

TO ENACT CERTAIN LAWS RELATING TO PUBLIC CONTRACTS AS TITLE 41, UNITED STATES CODE, "PUBLIC CONTRACTS"

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MARCH 23, 2009.—Referred to the House Calendar and ordered to be printed

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Mr. CONYERS, from the Committee on the Judiciary,  
submitted the following

REPORT

[To accompany H.R. 1107]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1107) to enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts", having considered the same, report favorably thereon and recommend that the bill do pass.

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#### PURPOSE AND SUMMARY

H.R. 1107 would enact certain laws relating to public contracts as title 41, United States Code, “Public Contracts”.

#### BACKGROUND AND NEED FOR LEGISLATION

H.R. 1107 revises and restates certain laws relating to public contracts and re-enacts those laws as title 41, United States Code. The bill was prepared by the Office of the Law Revision Counsel of the House of Representatives, as part of its responsibility under 2 U.S.C. 285b to submit to the Committee on the Judiciary proposed bills to enact titles of the United States Code into positive law.

This bill has undergone extensive review over several Congresses. Predecessor bills to H.R. 1107 were introduced in the 108th, 109th, and 110th Congresses — H.R. 4320 in the 108th, H.R. 5414 in the 109th, and H.R. 4779 in the 110th. H.R. 4779 was ordered favorably reported by the Committee on July 30, 2008.

When H.R. 4779 was introduced, on December 18, 2007, Chairman Conyers placed an introductory statement in the Congressional Record inviting interested parties to review the bill and submit comments to the Law Revision Counsel. A number of comments were received, and the bill as ordered reported incorporated a number of revisions made in light of those comments.

H.R. 1107 was introduced February 23, 2009, by Chairman Conyers and Ranking Member Smith. H.R. 1107 incorporates changes based on laws enacted during the 110th Congress. In addition, H.R. 1107 incorporates a number of revisions made in light of supplemental comments that were submitted to the Committee after the predecessor bill, H.R. 4779, had already been ordered reported.

#### CONFORMITY WITH ORIGINAL INTENT

In the drafting, the intent is to comply with the standard set forth in 2 U.S.C. 285b(1), that the restatement of existing law shall conform to “the understood policy, intent, and purpose of the Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections . . .”.

In restating existing law, this bill consolidates various provisions of law which have been enacted separately over a period of many years, reorganizing them, conforming style and terminology, modernizing obsolete language, and correcting drafting errors. These changes are not intended to have substantive effect, or to impair

in any way the precedential value of earlier judicial decisions or other interpretations.

This bill is intended to restate existing law without substantive change. That enactment of a bill such as this does not make substantive change in the law, absent an unequivocal expression of Congressional intent to make such a change, has been repeatedly held in numerous cases, including the following:

*Finley v. United States*, 490 U.S. 545, 553–555 (1989).

*Cass v. United States*, 417 U.S. 72, 81–82 (1974).

*Tidewater Oil Co. v. U.S.*, 409 U.S. 151, 161–162 (1972).

*United States v. Cook*, 384 U.S. 257, 260 (1966).

*Fourco Glass Co. v. Transmirra Products Corp.*, 353 U.S. 222, 226–227 (1957).

*Washington–Dulles Transportation, Ltd. v. Metropolitan Washington Airports Authority*, 263 F.3d 371, 378–379 (4th Cir. 2001).

*Atchison, Topeka and Santa Fe Railway Co. v. United States*, 617 F.2d 485, 490–491 (7th Cir. 1980).

*Trailer Marine Transport Corp. v. Federal Maritime Commission*, 602 F.2d 379, 383 (D.C. Cir. 1979).

See also NORMAN J. SINGER, SUTHERLAND STATUTORY CONSTRUCTION, §§ 28.10, 28.11 (6th ed. 2002).

#### HEARINGS

No hearings were held on H.R. 1107.

#### COMMITTEE CONSIDERATION

On March 18, 2009, the Committee met in open session and ordered the bill, H.R. 1107, favorably reported, by a voice vote, a quorum being present.

#### COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 1107.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Rep-

representatives, are incorporated in the descriptive portions of this report.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because H.R. 1107 does not provide new budget authority or an increase in tax expenditures.

#### COMITTEE COST ESTIMATE

In compliance with clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee estimates that no appreciable costs will be incurred in carrying out the bill, H.R. 1107, as it is not intended to make any substantive changes to the law. In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee advises that no estimate of the costs of implementing H.R. 1107 is available from the Congressional Budget Office.

#### PERFORMANCE GOALS AND OBJECTIVES

Clause 3(c)(4) of rule XIII of the Rules of the House of Representatives is inapplicable because H.R. 1107 does not authorize funding.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

#### DISPOSITION TABLE

The table below shows a disposition for each section of the United States Code affected by the bill. In addition, with respect to provisions of law set out as notes in the United States Code, the table shows a disposition for each provision restated as part of title 41.

