



OFFICE OF INSPECTOR GENERAL

U.S. Department of Energy

AUDIT REPORT

DOE-OIG-25-01

October 2024

**IMPROVED OVERSIGHT AND
ENFORCEMENT WOULD HELP THE
DEPARTMENT OF ENERGY IMPLEMENT
THE WEATHERIZATION ASSISTANCE
PROGRAM UNDER
THE INFRASTRUCTURE INVESTMENT
AND JOBS ACT**



Department of Energy
Washington, DC 20585

October 24, 2024

**MEMORANDUM FOR THE ACTING PRINCIPAL DEPUTY DIRECTOR, OFFICE OF
STATE AND COMMUNITY ENERGY PROGRAMS**

SUBJECT: *Audit Report: Improved Oversight and Enforcement Would Help the Department of Energy Implement the Weatherization Assistance Program Under the Infrastructure Investment and Jobs Act*

The Infrastructure Investment and Jobs Act appropriated \$3.5 billion to the Department of Energy's Weatherization Assistance Program (WAP), a significant increase to the program's funding when compared to its fiscal year 2022 appropriation of \$313 million. WAP provides funding to grantees that consist of all 50 states, the District of Columbia, Native American tribes, and U.S. territories. We initiated this audit to determine the status of the Infrastructure Investment and Jobs Act WAP funding, challenges impacting WAP, and actions the Department has taken to address those challenges. We found that the Department faces several challenges administering Infrastructure Investment and Jobs Act-funded weatherization work.

We noted early program concerns that require immediate management attention. Specifically, for 11 states we found that the "expenditure limit per unit" was exceeded by more than 50 percent; 21 states and territories did not submit quarterly reports to the Department on time, as required by the grants; and, for 16 states and territories that have approved plans and funding, there has been no reported performance of completed units.

The attached report contains three recommendations and outlines the Office of Inspector General's oversight plans for this important program going forward. Management fully concurred with our recommendations.

We conducted this audit from April 2023 through July 2024 in accordance with generally accepted government auditing standards. We appreciated the cooperation and assistance received during this audit.

A handwritten signature in black ink, appearing to read "Teri L. Donaldson".

Teri L. Donaldson
Inspector General

cc: Deputy Secretary
Chief of Staff
Under Secretary for Infrastructure



WHY THE OIG PERFORMED THIS AUDIT

The Office of Inspector General has issued numerous audit reports identifying risk areas within the Department of Energy's Weatherization Assistance Program (WAP), such as senior leader fraud at the subgrantees, controls over acceptance of work, compliance with terms and conditions, grantee-level oversight issues, and administrative remedies.

The Infrastructure Investment and Jobs Act appropriated \$3.5 billion to WAP, a significant increase to the enduring program's funding.

We initiated this audit to determine the status of Infrastructure Investment and Jobs Act WAP funding, challenges impacting WAP, and actions the Department has taken to address those challenges.

Department of Energy Office of Inspector General

Improved Oversight and Enforcement Would Help the Department of Energy Implement the Weatherization Assistance Program Under the Infrastructure Investment and Jobs Act (DOE-OIG-25-01)

What Did the OIG Find?

We noted early program concerns that require immediate management attention. Specifically:

- For 11 states, we found that the expenditure limit per unit was exceeded by more than 50 percent;
- 21 states and territories did not submit quarterly reports to the Department on time, as required by the grants; and
- For 16 states and territories that have approved plans and funding, there has been no reported performance of completed units.

What Is the Impact?

WAP grants have a history of both fraud and internal control problems that warrant continued and careful attention from the Department. Following up on early signals of issues is crucial to prevent and detect problems.

What Is the Path Forward?

To address the challenges identified in this report, we made three recommendations to the Department that should help maximize the effectiveness of Infrastructure Investment and Jobs Act WAP funds.

Additionally, due to the history of fraud in the Department's WAP at the subgrantee level and internal control issues in the past, the Office of Inspector General is planning an oversight campaign at the award level. In particular, the Office of Inspector General will conduct and oversee audits at both the grantee level and subgrantee level that will focus on eligibility, activities allowed and not allowed, compliance with cost principles, reporting, subrecipient monitoring, and other risk areas. This oversight campaign will begin in fiscal year 2025.

