

Congressional Notifications

[Reference: FAR 5.3]

Overview

This chapter discusses the requirements and procedures for providing Congressional notice for certain solicitation or contract actions. Advance notification of contract actions, issuance of a final Requests for Proposal (RFP), and contract terminations is required at specific dollar thresholds. These notifications are overseen by the DOE Office of Congressional and Intergovernmental Affairs (CI). Members of Congress are notified by CI of DOE activities likely to have an effect on their constituents. Contracting Specialists and Contracting Officers (CS/COs) should refer to the CI “Guide for Congressional and Intergovernmental Notifications” issued via DOE Deputy Secretary memorandum attached to this chapter for specific thresholds, requirements and procedures.

This chapter does not address special notifications required by fiscal year appropriations commonly referred to by the department as “Section 301b and 311 Congressional Notifications.” For further information on these notifications, see Acquisition Letter/ Financial Assistance Letter (AL/FAL) AL 2015-003/FAL 2015-02, dated February 2, 2015 at <http://energy.gov/management/downloads/policy-flash-2015-14-acquisition-letter-2015-03financial-acquisition-letter-0>, or latest version. CS/COs should be aware that Congressional notifications under Sections 301b and 311 do not exclude other required Congressional notifications covered in this chapter. This situation is primarily due to reporting requirements’ overlapping dollar thresholds, but may arise under circumstances requiring special notification.

- The Congressional notifications process is overseen for the department by the Office of Congressional and Intergovernmental Affairs (CI).
- Notifications may be automated and/or manual submissions depending on the characteristics of the instant action (final Request for Proposal, dollar thresholds, fiscal year appropriation, or other circumstances).
- For detailed information of the criteria, process, timelines, and thresholds for notifications see the attached CI “Guide for Congressional and Intergovernmental Notifications” dated September 2014, or its latest version.

➤ Advance Notification of Award System (ANA)

For Congressional notification on a contract action (award or modification) at \$4 million or more, there is an automated reporting process. This chapter describes the process, which utilizes the existing data in the system of record – Strategic Integrated Procurement Enterprise System (STRIPES) and generates the data into ANA which is part of the iPortal (<https://iportal.doe.gov>). The iManage ANA User Guide is at the iPortal website. The ANA system can be accessed directly at: <https://iportalwc.doe.gov/pls/apex/f?p=ANA>.

- ***Automated Reporting***

Automated reporting of Congressional notification actions occurs through award information being entered in STRIPES; which is then electronically extracted from that system and routed for approval to the applicable Procurement Office, then routed for approval to the applicable Program Office, and finally reported to CI. CI coordinates with Public Affairs, the Office of the Chief Financial Officer, and the Office of the Secretary of Energy before reporting this information to Members of Congress.

Automated notification will occur based on the dollar threshold of the award and the proper completion of data in STRIPES. See the iManage ANA User Guide at the iPortal website for further details.

In ANA the CS/CO will:

- (1) Review the award information for accuracy and completeness;
- (2) Complete block 4 – place of performance. The data to complete this block is contained in the place of performance fields on the FPDS-NG data entry screen;
- (3) Review block 6 – type of action to determine if modification type is correct and whether or not this is a reportable action. If it isn't a reportable ANA action, then the CO/CS will reject it. If it is a contract termination action of \$4 million or more (based on original contract value), the CS/CO should reject the action in ANA and then manually complete and submit the DOE DOE Form 4220.10, "Office of Congressional and Intergovernmental Affairs (CI) Congressional Grant/Contract Notification" at <http://energy.gov/cio/downloads/dae-f-422010>. (See Contract Termination Congressional Notification section in this chapter.)
- (4) Review block 9 – brief description - include enough information to describe the effort to be performed and its purpose. It is imperative that a complete description be provided that is sufficient for preparing a press release and/or providing a meaningful description when notifying interested parties. Use non-technical plain English language - no acronyms. This description is generated from the description under the text tab in STRIPES.
- (5) Approve or reject the action. In the event changes need to be made to any of the data fields in the form, the CS/CO can reject the notification, complete the information in the reason for rejection section in the workflow, and correct the data in STRIPES as explained in the iManage ANA User Guide. Once the CS/CO approves the notification, it will automatically be transmitted to the Program Office and then CI who will route it within Headquarters for concurrences. After CI receives the concurrences, they will approve and transmit the notification to the appropriate Members of Congress.

(6) Award the approved action on the STRIPES proposed award date. CS/COs should be aware though, ANA as configured, bases release dates on *calendar days*, most notification requirements are now based on *business days*. Award dates should be adjusted accordingly based on the specific notification requirements that apply to the action.

Note: All CS/COs will need a user identification (userid) and password to access the DOE iPortal to approve or reject notifications in ANA. If you do not currently have access to iPortal, please follow the instructions at <http://energy.gov/management/downloads/request-iportal-account>. If you need any assistance with the iPortal, please contact the iManage help desk at 301-903-2500.

The below table contains information on the source of data used to populate DOE F 4220.10. These data fields must be entered correctly in STRIPES. Reporting actions are based on the pre-defined reporting and dollar thresholds in the CI guide. Instructions for specific fields are printed on the back of DOE F 4220.10.

DOE F 4220.10, “Office of Congressional and Intergovernmental Affairs (CI) Congressional Grant/Contract Notification.”		System of Record
Block #	Field Name	
1	Procuring Office	STRIPES
	Procuring Office Representative (CS/CO)	STRIPES
	Procuring Office Representative Telephone (CS/CO)	STRIPES
2	Program Office/Project Office Name (COR/COTR)	STRIPES
	Program Office/Project Office Telephone	STRIPES
3	Contractor, Grantee, or Offeror Name	SAM/STRIPES
	Contractor, Grantee, or Offeror Street Address	SAM/STRIPES
	Contractor, Grantee, or Offeror City	SAM/STRIPES
	Contractor, Grantee, or Offeror State	SAM/STRIPES
	Contractor, Grantee, or Offeror Zip Code	SAM/STRIPES
4	Place of Performance Street Address (The data to complete this block is contained in the place of performance fields on the FPDS-NG data entry screen.)	CS/CO fill-in
	Place of Performance City	CS/CO fill-in
	Place of Performance State	CS/CO fill-in
	Place of Performance Zip	CS/CO fill-in
5	ANA Anticipated Award Date	STRIPES
	Date of Public Announcement (if any)	NOT ACTIVE
6	Contract, Grant or Other Agreement No	STRIPES
	Type of Action (New/Renewal/Modification)	STRIPES
	Total to Date	STRIPES
7	Obligated Cost or Price of this Action	STRIPES
	\$ Federal Cost or Price of Total Award	STRIPES
	\$ Modification to Federal Cost or Price of Total Award	STRIPES
	\$ Recipient Cost Sharing (if applicable)	STRIPES
8	Duration of Contract, Grant, or Other Agreement (These will be generated from the “Period of Performance” start and end dates in STRIPES)	STRIPES
9	Brief Description - Please provide meaningful details. See Instructions. (This description is generated from the description under the text tab in STRIPES.)	STRIPES

➤ **Manual Reporting**

Manual reporting is done by completing and submitting DOE Form 4220.10, “Office of Congressional and Intergovernmental Affairs (CI) Congressional Grant/Contract Notification,” located at <http://energy.gov/cio/downloads/doe-f-422010>. The instructions for filling in the form are on its second page.