Where the disposition column shows a title 41 citation, it means the provision of law classified to the former United States Code section is being restated and reenacted as part of title 41 by section 3 of the bill. The provision is also included in the Schedule of Laws Repealed in section 7 of the bill.

Where the disposition column shows “Obsolete”, “Superseded”, or “Unnecessary”, it means the provision of law classified to the former United States Code section is being omitted from the proposed revised title but is included in the Schedule of Laws Repealed in section 7 of the bill.

Where the disposition column shows “Limited interest” or “Temporary” or recommends transfer to another title, it means the provision of law classified to the former United States Code section is

being omitted from the proposed revised title and is not included in the Schedule of Laws Repealed in section 7 of the bill.

## Disposition Table

Former United States Code Section (title 41 unless otherwise specified)	Disposition
1 to 4a .....	Previously repealed.
5, 5a .....	6101
6 .....	Previously repealed.
6a(a) .....	6102
6a(b) to (e) .....	Previously repealed.
6a(f) .....	6102
6a(g) .....	Previously repealed.
6a(h) .....	6102
6a(i) .....	Previously repealed.
6a(j) .....	6102
6a(k) to (n) .....	Previously repealed.
6a(o) .....	Superseded. Most recently based on Public Law 85-75, § 101 (last par. on p. 251), July, 1, 1957, 71 Stat. 251, provided that 41:5 would not apply to the Architect of the Capitol in the purchase of supplies and equipment or the procurement of services when the aggregate amount of supplies and equipment or services did not exceed \$1,000. Superseded by 41:6a-1.
6a(p) .....	Previously repealed.
6a-1 .....	6102
6a-2 .....	Transfer to 2:1816
6a-3, 6a-4 .....	6102
6b(a) .....	Obsolete. Provided that materials and equipment needed for control of emergency outbreaks of insects could be procured, without regard to 41:5, using amounts appropriated to carry out 7:148-148e. Provisions classified to 7:148-148e have previously been repealed.
6b(b) .....	Obsolete. Provided that 41:5 would not apply to certain expenditures related to the Civilian Conservation Corps. The Corps was liquidated June 30, 1944.
6b(c) .....	Limited interest. Provides that 41:5 does not apply to contracts for labor or supplies necessary to carry out operations on the Menominee Indian Reservation pursuant to "the Act of March 28, 1908 (35 Stat. 51)" (probably means the Act of March 28, 1908, ch. 111, 35 Stat. 51, which is not classified to the Code).
6b(d) .....	6102
6b(e) .....	Obsolete. Provision, which related to the employment of experts or consultants in the Canal Zone, was from the General Government Matters Appropriation Act, 1962 (Public Law 87-125, title III, § 301, 75 Stat. 279). The provision was not repeated in subsequent appropriation acts and expired on June 30, 1962.
6c to 6jj .....	Previously repealed.
6kk .....	Superseded. Provisions classified to this section were contained in annual appropriation Acts. The provisions created an exemption from 41:5 and 41:16 for certain purchases for the Botanic Garden when the amount involved did not exceed \$50. With respect to an exemption from 41:5, the section appears to have been previously repealed by the Act of August 2, 1946, ch. 744, § 9(b), 60 Stat. 809. In any event, the section was superseded by 41:6a(b), which was subsequently repealed by the Act of October 31, 1951, ch. 654, § 1(107), 65 Stat. 705.
<b>6ll</b> .....	Previously repealed.
6mm .....	Previously transferred to 41:6b(d) prior to repeal.
7 to 7d .....	Previously repealed.
8 .....	6103