BACKGROUND

The Department of Energy's Weatherization Assistance Program (WAP) was created in 1976 under Title IV of the Energy Conservation and Production Act to assist low-income families. WAP reduces energy costs for low-income households by increasing the energy efficiency of dwelling units (unit)¹ while ensuring health and safety, also known as weatherization. To meet this objective, WAP provides formula grants, which are based on a set formula instead of a competitive process, to all 50 states, the District of Columbia, Native American tribes, and U.S. territories. These entities then contract with over 700 local weatherization providers to offer WAP services to their communities.

For fiscal year 2022, WAP received \$313 million in appropriations. The Infrastructure Investment and Jobs Act (IIJA), signed into law on November 15, 2021, appropriated \$3.5 billion for WAP to be added to the enduring program appropriations. According to the IIJA, WAP funds are "available until expended;" however, the Department awarded grants with a 5-year period of performance from July 2022 through June 2027 to execute most of the work. The Department allocated \$3.17 billion through formula grants, with the remaining funds allocated to Headquarters Training & Technical Assistance,² Enhancement & Innovation grants,³ Sustainable Energy Resources for Consumers grants,⁴ and Energy Efficiency & Renewable Energy cross-cutting activities.⁵ The Department planned to award 15 percent of IIJA formula grant funds to grantees upon initial award and an additional 35 percent upon approval of grantees' plans that identify quarterly milestones over the grants' 5-year period of performance. The Department then awards the balance of formula grant funds based on grantees demonstrating progress meeting expenditure goals, production targets, and reporting requirements, including weatherizing 30 percent of estimated units. As of December 2023, the total number of units to be completed with IIJA formula grant funds was estimated at 231,564.

In our Special Report, *Prospective Considerations for the Infrastructure Law-Funded Weatherization Assistance Program* (DOE-OIG-22-30, April 2022), we highlighted five major risk areas that Department leadership should consider to improve internal controls and prevent fraud, waste, and abuse of WAP funds. These areas included senior leader fraud at the subgrantee level, controls over acceptance of work, compliance with terms and conditions, grantee-level oversight issues, and administrative remedies. In addition, we made several suggestions for Department leadership to consider for WAP to improve internal controls and prevent fraud, waste, and abuse. Due to the importance of WAP in stimulating the economy, creating jobs, improving the quality of life in low-income households, and the risk areas

¹ A dwelling unit means a house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters.

² Training & Technical Assistance supports workforce development activities.

³ The Enhancement & Innovation grants seek proposals that drive innovative approaches to program coordination and service delivery, while fostering the collaboration of dynamic and diverse teams.

⁴ Sustainable Energy Resources for Consumers grants allow selected local weatherization agencies to install renewable energy and energy efficiency technologies beyond what they can install through the traditional WAP.

⁵ These cross-cutting efforts include: maintenance of WAP's Performance and Accountability for Grants in Energy reporting system; program direction; travel for grant monitoring; training for Department staff; support service contracts; and working capital across the organization for building occupancy, corporate business systems, and health services.

identified by the Office of Inspector General (OIG), we initiated this audit to determine the status of IJJA WAP funding, challenges impacting WAP, and actions the Department has taken to address those challenges.

EARLY PROGRAM CONCERNS THAT REQUIRE IMMEDIATE ATTENTION

We noted early program concerns that require immediate management attention. Specifically:

- For 11 states, we found that the expenditure limit per unit was exceeded by more than 50 percent;
- 21 states and territories did not submit quarterly reports to the Department on time, as required by the grants; and
- For 16 states and territories that have approved plans and funding, there has been no reported performance of completed weatherization units.

Expenditure Limits per Unit Exceeded by More Than 50 Percent

Eleven of the 37 states and territories that have weatherized units with IJJA funds as of December 31, 2023, exceeded the current Average Cost Per Unit (ACPU) limit of \$8,497 by more than 50 percent, as shown in Table 1. For 1 state, Alaska, the cost per unit was 11 times more than the Department threshold for cost per unit.