Manual reporting is required for termination actions, regardless of type, based on dollar threshold. See Contract Termination Congressional Notification section in this chapter.

Manual reporting may be required at times for other actions. Unless the CS/CO is otherwise informed that a specific action, excluding a termination action, requires manual reporting, the Program Office will notify the CS/CO when a manual report is necessary. Manual reporting is required when the action –

- Falls outside the normal reportable actions and dollar thresholds;
- Is a subcontract level action and a press release is to be issued by the Department of Energy (DOE); or
- Is a subcontract level action which is known to have been the subject of a Congressional inquiry.

Submission of the form shall be in accordance with the following procedures –

- Print and sign the completed form.
- Scan the form and create an Adobe PDF file. Name the file according to the following convention: <Program Office Code> <Contract requirement, grantee or offeror> <Contract, grant, or other agreement number>. Example: EE University of Utah DE-EE0001234.
- Email the completed document to the ANA System Coordinator at CI-ANA@hq.doe.gov.

- ***Contract Termination Congressional Notification***

Contracting activities must manually complete DOE form 4220.10 and submit the form 3 business days before issuing a contract termination, regardless of termination type, based on the original contract value of \$4 million or more. The instructions for filling in the form are on its second page.

Submission of the form shall be in accordance with the following procedures –

- Print and sign the completed form.
- Scan the form and create an Adobe PDF file. Name the file according to the following convention: <Program Office Code> <Contract requirement, grantee or offeror> <Contract, grant, or other agreement number>. Example: EE University of Utah DE-EE0001234.
- E-mail the completed document 3 business days before issuing a contract termination to CI-ANA@hq.doe.gov.

- ***Final RFP Congressional Notification***

Before issuing a final RFP of \$25 million or more, the CS/CO must complete and e-mail a CI Solicitation Notification form to the applicable Program Office Representative with a copy to the CI Notification Mailbox (CI-ANA@hq.doe.gov) 3 business days prior to issuing the solicitation. Unless otherwise notified by the Program Office or CI, the CO/CS may issue the solicitation 3 business days after e-mailing the CI solicitation notice. The CI Solicitation Notification form, DOE F 541, is available at <http://energy.gov/cio/downloads/dae-f-541-ci-solicitations-notification>.

- ***Priority Congressional Notification (PCN)***

The Program Office is responsible for preparing and submitting the PCN form required by CI for specific program actions requiring special attention or additional information not provided in the DOE F 4220.10. In the event the Program Office decides to submit a PCN, the CS/CO should be available to coordinate any necessary information requested by the applicable Program Office. CS/COs should refer to the CI “Guide for Congressional and Intergovernmental Notifications,” attached to this chapter, for further guidance on the PCN requirements and process.

Attachment:

“Guide for Congressional and Intergovernmental Notifications” issued via DOE Deputy Secretary Memorandum, 10/1/14



The Deputy Secretary of Energy
Washington, DC 20585

October 1, 2014

MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM: DANIEL B. PONEMAN

A handwritten signature in black ink that reads "Daniel B. Poneman".

SUBJECT: Congressional and Intergovernmental Coordination and
Notification Requirements

Effective communication with congressional and intergovernmental stakeholders is essential to advance the priorities of the Department. Well-planned and -executed notifications provide the best chance at a program's success; poorly-executed notifications jeopardize the effectiveness of the program and the Department as a whole. To that end, this memo streamlines the prior notification processes and reiterates the coordination requirements for the Department. This memo rescinds and replaces the Memorandum for the Heads of Energy, Science, and Environment Departmental Elements from David K. Garman, dated January 20, 2006 as well as the Memorandum to Departmental Elements from Daniel Poneman dated June 10, 2010.

Congressional & Intergovernmental Coordination

The Office of Congressional and Intergovernmental Affairs (CI), has responsibility for managing the Department's relationships with Members of Congress and their staff, as well as intergovernmental officials (Mayors, State Legislatures, Governors, Tribal Leaders, etc.), and other key stakeholders. CI is the principal point of contact for all these interactions. The singular exception is the House and Senate Appropriations Chairmen and Ranking Member or their staff on budgetary and appropriation matters, for which the Office of the Chief Financial Officer (CFO) is the principal point of contact in coordination with CI.

The objective of the coordination and notification process is to provide congressional and intergovernmental stakeholders with information on DOE activities that are likely to have an effect on their constituents or the legislative work before Congress. Program Offices are responsible for making CI aware of certain Departmental actions or events described below. Notifications require varied timing and tempo, modes of communication, and levels of engagement by Departmental leadership. Partnership with CI will facilitate coordination and ensure cross-cutting Departmental interests are identified. It is vital that information about these actions be provided in advance so there is sufficient time to work with the Program Office and other offices to establish and execute an appropriate outreach strategy.

Upon receiving an invitation or request for information from a congressional or intergovernmental stakeholder, you must notify CI. Furthermore, prior to accepting an



invitation, responding to an information request, or initiating a contact with a congressional or intergovernmental office, you must have received CI clearance; further, if the congressional interaction is with the leadership or staff of the Congressional Appropriations Committees, please also notify CFO's Office of External Affairs. The appropriate staff CI or CFO staff will provide clearance and coordinate the response with your office. This process is important to ensure all equities across the Department are properly taken into account and balanced to reflect the broad vision of the Secretary. The notifications described in this memo do not supplant the proper communication of program activities through appropriate channels to your respective Under Secretary, Senior Advisor, General Counsel and Public Affairs.