## Disposition Table—Continued

Former United States Code Section (title 41 unless otherwise specified)	Disposition
9 .....	Previously repealed.
10 .....	Superseded. Provision related to preferential treatment of American material in contracts for public improvements. Superseded by 41:10a et seq.
10a .....	8302
10b .....	8303
10b-1 .....	Obsolete. Provided that a Federal agency shall not award certain procurement contracts. This section ceased to be effective on April 30, 1996. See section 7004 of Public Law 100-418 (102 Stat. 1552).
10b-2 .....	8304
10b-3 .....	8305
10c .....	8301
10d .....	8303
11 .....	6301
11a .....	6302
12 .....	6303
13 .....	6304
13a .....	Previously repealed.
14 .....	6301
15 .....	6305
16 .....	Previously repealed.
16a .....	Obsolete. Section authorized purchases by the Department of the Interior without compliance with 41:16, which was repealed.
16b .....	Obsolete. Section authorized purchases by the Botanic Garden without compliance with 41:16, which was repealed.
16c .....	Obsolete. Section authorized purchases by the Architect of the Capitol without compliance with 41:16, which was repealed.
16d .....	Obsolete. Section authorized purchases by the Bureau of Reclamation without compliance with 41:16, which was repealed.
17 to 21 .....	Previously repealed.
22 .....	6306
23 .....	6307
24 .....	6308
24a .....	Obsolete. Provided for cancellation on or before March 31, 1936, of contracts for transportation entered into prior to June 16, 1933.
25 to 27 .....	Previously repealed.
28 to 33 .....	Obsolete. The Act of June 16, 1934, ch. 553, 48 Stat. 974, consisting of sections 1 through 6, which were classified to 41:28 through 41:33, respectively, provided for settlement of certain claims related to contracts with the Federal Government made prior to August 10, 1933.
34 .....	Obsolete. Provision, consisting of the Act of August 29, 1935, ch. 815, 49 Stat. 990, provided that bids made subject to codes of fair competition prior to August 29, 1935 should not be rejected where bidder agreed to be subject to Acts requiring observance of minimum wages, maximum hours, or limitations as to age of employees in performance of contracts with Federal agencies. Table III of the Code indicates that provision is classified to 41:28 through 41:34. However, provision is classified only to 41:34. See text in 1940 edition of the Code and source credits.
35 (matter before subsec. (a) less words related to definition of "agency of the United States").	6502
35 (matter before subsec. (a) related to definition of "agency of the United States").	6501
35(a) to (d) .....	6502
36 .....	6503
37 .....	6504

## Disposition Table—Continued

Former United States Code Section (title 41 unless otherwise specified)	Disposition
38 .....	6506
39 .....	6507
40 .....	6508
41 .....	6501
42 .....	6511
43 .....	6505
43a(a) .....	6509
43a(b) (1st sentence) .....	6507
43a(b) (last sentence), (c) .....	6509
43b .....	6510
44 .....	Unnecessary. Severability provisions of laws included in the codification are unnecessary.
45 .....	6502
46 .....	8502
47 .....	8503
48 .....	8504
48a .....	8505
48b .....	8501
48c .....	8506
49, 50 .....	6309
51 .....	Unnecessary. Short titles of laws included in the codification are unnecessary.
52 .....	8701
53 .....	8702
54 .....	8707
55 .....	8706
56 .....	8705
57 .....	8703
58 .....	8704
101, 102(a) .....	Obsolete. Provided for the settlement of claims under terminated contracts for war production during World War II.
102(b) .....	Previously repealed.
103 .....	Obsolete. Provided for the settlement of claims under terminated contracts for war production during World War II.
104(a) .....	Previously repealed.
104(b) to 113(c) .....	Obsolete. Provided for the settlement of claims under terminated contracts for war production during World War II.
113(d) .....	Obsolete. Provided for the appointment and duties of an Appeal Board. The Appeal Board was abolished no later than 9 months after July 14, 1952.
113(e) to 115 .....	Obsolete. Provided for the settlement of claims under terminated contracts for war production during World War II.
116 .....	Previously repealed.
117, 118(a) .....	Obsolete. Provided for the settlement of claims under terminated contracts for war production during World War II.
118(b) .....	Previously repealed.
118(c) to 125 .....	Obsolete. Provided for the settlement of claims under terminated contracts for war production during World War II.
151 to 162 .....	Previously repealed.
201 to 205 .....	Previously transferred to 40:471 to 475 prior to repeal.
211 to 213 .....	Previously transferred to 40:751 to 753 prior to repeal.
214 .....	Previously transferred to 44:391 prior to repeal.
215 .....	Previously transferred to 5:630c prior to repeal.
216 .....	Previously transferred to 5:630d and 40:754 prior to repeal.
217 .....	Previously transferred to 5:630e and 40:755 prior to repeal.
218 .....	Previously transferred to 5:630f prior to repeal.
219 .....	Previously transferred to 5:630g and 40:756 prior to repeal.
231 to 237 .....	Previously transferred to 40:481 to 488 prior to repeal.
238 .....	Previously transferred to 5:630h and 40:758 prior to repeal.
239 to 240 .....	Previously transferred to 40:489 to 492 prior to repeal.
251 .....	Unnecessary. Sets out the purpose of the subchapter.
251 note (Pub. L. 110–252, § 6102, 6103) .....	3509
251 note (Pub. L. 110–417, § 867) .....	4711
252(a) .....	3101
252(b) .....	3104