Table 1

State	Average Cost Per Unit	Weatherized Units
Alaska	\$93,588	6
New York	\$32,551	398
Nevada	\$19,804	7
Oklahoma	\$19,275	75
Nebraska	\$14,960	37
Kentucky	\$13,865	165
Oregon	\$13,793	99
Massachusetts	\$13,567	143
Wyoming	\$13,526	37
Virginia	\$12,860	298
Utah	\$12,759	75

According to 10 Code of Federal Regulations 440.18, *Allowable Expenditures*, financial assistance provided under WAP for labor, weatherization materials, and related matters shall not exceed a threshold identified by the Department annually. The ACPU for IJJA funds is based on a 5-year average of the annual ACPU limits for the grant period.

Further, the trend may be getting worse. For example, 6 of the 37 IIJA-funded states and territories with weatherized units have had their average cost per unit increase over the last 3 quarters. The OIG is aware that there are situations where costs can be front-loaded at the beginning of weatherization work, and that there is reason to expect that the average cost per unit will decrease over time. However, the fact that the metrics are so far above the threshold warrants additional scrutiny by Federal project managers, which is difficult to do if required reports are not submitted in a timely manner.

States and Territories Did Not Report to the Department in a Timely Manner, as Required

We found that 21 out of the 53 states and territories with approved plans did not submit their Quarterly Performance Report (QPR) on time for the quarter ending December 31, 2023. We noted similar results for the previous two quarters. The terms and conditions of the IIJA WAP awards require grantees to submit QPRs no later than 30 days after the end of the quarter. According to a Department official, the Department's WAP project officers are responsible for ensuring grantees submit their QPRs timely and are to approve them within 45 days of submission. Quarterly reporting is a fundamental tool that the Department has to monitor and oversee the performance of the WAP grants. Staffing and workforce development challenges at the grantee and subgrantee level have been a problem in the past and are even more critical with the increase in IIJA funding. The lack of timely reporting can negatively impact project officers' ability to identify issues early and control and prevent future issues from occurring, and staffing shortages could impact the extent of oversight that states and territories, and their subgrantees are able to provide on weatherization work performed by the contractors they oversee, which increases the risk of fraud, waste, and abuse.

Department officials informed us that management took several actions to improve internal controls and prevent fraud, waste, and abuse. For example, the Department issued additional Weatherization Program Notices and Memoranda that establish the framework for administering WAP funds and cover a wide range of topics. One Weatherization Program Notice updated the Department's monitoring policy and procedures for WAP and provided additional information and resources for grantees to strengthen and enhance weatherization monitoring plans. Recently, with the addition of IIJA grants, the Department issued another Weatherization Program Notice that further updated the Department's WAP monitoring activities. Also, according to the Department, it is attempting to understand and address some of the workforce challenges through its continuous learning workshops. In addition, the Department developed a *WAP Project Officer Desk Guide*, which provides specific instructions and checklists for performing annual grantee risk assessments, quarterly desktop monitoring, and onsite monitoring. While these actions appear constructive, we are concerned that the efficacy of Federal oversight is at risk if the grantees do not comply with reporting requirements.

Weatherization Work That Was Funded Is Not Being Performed

We observed that 16 states and territories have approved plans and have received Federal funding, but they have not weatherized any units. This lack of performance is a red flag that warrants immediate Department attention.

Table 2

State or Territory	Total Planned Units	Plan Approval Date
District of Columbia	371	3/20/2023
Louisiana	2,779	3/21/2023
Maine	1,628	3/30/2023
Connecticut	3,536	4/07/2023
Montana	1,257	4/25/2023
American Samoa	200	5/10/2023
California	8,519	5/18/2023
Ohio	12,510	6/12/2023
Rhode Island	1,116	7/06/2023
North Carolina	6,298	8/14/2023
Delaware	500	8/24/2023
North Dakota	1,215	9/12/2023
Washington	3,300	9/12/2023
Vermont	1,560	9/14/2023
Idaho	1,597	10/03/2023
Tennessee	6,000	10/10/2023
TOTAL	52,386	

RECOMMENDATIONS

As the Department moves forward with its weatherization work funded under the IIJA, as well as the enduring program appropriations, it will need to ensure the challenges identified in this report do not limit program effectiveness. Accordingly, we recommend the Acting Principal Deputy Director, Office of State and Community Energy Programs take steps to:

1. More closely manage cost per unit thresholds;
2. Enforce reporting requirements and ensure adequate staffing within the WAP network for effective execution and quality assurance functions; and
3. More closely oversee grantees that have received funds that do not show sufficient work completed.