Congressional & Intergovernmental Notifications

Specific processes for notifications are included in the attached Guide for Congressional & Intergovernmental Notifications. A brief summary of the notification types follow below:

1. **Advance Notification of Awards (ANA):** Formerly known as 48-Hour Notifications, this notification supports routine email notifications to Members of Congress related to entities in their States and Districts that receive contract awards \$4 million or greater and financial assistance awards of \$2 million or greater. These notifications have been phased into a relatively automated process that supports a standard email notification to congressional stakeholders. The Program Office is expected to inform CI of ANA notifications that may require more extensive outreach, such as a special event or media release. Whenever special outreach is planned, the routine ANA process will be suspended.
2. **Priority Congressional Notifications (PCN):** This process replaces the previous 72-Hour Prior Notification. The PCN applies to matters of likely interest to Congress, Governors, local and Tribal governments and significant contract or financial awards or selections for award. Some specific examples include funding opportunity announcements, requests for proposal, achievements of significant milestones or discovery, significant programmatic changes, NEPA announcements, workforce impacts, fee determinations, and appointment of senior officials. Additionally, if a notification normally handled through the ANA process is suspended, it will follow the PCN process. In preparation for a PCN announcement, as much advanced notice as possible should be provided to allow for appropriate internal coordination.
3. **Security Incidents (Including Cybersecurity):** Due to the nature of security incidents which may unfold quickly and without notice, a separate notification process was established in a Memorandum for Heads of Departmental Elements, dated August 23, 2013, "Security Incidents (Including Cybersecurity) Notification Protocol." Continue to follow this guidance for all incidents described in the memorandum.
4. **Other Congressional Notifications:** Section 301 and Section 311 notifications, to the Appropriations Committees, are mandated by statute and are not modified by this

memo. Section 301 and 311 notifications may be required in addition to ANA or PCN and should be coordinated in tandem.

CI will look to the Program Offices to take the lead in directing information from your laboratories, headquarters, and field offices to CI in order to keep Congress and intergovernmental stakeholders informed. Accordingly, it is important that your lines of communication with these offices support the exchange of information necessary to carry out these requirements. In particular, there should be clear procedures and channels of communication that will result in timely and accurate notifications. *Please amend your internal communications process to reflect these changes.* I also ask that you distribute this memo to the senior leadership in your headquarters, field offices, laboratory directors, and their staff.

Attachment

Guide for Congressional & Intergovernmental Notifications

cc:

Barb Stone, EA
Peder Maarbjerg, ARPA-E
Steve Kirchoff, AU
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Guide for Congressional and Intergovernmental Notifications



**Office of Congressional and Intergovernmental Affairs
U.S. Department of Energy**

September 2014

Guide for Congressional and Intergovernmental Notifications



**Office of Congressional and Intergovernmental Affairs
U.S. Department of Energy**

September 2014

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Guide to Congressional & Intergovernmental Notifications

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Overview of CI Notifications & Communications

The Office of Congressional and Intergovernmental Affairs (CI), is responsible for working with Departmental officials to promote the Administration's, Secretary's, and Department's policies, legislative initiatives and budget requests; and managing and overseeing engagement activities with Members of Congress and their staff, as well as intergovernmental stakeholders (Mayors, State Legislatures, Governors, etc.).

An important part of this effort is end-to-end coordination within the Department to provide accurate and timely information to our stakeholders. The office is committed to supporting the Department's leadership and program officials to keep stakeholders informed of the key activities, accomplishments and activities within their programs. The Department is a multifaceted organization with varied stakeholder interests where it is essential that our interactions are managed cohesively. Depending on the nature of a Departmental engagement or announcement, coordination across the Department will help identify different levels of engagement that might be needed by our leadership, principals and/or staff and cross-cutting Departmental interests.

CI also works in close partnership with the Chief Financial Officer's External Coordination Office (CF-ExCo) and the National Nuclear Security Administrations' Office of External Affairs (NNSA-EA). CF-ExCo is responsible for coordinating activities with the House and Senate Appropriations Chair and Ranking Member or their staff on budgetary matters. NNSA-EA is the lead on all congressional and intergovernmental activities for NNSA.

Program Offices are responsible for making CI aware of certain communications, Departmental actions or events described in this guide. It is vital that information about these actions be provided in advance so that CI may establish and execute an appropriate outreach strategy in coordination with your office.

While this guide primarily focuses on notifications, the notification process frequently runs in tandem with other stakeholder communications. Please keep in mind that upon receiving an invitation or request for information from a congressional or intergovernmental office, you must notify CI. Furthermore, prior to accepting an invitation, responding to an information request, or initiating a contact with a congressional or intergovernmental office, you must have received CI clearance; further, if the congressional interaction is with the leadership or staff of the congressional appropriations committees, please also notify CF-ExCo. The appropriate CI or CFO staff will provide clearance and coordinate the response with your office.

The CI Liaison for your Program Office is a resource in coordinating all notifications and communications. Should you ever have any questions, please do not hesitate to engage your Liaison. You can also reach the CI Office at (202) 586-5450 or you can identify specific [staff contacts](#) on our website.

Congressional & Intergovernmental Notifications Summary of Categories

1. **Advance Notification of Awards (ANA):** Formerly known as 48-Hour Notifications, this notification supports **routine** email notifications to Members of Congress related to entities in their States and Districts that receive contract awards of \$4 million or greater and financial assistance awards of \$2 million or greater. These notifications have been phased into a relatively automated process that supports a standard email notification to congressional stakeholders. The Program Office is expected to inform CI of ANA notifications that may require more extensive outreach, such as a special event or media release. Whenever special outreach is planned, the routine ANA process will be suspended and the Priority Congressional Notification process should be utilized.

2. **Priority Congressional & Intergovernmental Notifications (PCIN):** The PCIN is the primary tool for Program Offices to inform CI of upcoming program announcements that may need more extensive congressional or intergovernmental notification. This process replaces the previous 72-Hour Prior Notification. The PCIN applies to **all matters of likely interest** to Congress, Governors, local and Tribal governments and contract or financial awards of significant interest. Unless handled through the ANA process, program issues and announcements that might require stakeholder engagement should be communicated from the program office to CI through the PCIN.

Please note the PCIN is a notification to CI and CF-ExCo only. It is not a notification to the specific stakeholder. CI will use this information and work with program officials to determine whether additional information is need and also assess timing, content and format for the actual stakeholder notification.

3. **Other Congressional Notifications:** Certain notifications [Section 311; 301(c); 301(b)(1); 301(c)], to the Appropriations Committees, are mandated by statute. These notifications are initiated by the contracting offices and only pertain to contract awards and modifications or financial assistance awards or modifications. These may be required in addition to ANA or PCIN and should be coordinated in tandem. The ANA and PCIN process will ensure any additional congressional or intergovernmental stakeholders are notified as appropriate.