## Disposition Table—Continued

Former United States Code Section (title 41 unless otherwise specified)	Disposition
252(c)(1) .....	3106
252(c)(2) .....	3301
252a, 252b .....	3101
252c .....	4709
253(a) .....	3301
253(b) .....	3303
253(c) to (f) .....	3304
253(g) .....	3305
253(h) .....	3301
253(i) .....	3105
253(j) .....	3304
253a .....	3306
253a note (Pub. L. 108–136, § 1428) .....	3306
253b(a), (b) .....	3701
253b(c) .....	3702
253b(d) .....	3703
253b(e) .....	3704
253b(f) .....	3705
253b(g) (related to 41:253b(e)) .....	3704
253b(g) (related to 41:253b(f)) .....	3705
253b(h) .....	3706
253b(i) .....	3707
253b(j) .....	3308
253b(k), (l) .....	3708
253b(m) .....	4702
253c .....	3311
253d .....	4703
253e .....	Previously repealed.
253f .....	3310
253g .....	4704
253h .....	4103
253h note (Pub. L. 103–355, § 1054(b)) .....	4102
253h note (Pub. L. 106–65, § 804) .....	4104
253h note (Pub. L. 110–417, § 863(a)–(e)) .....	3302
253i .....	4105
253i note (Pub. L. 109–364, § 834(b), (c) (related to (b))) .....	4105
253j .....	4106
253k .....	4101
253l .....	3902
253l–1 to 253l–8 .....	3904
253m .....	3309
254(a) .....	3901
254(b) .....	3905
254 note (Pub. L. 110–417, § 864(a), (b), (d), (e), (f)(2), (g)) .....	3906
254a .....	4708
254b(a) .....	3502
254b(b) .....	3503
254b(c) .....	3504
254b(d) .....	3505
254b(e) .....	3506
254b(f) .....	3507
254b(g) .....	3508
254b(h) .....	3501
254b note (Pub. L. 110–417, § 866) .....	4710
254b note (Pub. L. 110–417, § 868) .....	3501
254c .....	3903
254d .....	4706
255(a) .....	4501
255(b), (c) .....	4502
255(d) .....	4503
255(e) .....	4504
255(f) .....	4505
255(g) .....	4506
256(a) to (d) .....	4303
256(e) .....	4304



## Disposition Table—Continued

Former United States Code Section (title 41 unless otherwise specified)	Disposition
256(f) .....	4305
256(g) .....	4306
256(h) .....	4307
256(i) .....	4308
256(j) .....	4309
256(k) .....	4310
256(l)(1) .....	4301
256(l)(2) .....	4302
256(m) .....	4301
256a .....	4707
257 .....	4701
258 .....	Previously repealed.
259(a) .....	151
259(b) .....	152
259(c)(1) .....	111
259(c)(2) .....	112
259(c)(3) .....	114
259(c)(4) .....	107
259(c)(5) .....	113
259(c)(6) .....	116
259(c)(7) .....	109
259(c)(8), (9) .....	108
259(c)(10) .....	115
259(c)(11) .....	103
259(c)(12) .....	110
259(c)(13) .....	102
259(c)(14) .....	105
259(d) .....	153
259(e) .....	106
260 .....	3101
261 .....	3102
262 .....	4701
263 .....	3103
264 .....	3307
264 note (Pub. L. 103-355, § 8002) .....	3307
264a ("commercial item") .....	103
264a ("nondevelopmental item") .....	110
264a ("component") .....	105
264a ("commercial component") .....	102
264b .....	3307
265 .....	4705
266 .....	3105
266a .....	Temporary. Authorizes the head of an executive agency to enter into a share-in-savings contract for information technology. Those contracts may not be entered into after September 30, 2005.
271 to 274 .....	Previously transferred to 40:511 to 514 prior to repeal.
281 to 291 .....	Previously transferred to 44:392 to 402 prior to repeal.
321 to 322 .....	Superseded. Provisions superseded by section 10 of the Contract Disputes Act of 1978 (41 U.S.C. 609). Congress intended to repeal provisions but, due to apparent oversight, repeal was not enacted. See Senate Report No. 95-1118 (1978 U.S.C.C.A.N. p. 5235), especially page 34 ("Section 14(i) repeals 41 U.S.C. 321-322") and pages 2, 3, 13 to 15, and 30. See also, Nash, Jr., Schooner, and O'Brien, Government Contracts Reference Book, 2d Ed., page 548.
351(a) (words before par. (1) related to applicability) .....	6702
351(a) (words before par. (1) related to required contract terms), (1) to (5). .....	6703
351(b) .....	6704
352 .....	6705
353 .....	6707
354(a) .....	6706
354(b) .....	6705

