



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

MAY 26 2006

The Honorable Donald A. Manzullo
Representative in Congress
415 S. Mulford Road
Rockford, IL 61108

Dear Representative Manzullo:

This is in response to a facsimile dated May 5, 2006, from Mr. Bryan Davis of your staff, to the Assistant Secretary of Defense for Legislative Affairs, concerning Mr. Douglas J. Albright, President of the Actuation Test Equipment Company (ATEC), Winnebago, Illinois. Mr. Albright advised that he is also an inventor for an automatic index test box for Kaplan turbines which was awarded patent number 4,794,544 by the U.S. Patent and Trademark Office on December 27, 1988. Mr. Albright requested that your office inquire with both the Department of Defense and the Department of Energy (DOE) as to how his allegations of impropriety were investigated.

The matters at issue concern contract number W9127N-04-D-0009 which the U.S. Army Corps of Engineers (COE), Hydro Design Center, Portland, Oregon, awarded to ATEC on May 25, 2004, to complete development on an index test box for Kaplan hydro-electric turbines. Mr. Albright advised that contract funding was provided by the DOE through the Bonneville Power Administration.

The ending date of the performance period was May 31, 2005. Because the project ran out of time (but not out of funding), before all of the tasks were accomplished, a COE contract modification became necessary. Mr. Albright alleged that wording¹ on page 6 of the contract extension represented an unauthorized modification which would have: (1) compelled him to provide source code for his copyrighted software on request; (2) allowed multiple copies of the program to be deployed without payment of the licensing fee stipulated in the original contract; and (3) fully defeated his intellectual property rights to his pre-developed copyrighted software.

A review of Agency files determined that Mr. Albright contacted the Defense Hotline in three e-mails on November 14, 2005, which were assigned case number 98272. Two of the e-mails were cc copies of original e-mails that Mr. Albright directed to an individual with the DOE Inspector General's Office. In the third e-mail, specifically addressed to the Defense Hotline, Mr. Albright reflected that he wished to remain a confidential complainant in the matter.

¹ 3.4.2.9a With every delivery or software modification, the Contractor shall deliver software source code.

The Defense Hotline acts as a conduit within the Department of Defense (DoD) to receive complaints and refer them for an inquiry, investigation or audit, to the appropriate DoD agency. In accordance with Agency procedures, the identity of complainants that provide information regarding alleged wrongdoing will be held confidential unless the individual gives their express permission for the disclosure of their name. Due to the nature of Mr. Albright's allegations, and his status as an alleged victim of impropriety, his identity as a complainant could not be withheld. On December 14, 2005, the Defense Hotline responded via e-mail to Mr. Albright's e-mail address, DudleyDevices@aol.com, advising him in part:

After reviewing your correspondence we determined that due to the nature of your complaint we can not initiate an Inspector General inquiry without identifying you as the complainant. Since you requested confidentiality, we will not forward your complaint to the investigating agency for inquiry until we receive written authorization from you allowing the Defense Hotline to release your name as the complainant.

Please refer to Hotline Case number 98272 in all future correspondence.

Because no further response was received from Mr. Albright, no referral was made. Should Mr. Albright agree to have his identity released and so notifies the Defense Hotline, the matter will likely be referred to the Department of the Army Inspector General for an appropriate review.

Should you have any questions regarding this matter, please contact me at (703) 604-8324.

Sincerely,



John R. Crane
Assistant Inspector General
Communications and Congressional Liaison