4. **Security Incidents (Including Cybersecurity):** Due to the nature of security incidents which may unfold quickly and without notice, a separate notification process was established in a Memorandum for Heads of Departmental Elements, dated August 23, 2013, "Security Incidents (Including Cybersecurity) Notification Protocol." Continue to follow this guidance for all incidents described in the memorandum.

ADVANCE CONGRESSIONAL & INTERGOVERNMENTAL NOTIFICATIONS CATEGORIES

Type of Notification	Financial Reporting Threshold	Advance Time	Originator	Notification By	Notification To	Form
Priority Congressional & Intergovernmental Notification (PCIN)						
<i>Any known significant issue of interest to stakeholders</i> Achieving a Major Milestone/Discovery Draft or Final EIS/ Record of Decision Workforce Restructuring/Reduction In Force Contractor Fee Determination or other fines or penalties Appointment of Senior Lab or Field Officials Opening or Closing of a Facility Significant Awards <ul style="list-style-type: none"> • Awards of significant stakeholder interest, below thresholds • Due to significant stakeholder interest, suspended ANAs <ul style="list-style-type: none"> ○ Contract Award/Modification ○ Financial Assistance Award/Modification • Final Request for Proposal (RFP) • Final Funding Opportunity Announcement (FOA) 	NA NA NA NA NA NA NA Any amount, as relevant ≥\$4 Million ≥\$2 Million ≥\$25 Million ≥ \$50 Million	3 Business Day minimum NOTE: Many important announcements require far more than 3 days advance notification. Accordingly, the 3 day timeframe should be considered a minimum requirement.	Program Office (PO)	CI	Congress <ul style="list-style-type: none"> • Specific Member(s) • Authorizing Committees • Appropriations Committees Intergovernmental stakeholders	PCIN
Advanced Notification of Awards (ANA) or Manual 4220.10						
Contract Award/Modification	≥\$4 Million	3 Business Days	Contracting Office	CI	Congress—Specific Member(s) Intergovernmental stakeholders	ANA or 4220.10
Financial Assistance Award/Modification	≥\$2 Million	3 Business Days	Contracting Office	CI	Congress—Specific Member(s) Intergovernmental stakeholders	ANA or 4220.10
Termination of DOE Financial Assistance	≥\$2 Million (Based on Original Value)	3 Business Days	Contracting Office with PO	CI	Congress—Specific Member(s) Intergovernmental stakeholders	4220.10 Manual
Termination of DOE Contract Award	≥\$4 Million (Based on Original Value)	3 Business Days	Contracting Office with PO	CI	Congress—Specific Member(s) Intergovernmental stakeholders	4220.10 Manual
Section 301(b)/301(c)—NOTE: PCIN or ANA may also be required						
Multiyear Contract Award as defined at FAR 17.103, or Multiyear Financial Assistance Award	FY 2012-13: All multi-year awards FY 2014: Multi-year awards not fully funded	FY 2012-13: 14-Calendar Days FY 2014: 3 business days	Contracting Office	Contracting Office	Congress—Appropriations Committees	Form Letter
Section 311/301(b)(1)—NOTE: PCIN or ANA may also be required						
Contract Award/Modification or Financial Assistance Award/Modification	>\$1 Million	3 Full Business Days	Contracting Office	Contracting Office	Congress—Appropriations Committees	Form Letter

Advanced Notification of Awards (ANA)
Congressional Grant/Contract Notification

The automated ANA system facilitates routine notifications to congressional stakeholders regarding Departments financial assistance awards/terminations and contract award/terminations. This process replaces the former “48-hour notice” which had lower reporting thresholds.

The automated ANA system allows the Contracting Officer, Program Office, and CI to review, update, approve, or reject notifications using an electronic DOE Form 4220.10, “Congressional Grant/Contract Notification” (Appendix A). The ANA system automatically generates notification forms based on the STRIPES procurement database. Once all coordination is complete, CI will transmit the DOE Form 4220.10 to relevant stakeholders via email.

If the Program Office believes additional outreach beyond the emailed DOE Form 4220.10 is needed, the ANA process should be suspended and the Program Office should follow the Priority Congressional Notification(PCIN) process. The ANA process should not be used if there is specific timing associated with the public announcement, a DOE press release will be issued, or targeted congressional outreach (emails, phone, meetings, conference calls, etc.) is required.

An ANA notification is required for the following actions:

- Financial assistance awards valued at or above \$2 million
- Contract awards valued at or above \$4 million
- Increasing or decreasing the value of a financial assistance award by \$2 million or more
- Increasing or decreasing the value of a contract by \$4 million or more, to include exercising an option
- Termination of Financial Assistance based on original financial assistance value of \$2 million or more
- Termination of Contract based on original contract value of \$4 million or more

The ANA process consists of the following steps:

- (1) Based on the anticipated award date in STRIPES, the ANA system will send an email to the Contracting Officer (CO) with an automatically-generated DOE Form 4220.10 for actions that meet the reporting thresholds. This will occur 3 days prior to the expected award date.
- (2) The CO receives the form and reviews the award information for accuracy, including the award description, the type of action, and place of performance. The CO then approves or rejects the notification.
- (3) The ANA system transmits the form to the Program Office’s designated representative, who either approves the award information within the ANA system or notifies CI and the CO the award requires a PCIN. In the event of a PCIN, the ANA process will be suspended and the Program Office will provide CI with PCIN materials.
- (4) The ANA system notifies CI of the need for approval. CI approves and verifies the report for release to appropriate Members of Congress or conveys to the Program Office that a PCIN should be utilized and notifies the CO of a delayed implementation date.

Additional details are provided in the [ANA User Guide](#), which describes the roles and responsibilities of CI, the Program Office, and CO. For technical question contact iPortal Support at (301) 903-2500.

Priority Congressional & Intergovernmental Notifications (PCIN)

The Priority Congressional & Intergovernmental Notification Form (Appendix C), is the primary tool for Program Offices to inform CI of upcoming program announcements that may need congressional or intergovernmental notification. In general, the PCIN process facilitates the exchange of information to prepare for upcoming announcements and serves as a recommendation from the program to CI on the execution of the notification.

As relevant, the Program Office is also responsible for coordinating with their respective Under Secretary, Senior Advisor, and Public Affairs on the subject matter of the notifications. Further, should S1 or S2 engagement be required for any portion of the congressional notification process, the program should ensure relevant subject matter updates have been provided unless, otherwise advised by CI.