## Disposition Table—Continued

Former United States Code Section (title 41 unless otherwise specified)	Disposition
355 .....	6707
356 .....	6702
357 .....	6701
358 .....	6707
401, 402 .....	Previously repealed.
403(1) .....	133
403(2) .....	111
403(3) .....	112
403(4) .....	114
403(5) .....	132
403(6) .....	107
403(7) .....	113
403(8) .....	116
403(9) .....	109
403(10) ("item", "item of supply") .....	108
403(10) ("supplies") .....	115
403(11) .....	134
403(12) .....	103
403(13) .....	110
403(14) .....	105
403(15) .....	102
403(16) .....	131
403(17) .....	1301
404(a) .....	1101
404(b) .....	1102
405(a) to (c) .....	1121
405(d), (e) .....	1122
405(f) .....	1121
405(g) .....	1122
405(h)(1) .....	1130
405(h)(2) .....	2305
405(i) .....	1125
405(j) .....	1126
405(k) .....	1131
405 note (Pub. L. 108–136, § 1431(b)) .....	1129
405 note (Pub. L. 110–417, § 874(a)) .....	2311
405a (1st sentence) .....	1121
405a (last sentence) .....	1123
405b .....	2304
405c(a), (c) .....	2303
406 .....	1701
407 .....	Previously repealed.
408 .....	1121
409 .....	Previously repealed.
410 .....	1101
411 .....	1122
412(a) .....	2307
412(b) .....	2306
413 .....	1124
414 .....	1702
414a .....	1706
414b(a) to (c) .....	1311
414b(d), (e) .....	1312
415 .....	Previously repealed.
416 .....	1708
417 .....	1712
417a .....	1713
417b .....	2313
418 .....	1705
418a .....	2302
418b .....	1707
419 .....	1709
420 .....	Previously repealed.
421(a), (b) .....	1302
421(c) to (f) .....	1303

## Disposition Table—Continued

Former United States Code Section (title 41 unless otherwise specified)	Disposition
422(a) to (e) .....	1501
422(f) to (h)(1) .....	1502
422(h)(2) to (4) .....	1503
422(i) .....	Expired. Required the Cost Accounting Standards Board to submit an annual report to Congress on the activities and operations of the Board. Section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) provided that subject to certain provisions, each provision of law requiring the submittal to Congress or a committee of Congress of an annual, semiannual, or periodic report specified in the list prepared by the Clerk of the House of Representatives for the first session of the 103d Congress (House Document No. 103-7) ceased to be effective on May 15, 2000.
422(j) .....	1504
422(k) .....	1505
422(l) .....	1506
423(a), (b) .....	2102
423(c) .....	2103
423(d) .....	2104
423(e) .....	2105
423(f) .....	2101
423(g) .....	2106
423(h) .....	2107
424 .....	Previously repealed.
425 .....	1304
426 .....	2301
426a .....	Previously repealed.
427 .....	1901
428 .....	1902
428a .....	1903
428a note (Pub. L. 108-136, § 1441) .....	1904
429 .....	1905
430 .....	1906
431(a), (b) .....	1907
431(c) .....	104
431a .....	1908
431a note (Pub. L. 108-375, § 807(c)) .....	1908
432 .....	1711
433 .....	1703
433 notes (Pub. L. 108-136, §§ 1412(a), 1413) .....	1703
433 note (Pub. L. 108-136, § 1414) .....	1128
433a .....	1704
433a note (Pub. L. 110-417, § 869) .....	1704
434 .....	2308
435 .....	1127
436 .....	2309
437 .....	2310
438 .....	7105
439 .....	1710
440 .....	2312
501 to 509 .....	Previously repealed.
601 .....	7101
602, 603 .....	7102
604, 605 .....	7103
606 .....	7104
607(a) to (e) .....	7105
607(f) .....	7106
607(g) .....	7107
608 .....	7106
609(a) .....	7104
609(b) to (f) .....	7107
610 .....	7105
611, 611 note (Pub. L. 102-572, § 907(a)(3)) .....	7109
612 .....	7108

Disposition Table—Continued

Former United States Code Section (title 41 unless otherwise specified)	Disposition
613 .....	Unnecessary. Severability provisions of laws included in the codification are unnecessary.
701 .....	8102
702 .....	8103
703 .....	8104
704 .....	8105
705 .....	8106
706, 707 .....	8101

SECTION-BY-SECTION EXPLANATION

SECTION 1—TABLE OF CONTENTS

Section 1 of the bill provides a table of contents for the Act.

SECTION 2—PURPOSE; CONFORMITY WITH ORIGINAL INTENT

Section 2(a) of the bill provides that the purpose is to revise, codify, and enact certain general and permanent existing laws related to public contracts as title 41, United States Code, “Public Contracts”.

Section 2(b) of the bill provides a statement of intent with respect to the codification of existing law (see “Conformity With Original Intent” above).

SECTION 3—ENACTMENT OF TITLE 41, UNITED STATES CODE

Section 3 of the bill revises, codifies, and enacts certain general and permanent laws of the United States, related to public contracts, as title 41, United States Code. For each section of title 41, the source provision citations, along with any revision notes, are set out below.

