



POLICY FLASH 2011-68

DATE: April 25, 2011

TO: Procurement Directors

FROM: Director, Policy Division 
Office of Procurement and Assistance Policy
Office of Procurement and Assistance Management

SUBJECT: Implementation of Division B, Title I, Section 1101(a)(2) of the Department of Defense and Full-Year Continuing Appropriations Act, 2011

SUMMARY: Acquisition Letter 2011-04 provides implementing instructions and guidance for Section 1101(a)(2) of the Full-Year Continuing Appropriations Act of 2011, Pub. L. 112-10 (hereinafter “Full-Year Continuing Appropriations Act of 2011”). Section 1101(a)(2) of the Act provides that, unless otherwise specified, the authority and conditions provided for projects or activities (including the costs of direct loans and loan guarantees) appropriated, authorized, or funded in the Energy and Water Development and Related Agencies Appropriations Act of 2010, Pub. L. 111-85, still apply.

Section 1101(a)(2) of the Full-Year Continuing Appropriations Act of 2011 is a continuation of Sections 301, 305, and 501 of the Energy and Water Development Appropriations Act of 2010. Implementing instructions and guidance pertaining to Section 311, which requires advance notification to Congress for certain acquisitions and financial assistance actions, will be provided in a separate Acquisition Letter/Financial Assistance Letter (AL/FAL).

AL-2011-04 addresses the following provisions of the Energy and Water Development Appropriations Act of 2010:

- Section 301 Unfunded Request for Proposals;
- Section 305 User Facilities; and
- Section 501 Lobbying Restrictions

It should be noted that the provision historically included in prior fiscal year Energy and Water Development and Related Agencies Appropriations Acts pertaining to Contract Competition for Management and Operating Contracts or Contracts for Environmental Remediation or Waste Management at Current or Former Management and Operating Contract Site or Facility (previously Section 301) is not included in the subject Act for fiscal year 2011.

This flash and its attachment will be available online at the following website:

http://management.energy.gov/policy_guidance/policy_flashes.htm.

Questions concerning this policy flash should be directed to Barbara Binney at (202) 287-1340 or barbara.binney@hq.doe.gov.

Attachment