The PCIN process applies to the following actions:

- Any Known Significant Issue of Interest to Congress, state, local or Tribal governments
- Significant Contract or Financial Assistance Award:
 - Awards of interest to Congress, state, local or Tribal officials that particularly highlight programmatic priorities, prime small business awards, or those that generally merit press attention
 - Announcement of significant selections prior to award, including those that individually or as a group fall below normal reporting criteria, but merit special outreach
 - Awards of significant stakeholder interest, suspended ANAs (Contract Award/Modification or Financial Assistance Award/Modification)
- Final Request for Proposal (RFP) of \$25 million or more or lower thresholds as appropriate
- Final Request for Proposal (RFP) of \$50 million or more or lower thresholds as appropriate
- Achieving a Major Milestone/Discovery (DOE or Contractor)
- Draft, Final EIS or Record of Decision (ROD)
- Workforce Restructuring/Reduction in Force (DOE or Contractor, greater than 25 workers)
- Contractor Fee Determination or other fines or penalties
- Appointment of Senior Official
- Opening or Closing of Facility (DOE or Contractor)

To inform CI of an upcoming program announcement, Program Offices should complete a PCIN form and provide it to their CI Liaison for the program no later than 3 days in advance of the **proposed** announcement date. Programs are encouraged to be forward thinking in bringing information to CI's attention as early as possible. As a practical matter, there are many important announcements that require far more than 3 days advance notification. Accordingly, the 3 day timeframe should be considered a minimum requirement. CI will work with program officials to determine sensitivities, timing, notification method (phone, emails, conference calls, etc.).

Keep in mind, the more information provided, the more effective DOE will be in our relationship with Congress. The "Guide to Completing the Priority Congressional & Intergovernmental Notification Form," (Appendix B) provides additional tips, but generally each PCIN should include:

- Talking points and/or background information;
- A draft paragraph briefly summarizing the issue, which may be provided to Congress;
- A draft press release (if applicable);
- 9-Digit Zip Codes and project descriptions for each awardee, including Place of Performance, for contract and financial assistance notifications; and

The CI Liaison staff for your program is a resource to Program Offices in coordinating all notifications. Should you ever have any questions regarding the need to complete a PCIN or the process, please do not hesitate to engage your Liaison.

Other Congressional Notifications

There are currently two types of Congressional notifications that are legislatively required by the FY 2012 and FY 2014 appropriations acts. These notifications are made exclusively to the Appropriations Committees and are executed directly by the Contracting Officers. Please note, these notifications are triggered at much lower thresholds than the ANA or PCIN notifications. However, should the ANA or PCIN be triggered those respective notification processes should be followed in addition to the execution of these notifications.

- **Notices for Financial Assistance or Contracts of \$1 Million or More:** Section 311 of Division B of the Consolidated Appropriations Act, 2012, and Section 301(b)(1) of Division D of the Consolidated Appropriations Act, 2014 require advance notification to the Committees on Appropriations 3 full business days prior to contract and financial assistance actions of \$1 million or more. Specific requirements are prescribed in [Policy Flash 2014-02](#).
- **Notices for Multi-Year Financial Assistance or Contracts:** Section 301(b) of Division B of the Consolidated Appropriations Act, 2012 and Section 301(c) of Division D the Consolidated Appropriations Act, 2014 require advance notification to the Committees on Appropriations prior to multi-year financial assistance actions.
 - ***FY2012 or FY2013 funds:***
The notification must be made calendar 14 days in advance.
 - ***FY2014 funds and not funded for the full period of performance:***
The notification must be made 3 calendar days in advance.

Multiyear contract means a contract for the purchase of supplies or services for more than 1, but not more than 5, program years. A multiyear contract may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds, and (if it does so provide) may provide for a cancellation payment to be made to the contractor if appropriations are not made. It does not apply to indefinite delivery/ indefinite quantity (IDIQ) contracts. Nor, does it apply to construction contracts with a performance period covering two or more years that is incrementally funded. The Congressional Notification of multi-year actions is prescribed in [Acquisition Letter 2012-08](#).

To determine if reporting is necessary for these awards, consult with local contracting staff or counsel.

Security Incidents (Including Cybersecurity) Notification Protocol

Due to the nature of security incidents which may unfold quickly and without notice, a separate notification process was established in a Memorandum for Heads of Departmental Elements, dated August 23, 2013, "Security Incidents (Including Cybersecurity) Notification Protocol," (Appendix F). Please refer to the memorandum for the all guidance parameters associate with security incident notifications. In general these notifications are required with respect to six types of incidents:

- 1) Significant physical security breaches at DOE facilities;
- 2) Actual or suspected penetration of an unclassified network where the theft, loss, compromise or suspected compromise of a significant amount of controlled unclassified information (i.e., Official Use Only [OUO], or Unclassified Controlled Nuclear Information [UCNI]) is determined;
- 3) Theft, loss, compromise, or suspected compromise of personally identifiable information (PII) for 100 or more individuals;
- 4) Theft, loss, compromise, or suspected compromise of classified matter (information or material);
- 5) Actual or suspected penetration of a classified network; and
- 6) Select intelligence and counterintelligence incidents.

Even for incidents not specified above, the protocols contained within the memorandum should be utilized for any security event that may result in significant external attention. In the event of an applicable security incident, the cognizant program office (in coordination with other Department elements that have relevant programmatic responsibility) is responsible for notifying the Department offices and officials *as soon as practical, including — when appropriate — as events are unfolding*.

To ensure Department-wide consistency, external notifications will be overseen by DOE's Assistant Secretary for Congressional and Intergovernmental Affairs.

- **Inter-agency Notification:** Executive Branch stakeholders will be notified as appropriate which may include but are not limited to White House Office of Communications, White House Office of Legislative Affairs, White House Office of Public Engagement and Intergovernmental Affairs, the National Security Staff, and the leadership of other affected Departments and Agencies.
- **Congressional and Intergovernmental Notification:** CI, after consultation and in coordination with other Departmental offices, will inform the appropriate congressional committees as soon as practicable, as well as make any notifications to state, local, and tribal officials as warranted. For purposes of notification, the appropriate congressional committees may include the staffs of the Armed Services and Energy Committees, the Appropriations Subcommittees on Energy and Water Development, and (for intelligence or counterintelligence issues) the House and Senate Intelligence Committees.

For incidents involving only NNSA, the notification may be made by NNSA's Office of External Affairs after consultation with NNSA's Office of the General Counsel and DOE's Office of Congressional and Intergovernmental Affairs.