**TITLE 41—PUBLIC CONTRACTS**

Subtitle	Sec.
I. FEDERAL PROCUREMENT POLICY .....	101
II. OTHER ADVERTISING AND CONTRACT PROVISIONS .....	6101
III. CONTRACT DISPUTES .....	7101
IV. MISCELLANEOUS .....	8101

**Subtitle I—Federal Procurement Policy**

DIVISION A—GENERAL

Chapter	Sec.
1. Definitions .....	101

**DIVISION B—OFFICE OF FEDERAL PROCUREMENT POLICY**

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101 .....	no source.	

## SECTION 102

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102 .....	41:259(c)(13).  41:264a (“commercial component”).  41:403(15).	June 30, 1949, ch. 288, title III, § 309(c)(13), as added Pub. L. 98–369, title VII, § 2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98–577, title V, § 504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103–355, title I, § 1551, Oct. 13, 1994, 108 Stat. 3299. June 30, 1949, ch. 288, title III, § 314A (“commercial component”), as added Pub. L. 103–355, title VIII, § 8202, Oct. 13, 1994, 108 Stat. 3394. Pub. L. 93–400, § 4(15), as added Pub. L. 103–355, title VIII, § 8001(a), Oct. 13, 1994, 108 Stat. 3386.

## SECTION 103

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
103 .....	41:259(c)(11).  41:264a (“commercial item”).  41:403(12).	June 30, 1949, ch. 288, title III, § 309(c)(11), as added Pub. L. 98–369, title VII, § 2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98–577, title V, § 504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103–355, title I, § 1551, Oct. 13, 1994, 108 Stat. 3299. June 30, 1949, ch. 288, title III, § 314A (“commercial item”), as added Pub. L. 103–355, title VIII, § 8202, Oct. 13, 1994, 108 Stat. 3394. Pub. L. 93–400, § 4(12), as added Pub. L. 103–355, title VIII, § 8001(a), Oct. 13, 1994, 108 Stat. 3385; Pub. L. 104–106, title XLII, § 4204, Feb. 10, 1996, 110 Stat. 655; Pub. L. 106–65, title VIII, § 805, Oct. 5, 1999, 113 Stat. 705; Pub. L. 108–136, title XIV, § 1433, Nov. 24, 2003, 117 Stat. 1673.

## SECTION 104

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
104 .....	41:431(c).	Pub. L. 93–400, § 35(c), as added Pub. L. 104–106, title XLII, § 4203(a), Feb. 10, 1996, 110 Stat. 655.

In paragraph (2), the words “section 40102(4) of title 46” are substituted for “section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702)” because of section 18(c) of Public Law 109–304 (46 U.S.C. note prec. 101).

## SECTION 105

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
105 .....	41:259(c)(14).  41:264a (“component”).	June 30, 1949, ch. 288, title III, § 309(c)(14), as added Pub. L. 98–369, title VII, § 2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98–577, title V, § 504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103–355, title I, § 1551, Oct. 13, 1994, 108 Stat. 3299. June 30, 1949, ch. 288, title III, § 314A (“component”), as added Pub. L. 103–355, title VIII, § 8202, Oct. 13, 1994, 108 Stat. 3394.

## SECTION 105—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	41:403(14).	Pub. L. 93-400, §4(14), as added Pub. L. 103-355, title VIII, §8001(a), Oct. 13, 1994, 108 Stat. 3386.

## SECTION 106

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
106 .....	41:259(e).	June 30, 1949, ch. 288, title III, §309(e), as added Pub. L. 103-355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299.

The defined term is made applicable to the subtitle because of the numerous references throughout the Office of Federal Procurement Policy Act (Public Law 93-400, 88 Stat. 796), restated in division B of this subtitle, and especially because of sections 6(a) and 25(c) of the Act, restated in sections 1121 and 1303, respectively.

## SECTION 107

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
107 .....	41:259(c)(4).	June 30, 1949, ch. 288, title III, §309(c)(4), as added Pub. L. 98-369, title VII, §2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, §504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299.
	41:403(6).	Pub. L. 93-400, §4(6), formerly §4(7), as added Pub. L. 98-369, title VII, §2731(3), July 18, 1984, 98 Stat. 1195; Pub. L. 98-577, title I, §102(1), Oct. 30, 1984, 98 Stat. 3067; redesignated as §4(6), Pub. L. 100-679, §3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103-355, title VIII, §8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.

## SECTION 108

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
108 .....	41:259(c)(8), (9).	June 30, 1949, ch. 288, title III, §309(c)(8), (9), as added Pub. L. 98-369, title VII, §2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, §504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299.
	41:403(10) (“item”, “item of supply”).	Pub. L. 93-400, §4(10) (“item”, “item of supply”), formerly §4(11), as added Pub. L. 98-577, title I, §102(3), Oct. 30, 1984, 98 Stat. 3067; redesignated as §4(10), Pub. L. 100-679, §3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103-355, title VIII, §8001(b)(1), (2), (4), Oct. 13, 1994, 108 Stat. 3386.