OIG OVERSIGHT PLANS

Due to the history of fraud in the Department's WAP and internal control issues in the past, the OIG is planning an oversight campaign at the award level. In particular, the OIG will conduct

audits at both the grantees and subgrantees to focus on tests of eligibility, activities allowed and not allowed, compliance with cost principles, reporting, subrecipient monitoring, and other risk areas. This oversight campaign will begin in fiscal year 2025.

MANAGEMENT RESPONSE

Management fully concurred with our recommendations and provided additional detail on actions underway and planned to address the report's recommendations. Specifically, management stated that it monitors ACPU thresholds during regularly scheduled check-ins, quarterly, and during monitoring. Additionally, management stated that it issued an Average Cost per Dwelling Unit Calculator Resource tool to aid grantees and issued a Weatherization Program Notice to provide optional budget flexibilities for the ACPU formula allocations. Management expects these corrective actions to continue to decrease ACPU levels to meet statutory and regulatory requirements and these actions are planned to be completed by December 31, 2025.

Further, management stated that: (1) it is doubling the number of technical monitoring visits conducted annually; (2) program leadership will review execution and staffing data at least twice quarterly; (3) ad hoc monitoring will be initiated when a trend or deficiency is identified or when a previously issued corrective action is unresolved; (4) it will monitor trends in quarterly desktop reporting submissions and enforce a corrective action plan with grantees when delayed reporting patterns are identified; and (5) it established cooperative agreements to provide WAP network with technical assistance and training to address barriers with IJA implementation and workforce development. These planned corrective actions are to be completed by March 31, 2025.

Finally, management stated it is working with each grantee to provide ongoing technical assistance. Beginning with the December 31, 2024, quarterly reports, management will require grantees that have no reported IJA unit completions to provide a corrective action plan within 30 days to address production issues. Also, management stated that it published a Weatherization Memorandum to clarify requirements to request the remaining 50 percent of obligated funds. These planned corrective actions are to be completed by February 28, 2025.

Management's comments are included in their entirety in Appendix 3.

AUDITOR COMMENTS

Management's comments and corrective actions are responsive to our recommendations.

OBJECTIVE

We conducted this audit to determine the status of Infrastructure Investment and Jobs Act Weatherization Assistance Program (WAP) funding, challenges impacting WAP, and actions the Department of Energy has taken to address those challenges.

SCOPE

The audit was performed from April 2023 through July 2024. All information was obtained via remote access techniques. The audit scope included WAP activities from January 2010 through December 2023. The audit was conducted under Office of Inspector General project number A23ID004.

METHODOLOGY

To accomplish our audit objective, we:

- Reviewed applicable laws, regulations, policies, and procedures pertaining to the Department's WAP;
- Reviewed prior reports related to the Department's WAP;
- Interviewed key personnel within the Department's WAP;
- Obtained the status of the Department's Infrastructure Investment and Jobs Act WAP spending and progress towards weatherizing planned units; and
- Identified challenges impacting the Department's WAP and Infrastructure Investment and Jobs Act specific requirements.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. We assessed compliance with laws and regulations necessary to satisfy the audit objective. We determined internal controls were not significant to our audit objective; therefore, we did not perform audit procedures to assess internal controls. Because our review was limited, it may not have disclosed all internal control deficiencies that may have existed at the time of this audit.

To assess the reliability of the data elements needed to answer the audit objectives, we: (1) performed electronic testing; (2) interviewed officials knowledgeable about the data; and (3) reviewed existing information about the data and the system that produced them. We determined that the data was sufficiently reliable for the purposes of our audit objective.

We held an exit conference with management officials on September 25, 2024.

