

**SUBJECT: COOPERATION WITH THE OFFICE OF INSPECTOR GENERAL**

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1. **PURPOSE.** To establish responsibilities and requirements for cooperating with the Department of Energy (DOE) Office of Inspector General (OIG).
2. **CANCELLATION.** DOE O 221.2, *Cooperation with the Office of Inspector General*, dated 3-22-01. Cancellation of a directive does not, by itself, modify or otherwise affect any contractual obligation to comply with the directive. Contractor requirement documents (CRDs) that have been incorporated into, or attached to, a contract remain in effect until the contract is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.
3. **APPLICABILITY.**
  - a. **DOE Elements.** This Order applies to all Departmental elements, including those created after the Order is issued. (Go to <http://www.directives.doe.gov/pdfs/reftools/org-list.pdf> for the current listing of Departmental elements.)

For purposes of this Order, the National Nuclear Security Administration (NNSA), a separately organized Agency within the Department answering to the Secretary, is included as a DOE element.

The Administrator of the NNSA will assure that NNSA employees and contractors comply with their respective responsibilities under this Order.
  - b. **DOE Contractors.** The CRD (Attachment 1) sets forth contractor requirements. The CRD must be included in all DOE major facilities management contracts. The requirements contained in the CRD may be included in other contracts at DOE sites when deemed appropriate and negotiated into individual contracts.
  - c. **Exclusions.** None.
4. **REQUIREMENTS.**
  - a. All DOE employees must cooperate fully and promptly with requests from the OIG for information and data relating to DOE programs and operations.
  - b. All DOE employees must also comply with requests for interviews and briefings and must provide affidavits or sworn statements, if so requested by an employee of the OIG so designated to take affidavits or sworn statements.
  - c. The OIG is not required to give advance notice nor seek the approval of any official in DOE before conducting audits, inspections, or investigations.

- (1) When possible, supervisors will be informed in advance that their areas of responsibility are to be audited or inspected.
  - (2) Because some OIG investigations may involve allegations of criminal misconduct, circumstances will dictate whether, and what type of, notice will be given.
- d. Employees must not impede or hinder other employees' cooperation with the OIG.

5. RESPONSIBILITIES.

a. Office of Inspector General.

- (1) Normally, the OIG will not, after receipt of a complaint from an employee, disclose the identity of the employee without the consent of the employee.
  - (2) Circumstances when the OIG will disclose personally identifiable information include, but are not limited to —
    - (a) referrals to appropriate agencies for law enforcement purposes;
    - (b) disclosures under court order and to administrative bodies, such as the Merit Systems Protection Board, when due process would require disclosure;
    - (c) responses to requests by congressional committees and subcommittees; and,
    - (d) referrals to other agencies that may have cognizance over the matter.
  - (3) OIG personnel will maintain appropriate security clearances to access classified information.
- b. DOE Managers must ensure that reprisals are not taken against employees who cooperate with or disclose information to the OIG or other lawful appropriate authority.
- c. Heads of Departmental Elements and NNSA's Senior Procurement Executive must notify contracting officers of affected contracts to incorporate the CRD of this order into the contracts.
- d. Contracting Officer once notified that this order must be applied to a contract, must include the CRD in affected contracts.

6. RELATIONSHIP WITH OTHER LAWS. Nothing in this order shall abrogate the employee's constitutional rights.
7. REFERENCES.
  - a. Public Law (P.L.) 95-452, the Inspector General Act of 1978, as amended [5 United States Code (U.S.C.), App. 3], which sets forth the authority and functions of the Inspector General.
  - b. Title 10 Code of Federal Regulations Part 1010, Conduct of Employees, which requires DOE employees to cooperate with the OIG.
  - c. DOE O 224.2A, *Auditing of Programs and Operations*, dated 11-09-07 which defines the audit responsibilities.
  - d. Title 5 United States Code (U.S.C.) section 2302(b)(8) and (b)(9), which prohibits personnel actions against employees because of cooperation with or disclosure of information to the OIG.
  - e. Title XXXII of P.L. 106-65, National Nuclear Security Administration Act, as amended, which established a separately organized agency within DOE.
  - f. DOE O 221.1, *Reporting Fraud, Waste, and Abuse to the Office of Inspector General*, dated 3-22-01, which establishes policies and procedures for such reporting.
8. NECESSITY FINDING STATEMENT. In compliance with Sec. 3174 of P.L. 104-201 (50 U.S.C. 2584), DOE hereby finds that this Order is necessary for the protection of human health and the environment or safety, fulfillment of current legal requirements, or conduct of critical administrative functions.
9. CONTACT. Questions concerning this Order should be addressed to the Office of Inspector General at 202-586-4128.

BY ORDER OF THE SECRETARY OF ENERGY:



CLAY SELL  
Deputy Secretary

**CONTRACTOR REQUIREMENTS DOCUMENT**  
**DOE O 221.2A, COOPERATION WITH THE OFFICE OF INSPECTOR GENERAL**

Regardless of the performer of the work, the contractor is responsible for complying with the requirements of this Contractor Requirements Document (CRD) and flowing down CRD requirements to subcontractors at any tier to the extent necessary to ensure contractor compliance.

As directed by the contracting officer, the contractor must meet the following requirements.

1. GENERAL REQUIREMENTS.

Department of Energy (DOE) and National Nuclear Security Administration contractors must ensure that their employees cooperate fully and promptly with requests from the Office of Inspector General (OIG) for information and data relating to DOE programs and operations.

2. SPECIFIC REQUIREMENTS. Contractors must ensure that all their employees understand that they must:

- a. comply with requests for interviews and briefings and must provide affidavits or sworn statements, if so requested by an employee of the OIG so designated to take affidavits or sworn statements.
- b. not impede or hinder another employee's cooperation with the OIG.
- c. ensure that reprisals are not taken against DOE contractor employees who cooperate with or disclose information to the OIG or other lawful appropriate authority.