## SECTION 109

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
109 .....	41:259(c)(7).  41:403(9).	June 30, 1949, ch. 288, title III, § 309(c)(7), as added Pub. L. 98-369, title VII, § 2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, § 504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, § 1551, Oct. 13, 1994, 108 Stat. 3299. Pub. L. 93-400, § 4(9), formerly § 4(10), as added Pub. L. 98-577, title I, § 102(3), Oct. 30, 1984, 98 Stat. 3067; redesignated as § 4(9), Pub. L. 100-679, § 3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103-355, title VIII, § 8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.

## SECTION 110

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
110 .....	41:259(c)(12).  41:264a (“nondevelopmental item”).  41:403(13).	June 30, 1949, ch. 288, title III, § 309(c)(12), as added Pub. L. 98-369, title VII, § 2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, § 504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, § 1551, Oct. 13, 1994, 108 Stat. 3299. June 30, 1949, ch. 288, title III, § 314A (“nondevelopmental item”), as added Pub. L. 103-355, title VIII, § 8202, Oct. 13, 1994, 108 Stat. 3394. Pub. L. 93-400, § 4(13), as added Pub. L. 103-355, title VIII, § 8001(a), Oct. 13, 1994, 108 Stat. 3385.

## SECTION 111

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
111 .....	41:259(c)(1).  41:403(2).	June 30, 1949, ch. 288, title III, § 309(c)(1), as added Pub. L. 98-369, title VII, § 2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, § 504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, § 1551, Oct. 13, 1994, 108 Stat. 3298. Pub. L. 93-400, § 4(2), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, § 3, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, § 4, Dec. 1, 1983, 97 Stat. 1326; Pub. L. 103-355, title VIII, § 8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.

## SECTION 112

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
112 .....	41:259(c)(2).  41:403(3).	June 30, 1949, ch. 288, title III, § 309(c)(2), as added Pub. L. 98-369, title VII, § 2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, § 504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, § 1551, Oct. 13, 1994, 108 Stat. 3299. Pub. L. 93-400, § 4(3), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, § 3, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, § 4, Dec. 1, 1983, 97 Stat. 1326; Pub. L. 103-355, title VIII, § 8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.



## SECTION 113

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
113 .....	41:259(c)(5).  41:403(7).	June 30, 1949, ch. 288, title III, § 309(c)(5), as added Pub. L. 98-369, title VII, § 2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, § 504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, § 1551, Oct. 13, 1994, 108 Stat. 3299. Pub. L. 93-400, § 4(7), formerly § 4(8), as added Pub. L. 98-369, title VII, § 2731(3), July 18, 1984, 98 Stat. 1195; Pub. L. 98-577, title I, § 102(2), Oct. 30, 1984, 98 Stat. 3067; redesignated as § 4(7), Pub. L. 100-679, § 3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103-355, title VIII, § 8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.

## SECTION 114

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
114 .....	41:259(c)(3).  41:403(4).	June 30, 1949, ch. 288, title III, § 309(c)(3), as added Pub. L. 98-369, title VII, § 2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, § 504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, § 1551, Oct. 13, 1994, 108 Stat. 3299. Pub. L. 93-400, § 4(4), formerly § 4(5), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, § 3, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, § 4, Dec. 1, 1983, 97 Stat. 1326; Pub. L. 98-369, title VII, § 2731(2), July 18, 1984, 98 Stat. 1195; redesignated as § 4(4), Pub. L. 100-679, § 3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103-355, title VIII, § 8001(b)(1), (2), (4), Oct. 13, 1994, 108 Stat. 3386.

## SECTION 115

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
115 .....	41:259(c)(10).  41:403(10) (“supplies”).	June 30, 1949, ch. 288, title III, § 309(c)(10) (“supplies”), as added Pub. L. 98-369, title VII, § 2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, § 504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, § 1551, Oct. 13, 1994, 108 Stat. 3299. Pub. L. 93-400, § 4(10) (“supplies”), formerly § 4(11), as added Pub. L. 98-577, title I, § 102(3), Oct. 30, 1984, 98 Stat. 3067; redesignated as § 4(10), Pub. L. 100-679, § 3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103-355, title VIII, § 8001(b)(1), (2), (4), Oct. 13, 1994, 108 Stat. 3386.

## SECTION 116

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
116 .....	41:259(c)(6).	June 30, 1949, ch. 288, title III, § 309(c)(6), as added Pub. L. 98-369, title VII, § 2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, § 504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, § 1551, Oct. 13, 1994, 108 Stat. 3299.

## SECTION 116—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	41:403(8).	Pub. L. 93-400, § 4(8), formerly § 4(9), as added Pub. L. 98-577, title I, § 102(3), Oct. 30, 1984, 98 Stat. 3067; redesignated as § 4(8), Pub. L. 100-679, § 3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103-355, title VIII, § 8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.