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U.S. DEPARTMENT OF ENERGY

Office of Congressional and Intergovernmental Affairs (CI)

CONGRESSIONAL GRANT/CONTRACT NOTIFICATION

TO: Office of Congressional & Intergovernmental Affairs
ATTN: Contract Notification Coordinator
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D. C. 20585

Telephone: 202-586-5450
Fax: 202-586-5497
Email: CI-ANA@hq.doe.gov

1. Procuring Office: _____ Name: _____ (Procurement Office Representative – CS/CO) Telephone: () _____	2. Program Office/Project Office: Name: _____ Telephone: () _____
3. Contractor, Grantee or Offeror: Name: _____ Street: _____ City: _____ State _____ Zip _____	4. Place of Performance: (Required if different from #3) Street: _____ City: _____ State _____ Zip _____
5. ANA Anticipated Award Date: _____ Date of Public Announcement: _____ (If any)	6. Contract, Grant, or Other Agreement No.: _____ (Specify Type of Instrument) <input type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Termination (See Inst) <input type="checkbox"/> Modification (Total to date: \$ _____) Does this award result from an Invitation For Bid? <input type="checkbox"/> Yes <input type="checkbox"/> No
7. Obligated Cost or Price of this Action: _____ \$ Estimate Cost or Price of Total Award: _____ \$ Recipient Cost Sharing (if applicable): _____ (For incrementally funded awards only. Report the initial obligation and total estimated award value.)	8. Duration of Contract, Grant, or Other Agreement: From: _____ To: _____

9. Brief Description. (Please provide meaningful details. See instructions.)

TO BE COMPLETED BY OFFICIAL RESPONSIBLE FOR SUBMISSION

10. Method of Submission: Email Fax Date: _____ Time: _____ A.M. P.M.

Name: _____ Title: _____

Signature: _____ Office: _____

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Guide to Completing the Priority Congressional & Intergovernmental Notification Form

The Priority Congressional & Intergovernmental Notification (PCIN) process is to be used by Program Offices to inform the Office of Congressional and Intergovernmental Affairs (CI) of matters likely of significant interest to Congress, Governors, and local and Tribal governments. The PCIN Form enumerates certain major items that should be brought to CI's attention through the PCIN process; programs are encouraged to also notify CI of any other noteworthy or sensitive issues that may prompt congressional or intergovernmental interest.

The PCIN package should be submitted to CI NO LATER THAN 3 BUSINESS DAYS in advance of an announcement.

GENERAL INFORMATION

- **Submitting Office:** Use standard office code, e.g. EE, FE, etc.
- **Contact Person:** List the person who can answer questions about the announcement being proposed
- **Phone:** Direct number for the contact person or a number that will facilitate prompt contact
- **Email:** Email address of the Contact Person
- **Date Submitted:** As appropriate

TYPE OF NOTIFICATION

- Check the box that describes the type of notification being submitted

DATE AND TIME OF PROPOSED ANNOUNCEMENT

- Provide a fixed day and time the program proposes for the announcement, otherwise indicate a timeframe

KNOWN CONGRESSIONAL/INTERGOVERNMENTAL INTERESTS

- List names, including State or District represented, of any congressional or intergovernmental stakeholders known to have an interest or might have an interest in the subject of the notification

BRIEF DESCRIPTION OF NOTIFICATION FOR PUBLIC DISTRIBUTION

- Provide a concise, nontechnical (plain language) description that can be publicly distributed without editing.

ATTACHMENTS

- Attachments may not be needed depending on the complexity of the announcement being made. Only include attachments that provide additional information beyond what is already provided on the first page of the PCIN.

Guide to Completing the Priority Congressional Notification Form—page 2

- Types of attachments
 - **Talking Points:**
 - Strongly recommended if notifications should be made via telephone.
 - **Background Materials:**
 - ONLY INCLUDE if the brief description section is insufficient to adequately convey the action being taken or if additional inquiries would be anticipated once the announcement is made (history, sensitivities, anticipated questions).
 - Proposed schedule/sequence of events if timing crucial or coordination is extensive.
 - Full documents in a transmittable format (PDF copies or web links). This is particularly relevant for RFPs, FOAs, RODs, Reports, EIS, etc.
 - Advanced Notification of Awards (ANA) notification document (DOE F 4220.10 or equivalent).

NOTE: CI should be informed when the notification will be handled by the PCIN process in lieu of ANA. The Program Office should coordinate as necessary with the Contracting Office.
 - **Contract or Financial Assistance:** Provide 9-digit zip codes for each awardee/selectee, including place of performance and project descriptions.
 - **Draft Press Release:** Press releases are for information only and should be coordinated with Public Affairs. If you intend to issue a release, but it is not available at the time the PCIN is submitted, please note that additional materials will be forthcoming.

Emailing PCIN Package

- Email to: Your CI and CF-ExCo Liaison
 - If you are unsure of who covers your program, please call CI's main number (202) 586-5450
 - The subject line should include the following information: "ACTION: PCIN—Insert "Program Symbol"—Insert "Brief Description"
EXAMPLE—ACTION: PCIN—EERE, Biofuels Grant Award



Office of Congressional and Intergovernmental Affairs
PRIORITY CONGRESSIONAL & INTERGOVERNMENTAL NOTIFICATION FORM
(To be submitted no later than 3 business days in advance announcement)

Submitting Office: _____ Contact Person: _____

Phone: _____ Email: _____ Date Submitted: _____

TYPE OF NOTIFICATION:

- | | |
|--|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Significant issue of interest
(for Congress, state, local or Tribal governments) <input type="checkbox"/> Significant contract or financial assistance award:
This should include announcements of interest to stakeholders; that particularly highlights programmatic priorities, prime small business /SBIR-STTR awards; or those that generally merit press attention.
<i>—May be in lieu of ANA or below reporting thresholds—</i> <input type="checkbox"/> Final RFP of \$25 Million or More <input type="checkbox"/> Final FOA of \$50 Million or More | <ul style="list-style-type: none"> <input type="checkbox"/> Draft, Final EIS or Record of Decision (ROD)
(Coordinate with NEPA Office) <input type="checkbox"/> Workforce Restructuring/Reduction in Force
(DOE or Contractor, greater than 25 workers) <input type="checkbox"/> Contractor Fee Determination or other fines or penalties <input type="checkbox"/> Appointment of Senior Official <input type="checkbox"/> Opening or Closing of Facility (DOE or Contractor) <input type="checkbox"/> Achieving a Major Milestone/Discovery
(DOE or Contractor) <input type="checkbox"/> Other |
|--|---|

DATE AND TIME OF PROPOSED ANNOUNCEMENT: _____

KNOWN CONGRESSIONAL/INTERGOVERNMENTAL INTERESTS:

BRIEF DESCRIPTION OF NOTIFICATION FOR PUBLIC DISTRIBUTION (Provide enough information to describe the effort to be performed and its purpose in non-technical plain English):

FOR ANNOUNCEMENTS OF AVAILABILITY OF FUNDS OR SOLICITATIONS (FOAs) ANSWER THE FOLLOWING:

How much funding will be made available and from what fiscal year (s) _____

Where is the activity funded in the budget request or applicable appropriations bill(s)? _____

Are there any legislative or report language prohibitions against this funding ? Yes No

PLEASE ATTACH THE FOLLOWING TYPES OF SUPPORTING MATERIALS ONLY AS NEEDED OR APPLICABLE:

- **Talking Points and/or Background Materials**
- **For Contract Award or Financial Assistance:** Project descriptions; names of selectees/awardees with 9-digit zip codes
- **Draft Press Release**—this is for information only. Releases should be coordinated directly with Public Affairs.