Appendix 2: Prior Reports

- Special Report on [*Prospective Considerations for the Infrastructure Law-Funded Weatherization Assistance Program*](#) (DOE-OIG-22-30, April 2022). After reviewing prior reports and casework related to Weather Assistance Program (WAP) projects, the Office of Inspector General identified five broad areas that warrant additional attention from senior Department of Energy leadership for Infrastructure Law-funded WAP projects to improve internal controls and prevent fraud, waste, and abuse. Specifically, we identified risks that warranted immediate attention in the following areas: (1) Senior Leader Fraud; (2) Controls Over Acceptance of Work; (3) Compliance with Terms and Conditions; (4) Grantee-Level Oversight Issues; and (5) Administrative Remedies.
- Audit Report on [*The Department of Energy's Use of the Weatherization Assistance Program Formula for Allocating Funds Under the American Recovery and Reinvestment Act*](#) (OAS-RA-10-13, June 2010). We reviewed the Department's allocation of funds to all WAP grantees. While nothing came to our attention to indicate that problems existed with the majority of these allocations, we identified significant inaccuracies in the allocation of funds to the U.S. territories where the Department used a different climate factor than it used for all other grantees, resulting in the territories receiving \$17 million less, in aggregate, than they would have received had a consistent allocation formula been used. In addition, we also found that the Department had not modified the Code of Federal Regulations (CFR) to reflect updated Energy Information Administration's data. Specifically, when the CFR was updated in 2009, the 14-year-old factor published in 10 CFR 440 was not revised and grantees could not use the formula factors now in the CFR to estimate their allocation since the Department did not disclose that certain factors had been updated. As a result of not updating the formula and not providing notice to grantees of the basis for funding decisions, the Department denied the grantees the ability to evaluate the fairness and accuracy of the awards they received.
- Special Report on [*Progress Implementing the Department of Energy's Weatherization Assistance Program Under the American Recovery and Reinvestment Act*](#) (OAS-RA-10-04, February 2010). We initiated this review to provide the Department with an interim status report highlighting factors impacting progress in meeting WAP and American Recovery and Reinvestment Act (Recovery Act) goals. The Department had taken a number of proactive steps to foster timely implementation of the WAP. However, in spite of the Department's efforts, grantees had made little progress in weatherizing homes. As of February 2010, the 1-year anniversary of the Recovery Act, only a small percentage of Recovery Act weatherization funds had been spent and few homes had actually been weatherized. Only \$368.2 million (less than 8 percent) of the total award of \$4.73 billion had been drawn by grantees for weatherization work, which was significantly short of goals to weatherize homes. Despite its best efforts, the Department's actions to reduce or eliminate program delays appeared not to have significantly increased the tempo of actual units weatherized across the Nation. Davis-Bacon Act requirements were not previously applicable to weatherization activities, and as such, grantees lacked information on which to base wage rates. Many grantees chose not to begin work until the prevailing wage rates were formally established. Economic problems in many states adversely impacted their ability to ensure that weatherization activities were performed.

Appendix 2: Prior Reports

- Special Report on [*Selected Department of Energy Program Efforts to Implement the American Recovery and Reinvestment Act*](#) (OAS-RA-10-03, December 2009). Our review identified challenges to the effective implementation of Department mitigation strategies to help achieve the goals and objectives of the Recovery Act. The influx of significant new funding presents a number of challenges and risks as funds may not be expended by the recipients in a timely manner. For example, Department officials indicated that previous non-Recovery Act awards had not been fully utilized by WAP recipients and, in fact, some organizations had significant unexpended balances from prior years. Due to the large number of new projects and the additional requirements placed on the use of Recovery Act funds, program offices will need to address a number of risks and challenges associated with their monitoring and oversight activities, to include insufficient performance monitoring procedures and controls, reducing the likelihood of preventing or detecting fraud, waste, or abuse. Finally, staffing may not be adequate to meet the program monitoring and oversight demands created by the Recovery Act.

Enclosure

Management Response
Progress Implementing the Department of Energy's Weatherization Assistance Program Under the
Infrastructure Investment and Jobs Act (A23ID004)

Recommendation 1: More closely manage cost per unit thresholds.

DOE Response: Concur

DOE monitors average cost per unit (ACPU) thresholds during regularly scheduled check-ins, quarterly, and during monitoring. Since the ACPU is calculated at the end of the multi-year Bipartisan Infrastructure Law (BIL) term, identifying expenditure trends early and often is critical to ensure a grantee does not exceed the ACPU at the end. The increased oversight efforts are proving effective now. DOE has observed an increase in the number of units completed which lowered the ACPU an average of 19% for 10 of the 11 Grantees identified.

