



# FINANCIAL ASSISTANCE LETTER

This Financial Assistance Letter is issued under the authority of the Procurement Executives of DOE and NNSA

**Subject: Implementation of Fiscal Year (FY) 2003 Legislative Provisions**

## **When is this Financial Assistance Letter (FAL) Effective?**

This FAL implements certain provisions contained in the Consolidated Appropriations Resolution, 2003, Pub. L. 108-7. The Energy and Water Development Appropriations Act, 2003, Pub. L. 108-7 (Division D) and the Department of Interior and Related Agencies Appropriations Act, 2003, Pub. L. 108-7 (Division F) are contained in the consolidated appropriations. In addition, certain provisions were made permanent for fiscal year 2000 and thereafter in the Department of Interior and Related Agencies Appropriations Act of 2000, Public Law 106-113, enacted November 29, 1999. The statutory provisions addressed in the FAL are effective on the date of enactment of the Act containing the provision. The Energy and Water Development Appropriations Act, 2003 and the Department of Interior and Related Agencies Appropriations Act, 2003, were enacted on February 20, 2003.

## **When Does This FAL Expire?**

This FAL remains in effect until superseded or canceled. This FAL supersedes FAL 2002-02 dated January 8, 2002.

## **Who is the Point of Contact?**

Contact Jackie Kniskern of the Office of Procurement and Assistance Policy by telephone at (202) 586-8189 or by email at [jacqueline.kniskern@pr.doe.gov](mailto:jacqueline.kniskern@pr.doe.gov).

### **What is the Purpose of this FAL?**

This FAL provides Contracting Officers and grants personnel guidance regarding the implementation of legislative provisions contained in the FY 2003 appropriations act.

### **What is the Background?**

The guidance provided in this FAL is the same as the guidance provided in FAL 2002-02 and results from the following statutory requirements:

#### Lobbying Restrictions (Energy and Water Act §501/Interior Act §302)

The Energy and Water Act prohibits the use of funds appropriated, either directly or indirectly, to influence congressional action on any legislation or appropriations matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of Title 18, United States Code. The Interior Act prohibits the use of funds appropriated under the Act for any activity or the publication of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete.

Purchase of American-Made Equipment and Products—Sense of Congress Energy and Water Act §502(a) and (b)/FY 2000 Interior Act 307(b) and (d). This provision was made permanent in the FY 2000 Interior Act.

This provision provides that it is the sense of Congress that all equipment and products purchased with funds made available from the Energy and Water Act or the Interior Act should be American-made and requires the Department to notify awardees of this statement.

Compliance with Buy American Act (FY 2000 Interior Act §307(a) and (d)). This provision was made permanent in the FY 2000 Interior Act.

This provision provides that none of the funds made available under the Interior Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act").

**What is the Guidance Included in the FAL?**

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**List of Energy & Water Act and Interior Act Programs**

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**I. Lobbying Restrictions**

**A. Lobbying Restrictions (Energy and Water Act 2003)**

Contracting Officers must incorporate the following clause into existing and new financial assistance awards, when funds made available under the FY 2003 Energy and Water Development Appropriations Act are obligated on the award:

*LOBBYING RESTRICTION (ENERGY AND WATER ACT 2003)*

*The awardee agrees that none of the funds obligated on this award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S. C. 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.*

*(End of Clause)*

**B. Lobbying Restrictions (Interior Act, 2003)**

Contracting Officers must incorporate the following clause into existing and new financial assistance awards, when funds made available under the FY 2003 Interior and Related Agencies Appropriation Act are obligated on the award:

*LOBBYING RESTRICTION (INTERIOR ACT 2003)*

*The awardee agrees that none of the funds obligated on this award shall be made available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete. This restriction is in addition to those prescribed elsewhere in statute and regulation.*

*(End of Clause)*

**II. Purchase of American-made Equipment and Products-Sense of Congress**

Contracting Officers must incorporate the following notice into existing or new financial assistance awards, when funds made available under the FY 2003 Energy and Water Development Appropriations Act or any Interior or Related Agencies Appropriation Act after FY 2000 are obligated on the award:

*NOTICE REGARDING THE PURCHASE OF  
AMERICAN-MADE EQUIPMENT AND PRODUCTS-  
SENSE OF CONGRESS*

*It is the sense of the Congress that, to the greatest  
extent practicable, all equipment and products  
purchased with funds made available under this award  
should be American- made.*

*(End of Notice)*

**III. Compliance with Buy American Act**

Contracting Officers must incorporate the following clause into existing and new financial assistance awards, when funds made available under any Interior Act, after fiscal year 2000, are obligated on the award:

*COMPLIANCE WITH BUY AMERICAN ACT*

*In accepting this award, the recipient agrees to comply  
with sections 2 through 4 of the Act of March 3, 1933  
(41 U.S.C. 10a - 10c, popularly known as the "Buy  
American Act"). The recipient should review the  
provisions of the Act to ensure that expenditures made  
under this award are in accordance with it.*

*(End of Clause)*

**Attachment**

**List of Energy & Water Act and Interior Act Programs**

This list is provided to assist you in determining the application of the appropriate provisions.

**Energy and Water Act (Programs)**

Energy Supply  
Non-Defense Environmental Management  
Uranium Facilities Maintenance and Remediation  
Science  
Nuclear Waste Disposal  
Departmental Administration  
Office of Inspector General  
Power Marketing Administrations  
Federal Energy Regulatory Commission  
National Nuclear Security Administration  
Defense Environmental Management  
Defense Nuclear Waste Disposal  
Energy Security and Assurance  
Security  
Intelligence  
Counterintelligence  
Independent Oversight and Performance Assurance  
Environmental, Safety and Health  
Worker and Community Transition  
Hearing and Appeals

**Interior Act (Programs)**

Naval Petroleum and Oil Shale Reserves  
Elk Hills School Lands Fund  
Strategic Petroleum Reserve  
Clean Coal Technology  
Economic Regulation  
Energy Information Administration  
Energy Conservation  
Fossil Energy Research & Development