**Please email PCIN materials NO LATER THAN 3 FULL BUSINESS DAYS
in advance of the proposed announcement to your CI and CF-ExCo Program Liaisons**

If you have any questions; please call (202) 586-5450

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Congressional & Intergovernmental Points of Contact

Department of Energy Programs	Congressional Affairs & CF-ExCo Contact	Phone
Advanced Research Projects Agency -Energy	Kathy Peery	202-586-2794
	Julie Middleton	202-586-0673
Chief Financial Officer	Kathy Peery	202-586-2794
	Casey Pearce	202-287-5810
Chief Information Officer	Lil Owen	202-586-2031
	Casey Pearce	202-287-5810
Economic Impact and Diversity	Kathy Peery	202-586-2794
	Casey Pearce	202-287-5810
Electricity Delivery and Energy Reliability	Robert Tuttle	202-586-4298
	Casey Pearce	202-287-5810
Energy Efficiency and Renewable Energy	Martha Oliver	202-586-2229
	Casey Pearce	202-287-5810
Energy Information Administration	Kathy Peery	202-586-2794
	Casey Pearce	202-287-5810
Energy Policy & Systems Analysis	Kathy Peery	202-586-2794
	Casey Pearce	202-287-5810
Environment, Health, Safety and Security	Pat Temple	202-586-4220
	Julie Middleton	202-586-0673
Environment Management	Pat Temple	202-586-4220
	Julie Middleton	202-586-0673
Fossil Energy	Robert Tuttle	202-586-4298
	Casey Pearce	202-287-5810
General Counsel	Lil Owen	202-586-2031
	Casey Pearce	202-287-5810
Human Capital	Lil Owen	202-586-2031
	Casey Pearce	202-287-5810
Independent Enterprise Assessments	Pat Temple	202-586-4220
	Julie Middleton	202-586-0673
International Affairs	Kathy Peery	202-586-2794
	Casey Pearce	202-287-5810
Legacy Management	Pat Temple	202-586-4220
	Julie Middleton	202-586-0673
Loan Guarantee Program Office	Kathy Peery	202-586-2794
	Julie Middleton	202-586-0673
Management	Lil Owen	202-586-2031
	Casey Pearce	202-287-5810
National Nuclear Security Administration	Pat Temple	202-586-4220
	Julie Middleton	202-586-0673
Nuclear Energy	Pat Temple	202-586-4220
	Casey Pearce	202-287-5810
Power Marketing Administration	Robert Tuttle	202-586-4298
	Julie Middleton	202-586-0673
Science	Robert Tuttle	202-586-4298
	Casey Pearce	202-287-5810
Small and Disadvantaged Business Utilization	Kathy Peery	202-586-2794
	Casey Pearce	202-287-5810

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Resource Information

All resources and information including this guide can be found on Powerpedia at:

[https://powerpedia.energy.gov/wiki/Congressional %26 Intergovernmental Affairs](https://powerpedia.energy.gov/wiki/Congressional%26IntergovernmentalAffairs)

For Program Offices:

- **General Resources:**
[https://powerpedia.energy.gov/wiki/Congressional Notifications Resources](https://powerpedia.energy.gov/wiki/CongressionalNotificationsResources)
- **Priority Congress Notification Form (fillable):**
[https://powerpedia.energy.gov/wiki/File:PCIN Form PDF Fillable 9-25-14.pdf](https://powerpedia.energy.gov/wiki/File:PCINFormPDFFillable9-25-14.pdf)
- **CI Contacts:**
<http://www.energy.gov/congressional/about-us/congressional-and-intergovernmental-affairs-staff>

For Contracting Officials:

- **Congressional Grant/Award Notifications Form (DOE F 4220.10)**
<http://www.energy.gov/sites/prod/files/2013/04/f0/4220-10%20Rev%20Last%20Edits%2003-20-2013%20FINAL.pdf>
- **ANA User Guide**
[https://powerpedia.energy.gov/wiki/File:ANA User Guide 4-14-14.pdf](https://powerpedia.energy.gov/wiki/File:ANAUserGuide4-14-14.pdf)
- **Acquisitions Guide Chapter 5**
<http://www.energy.gov/sites/prod/files/5.1%20Congressional%20Notification%20March%202013.pdf>
- **Notifications to Appropriations Committees:**

Financial Assistance or Contracts of \$1 Million or More

<http://www.energy.gov/management/downloads/policy-flash-20-acquisition-letter-2014-05financial-acquisition-letter-2014-02>

Multi-Year Financial Assistance or Contracts

http://energy.gov/sites/prod/files/AL%202012-%20%20FY%202012%20appropriations%20-%2004182012%20FINAL_0.pdf


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The Deputy Secretary of Energy
Washington, DC 20585

August 23, 2013

MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM: DANIEL B. PONEMAN 

SUBJECT: Security Incident (Including Cybersecurity) Notification Protocol

In the event of security incidents — including cybersecurity incidents — at the Department of Energy (DOE) and its facilities, DOE must make notifications to assure appropriate awareness and response. Depending on the nature of the incident, these notifications may include (1) officials within DOE, (2) other interagency stakeholders, (3) congressional offices, and (4) the public; made in that order, absent extraordinary circumstances. It is important for internal DOE notifications to be made in an efficient, timely manner to maximize situational awareness within the Department prior to engaging parties outside of the Department.

This memorandum describes the process for notification of certain types of security incidents. These notification protocols do not supersede or replace DOE policy on Incidents of Security Concern found in DOE Order 470.4B, administrative change 1, dated 7-21-11, or any other incident management and reporting requirements contained in DOE directives. This memo creates no new requirements, but clarifies roles, responsibilities and expectations during a security incident.

