informs, if applicable, the Cognizant Secretarial Officer, e.g., the Director of Science of issues with DHS</p>

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		and intelligence-related DHS reimbursable work.	intelligence and intelligence-related work.
7	5.g.	<u>Director, Office of Security and Safety Performance Assurance.</u>	<u>Director, Office of Enterprise Assessments.</u>
7	5.h.	<p><u>Program Secretarial Officers.</u> When delegated the authority, accept agreements for DHS reimbursable work:</p> <p>(1) For work that is accepted at Headquarters but performed in the field, the responsible program Secretarial Officer, when delegated authority to accept agreements for DHS work, must ensure the cognizant field organization has met the requirements of this Order (paragraph 4) before accepting the project.</p> <p>(2) For work accepted and performed at Headquarters involving human and/or animal subjects, the responsible program Secretarial Officer must ensure that DOE and/or contractor representatives review proposed DHS projects for compliance with established Federal regulations and DOE requirements for protection of these subjects.</p> <p>NOTE: If the responsible program Secretarial Officer has not been delegated authority to accept agreements for DHS reimbursable work, the Director, Office of Headquarters Procurement Services, will accept DHS projects.</p>	<p><u>Program Secretarial Officers.</u></p> <p>(1) Accept Headquarters DHS agreements in accordance with the requirements of paragraph 4. Once accepted, forward copies of all information to the RCO to approve placement of work and funding onto the contract where the work will be performed. For work accepted and performed at Headquarters copies of all information and decision documentation should be maintained and available by the accepting office.</p> <p>(2) For work accepted and performed at Headquarters involving human and/or animal subjects, the responsible program Secretarial Officer must ensure that DOE and/or contractor representatives review proposed DHS projects for compliance with established Federal regulations and DOE requirements for protection of these subjects.</p> <p>(3) Provide written delegations of authority for approving Headquarters accepted agreements consistent with paragraph 4.</p>