In December 2023, DOE published Weatherization Program Notice (WPN) BIL-5: BIL Average Cost Per Unit and Allowable Use of Funds Update to allow a 5-year average of annual ACPU limits instead of the original stagnant ACPU of \$8,009. DOE also issued an Average Cost Per Dwelling Unit Calculator Resource tool to aid Grantees with managing ACPU throughout the initial 5-Year grant period.

In May 2024, DOE published WPN 24-7: Optional Budget Flexibilities for the Average Cost Per Unit for WAP Annual Formula Allocations and WAP BIL Formula Allocations provides optional budget categories to capture costs related to specific activities which DOE considers outside the expenditures calculated in the ACPU. Grantees may opt to include optional budget categories for Infrastructure Investment and Jobs Act (IIJA) grants upon submission and award of final 50% of funds and grant amendment.

Through these increased oversight activities and policy improvements DOE anticipates continued decreased ACPU levels to meet statutory and regulatory requirements over the next year.

Estimated Completion Date: 12/31/25

Recommendation 2: Enforce reporting requirements and ensure adequate staffing within the WAP network for effective execution and quality assurance functions.

DOE Response: Concur

DOE is doubling the number of technical monitoring visits conducted annually. Along with the enhanced monitoring guidance outlined in WPN 24-2, and routine quarterly desktop monitoring, program leadership will review execution and staffing data across all Grantees at least twice quarterly to further identify trends of concern. This increased oversight will aid DOE in identifying areas of opportunity to provide additional technical assistance and enforce a corrective action plan supported by a schedule and/or due dates. In addition, ad hoc monitoring will be initiated when a specific trend or deficiency is identified through desktop monitoring or when a previously issued corrective action is unresolved. Should a Grantee fail to take the

Enclosure

Management Response

Progress Implementing the Department of Energy's Weatherization Assistance Program Under the Infrastructure Investment and Jobs Act (A23ID004)

necessary action DOE can issue a Notice of Non-compliance that can result in (1) withholding further payments for the award; (2) disallow costs charged improperly to the award; (3) wholly or partly suspend the current award; (4) wholly or partly terminate the current award.

DOE recognizes that there may be times when a report is delayed but will monitor trends in quarterly desktop reporting submissions and enforce a corrective action plan with Grantees when delayed reporting patterns are identified. DOE expects these actions to improve timeliness of report submissions.

To support WAP Grantees and Subgrantees, DOE established cooperative agreements in early FY 2024 with the National Association of State Community Services Programs (NASCS) and the National Community Action Partnership (NCAP) to provide WAP network with technical assistance and training to address barriers with BIL implementation and workforce development. The partners host a variety of conferences/webinars (e.g., new manager orientation). DOE published WPN 24-7 Optional Budget Flexibilities which may address concerns raised by the network related to barriers in paying competitive wages due to cap on the Average Cost Per Unit.

Estimated Completion Date: 3/31/25

Recommendation 3: More closely oversee Grantees that have received funds that do not show sufficient work completed.

DOE Response: Concur

DOE concurs with the OIG and is seeing improvement in production across the network because of actions taken during routine desktop monitoring and Grantee engagement calls to provide guidance and technical assistance. Of the 16 Grantees with no production, five of have reported completed units. The other 11 Grantees have experienced delays related to procurement actions and staffing. DOE is working with each Grantee to provide ongoing technical assistance. DOE will notify Grantees immediately that upon submission and review of the 12/31/2024 quarterly reports, DOE will require a corrective action plan be provided within 30 days to address production issues with no reported IJA unit completions.

DOE is seeing an increase in unit completions with several Grantees. As of August 2024, eight have met or are close to meeting the 30% production milestone to be eligible to receive final 50% of funding. DOE published Weatherization Memorandum 131 to clarify requirements to request the remaining 50% of obligated funds. DOE anticipates receiving requests for the remaining 50% of obligated funds from these Grantees in the next three to six months and expects most requests from the other Grantees to occur in calendar year 2025.

Estimated Completion Date: 2/28/25

FEEDBACK

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