This memorandum provides direction for Departmental Elements in carrying out their reporting responsibilities with respect to six types of incidents:

- 1) Significant physical security breaches at DOE facilities;
- 2) Actual or suspected penetration of an unclassified network where the theft, loss, compromise or suspected compromise of a significant amount of controlled unclassified information (i.e., Official Use Only [OUO], or Unclassified Controlled Nuclear Information [UCNI]) is determined;
- 3) Theft, loss, compromise, or suspected compromise of personally identifiable information (PII) for 100 or more individuals;
- 4) Theft, loss, compromise, or suspected compromise of classified matter (information or material);
- 5) Actual or suspected penetration of a classified network; and
- 6) Select intelligence and counterintelligence incidents.

Additional guidance associated with incident types 1, 3, and 4 is provided at the end of this memorandum.

Even for incidents not specified above, the protocols contained within this memorandum should be utilized for any security event that may result in significant external attention.

DEPARTMENTAL NOTIFICATIONS

Departmental notifications will be made as delineated. In determining whether Departmental elements should be notified of a security incident, close calls should be resolved in favor of notification, with the understanding that further scrutiny will be applied before broader notification is initiated.

In the event of an applicable security incident, the cognizant program office (in coordination with other Departmental elements that have relevant programmatic responsibility) is responsible for notifying the following Department offices and officials *as soon as practical, including — when appropriate — as events are unfolding*:

1. The Secretary, the Deputy Secretary, their senior staff, appropriate Program Secretarial Officers, the Office of Health, Safety and Security, and the Office of Intelligence and Counterintelligence. In the case of a National Nuclear Security Administration (NNSA) incident, the program must also notify the Administrator, Principal Deputy Administrator, Chief Information Officer, and the Chief of Defense Nuclear Security;
2. The DOE Office of Congressional and Intergovernmental Affairs and the Office of the General Counsel. In the case of an NNSA incident, the program must also notify the NNSA Office of External Affairs and the Office of the NNSA General Counsel;
3. Concurrently with notifications to DOE's Office of Congressional and Intergovernmental Affairs, all Departmental Elements except for the Office of Intelligence and Counterintelligence shall simultaneously notify the DOE Office of Public Affairs for the appropriate determination of disclosure to media. In the case of an NNSA incident, the program must also notify the NNSA public affairs officer.

In the event of a cybersecurity or PII incident (incident types 2, 3, and 5), the cognizant program office shall notify the DOE Office of the Chief Information Officer, who will make the internal notifications as described above.

Updated information should be provided as it becomes available until the immediate response and recovery actions are complete. Afterwards, regular updates should be provided according to the urgency of the situation and the pace of new developments. As a general rule, all internal notifications should precede external notifications.

EXTERNAL NOTIFICATIONS

To ensure Department-wide consistency, external notifications will be overseen by DOE's Assistant Secretary for Congressional and Intergovernmental Affairs.

Inter-agency Notification:

Following the Departmental notifications described above, DOE officials should notify other Executive Branch stakeholders as appropriate. Program offices should work closely with the Office of Public Affairs, the Office of Congressional and Intergovernmental Affairs, and the Office of the General Counsel to ensure all relevant Executive Branch stakeholders are identified and notified. Notifications may include but are not limited to White House Office of Communications, White House Office of Legislative Affairs, White House Office of Public Engagement and Intergovernmental Affairs, the National Security Staff, and the leadership of other affected Departments and Agencies.

In matters of potential foreign intelligence involvement, or under active criminal investigation, DOE's Office of Intelligence and Counterintelligence will consult with the Federal Bureau of Investigation, the Office of the Director of National Intelligence (DNI), the Department of Justice, or other appropriate intelligence organizations.

Congressional and Intergovernmental Notification:

DOE's Office of Congressional and Intergovernmental Affairs (after consultation and in coordination with other Departmental offices) will inform the appropriate congressional committees as soon as practicable, as well as make any notifications to state, local, and tribal officials as warranted.

For purposes of notification, the appropriate congressional committees may include the staffs of the Armed Services and Energy Committees, the Appropriations Subcommittees on Energy and Water Development, and (for intelligence or counterintelligence issues) the House and Senate Intelligence Committees.

For incidents involving only NNSA, the notification may be made by NNSA's Office of External Affairs after consultation with NNSA's Office of the General Counsel and DOE's Office of Congressional and Intergovernmental Affairs.

For security incidents that involve classified matter or intelligence and counterintelligence matters (incident types 4, 5, and 6), as specified in 50 U.S.C. 2656 (Notice to Congressional Committees of Certain Security and Counterintelligence Failures within Nuclear Energy Defense Programs), the Department must, after consultation with the DNI and the FBI Director, as appropriate, provide notification to Congress within 30 days after the date on which the Department determines a reportable incident has taken place.

For significant incidents for which there is also a foreign intelligence nexus, reporting responsibility resides with DOE's Office of Intelligence and Counterintelligence, under Director of National Intelligence guidelines.

Public Disclosure:

DOE's Office of Public Affairs (after consultation and in coordination with other Departmental offices) will determine whether any public disclosure is warranted. In the case of an NNSA incident, the Office of Public Affairs will consult with the NNSA Office of External Affairs.

FURTHER GUIDANCE FOR SPECIFIC INCIDENT TYPES

Significant physical security breaches at DOE facilities. Notifications will be made when there is a significant breach of security, regardless of whether the breach is determined to have malicious intent.

Loss of personally identifiable information (PII) in electronic form or hardcopy for 100 or more individuals. "Loss" means disclosure outside of the Federal Government or its contractors. Inadvertent access by a Federal or contractor employee to PII to which he or she would not normally be authorized access, or the unencrypted emailing of PII that does not suggest any possibility of compromise, will not be considered "loss" for purposes of this protocol and need not be reported. Unless the incident involves members of the Intelligence Community, notifications to the Office of Intelligence and Counterintelligence are not required.

Theft, loss, compromise, or suspected compromise of classified matter (information or material). Incidents involving the theft, loss, compromise, or suspected compromise of Top Secret, Sensitive Compartmented Information, Special Access Program, or Restricted Data (weapons data) information must be reviewed by the office with programmatic responsibility for the information. This review is to determine the significance of the incident (i.e., likely to cause serious harm or damage to the national security interest of the United States as defined in Executive Order 13526, *Classified National Security Information*) per DOE Order 470.4B, Attachment 5, *Incidents of Security Concern*.

Incidents requiring the notification of Federal line management that involve the theft or loss of physical assets (e.g., special nuclear material, classified weapons components/parts, etc.) must be assessed by the cognizant program office to determine if the details of the incident constitute a risk or threat to national security.

This policy supersedes my memorandum of June 24, 2011, *Security Incident (Including Cyber) Congressional Notification Protocol*.