## SUBCHAPTER II—DIVISION B DEFINITIONS

## SECTION 131

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
131 .....	41:403(16).	Pub. L. 93-400, § 4(16), as added Pub. L. 108-136, title XIV, § 1411, Nov. 24, 2003, 117 Stat. 1663.

## SECTION 132

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
132 .....	41:403(5).	Pub. L. 93-400, § 4(5), formerly § 4(6), as added Pub. L. 98-369, title VII, § 2731(3), July 18, 1984, 98 Stat. 1195; redesignated as § 4(5), Pub. L. 100-679, § 3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103-355, title VIII, § 8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.

## SECTION 133

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
133 .....	41:403(1).	Pub. L. 93-400, § 4(1), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, § 3, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, § 4, Dec. 1, 1983, 97 Stat. 1326; Pub. L. 103-355, title VIII, § 8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.

## SECTION 134

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
134 .....	41:403(11).	Pub. L. 93-400, § 4(11), as added Pub. L. 101-510, title VIII, § 806(a)(1), Nov. 5, 1990, 104 Stat. 1592; Pub. L. 103-355, title IV, § 4001, title VIII, § 8001(b)(1), (2), Oct. 13, 1994, 108 Stat. 3338, 3386.

## SUBCHAPTER III—DIVISION C DEFINITIONS

## SECTION 151

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
151 .....	41:259(a).	June 30, 1949, ch. 288, title III, § 309(a), 63 Stat. 397.

## SECTION 152

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
152 .....	41:259(b).	June 30, 1949, ch. 288, § 309(b), as added Pub. L. 98–369, title VII, § 2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98–577, § 504(a)(3), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 105–85, title X, § 1073(g)(1), Nov. 18, 1997, 111 Stat. 1906.

## SECTION 153

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
153(1) .....	41:259(d)(1).	June 30, 1949, ch. 288, title III, § 309(d)(1), as added Pub. L. 103–355, title I, § 1551, Oct. 13, 1994, 108 Stat. 3299; Pub. L. 104–201, title VIII, § 807(b)(1), (2), Sept. 23, 1996, 110 Stat. 2606.
153(2) .....	41:259(d)(2).	June 30, 1949, ch. 288, title III, § 309(d)(2), as added Pub. L. 104–201, title VIII, § 807(b)(3), Sept. 23, 1996, 110 Stat. 2606.

In paragraph (1), the words “a contingency operation or”, and the text of 41 U.S.C. 259(d)(2)(A), are omitted because the increased simplified acquisition threshold established under section 32A of the Office of Federal Procurement Policy Act (Public Law 93–400) in the case of a contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation supersedes the threshold established under this section. Section 32A is restated as section 1903 of the revised title.

## DIVISION B—OFFICE OF FEDERAL PROCUREMENT POLICY

**CHAPTER 11—ESTABLISHMENT OF OFFICE AND  
AUTHORITY AND FUNCTIONS OF ADMINISTRATOR**

## SUBCHAPTER I—GENERAL

- Sec.  
1101. Office of Federal Procurement Policy.  
1102. Administrator.

## SUBCHAPTER II—AUTHORITY AND FUNCTIONS OF THE ADMINISTRATOR

1121. General authority.  
1122. Functions.  
1123. Small business concerns.  
1124. Tests of innovative procurement methods and procedures.  
1125. Recipients of Federal grants or assistance.  
1126. Policy regarding consideration of contractor past performance.  
1127. Determining benchmark compensation amount.  
1128. Maintaining necessary capability with respect to acquisition of architectural and engineering services.  
1129. Center of excellence in contracting for services.  
1130. Effect of division on other law.  
1131. Annual report.

## SUBCHAPTER I—GENERAL

## SECTION 1101

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1101(a), (b) .....	41:404(a).	Pub. L. 93-400, §(5)(a), Aug. 30, 1974, 88 Stat. 797; Pub. L. 104-106, title XLIII, § 4305(a)(1), Feb. 10, 1996, 110 Stat. 665.
1101(c) .....	41:410.	Pub. L. 93-400, § 11, Aug. 30, 1974, 88 Stat. 799; Pub. L. 96-83, § 7, Oct. 10, 1979, 93 Stat. 651; Pub. L. 98-191, § 6, Dec. 1, 1983, 97 Stat. 1329; Pub. L. 100-679, § 3(b), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 104-106, title XLIII, § 4305(c)(2), Feb. 10, 1996, 110 Stat. 665.

## SECTION 1102

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1102 .....	41:404(b).	Pub. L. 93-400, §(5)(b), Aug. 30, 1974, 88 Stat. 797.

## SUBCHAPTER II—AUTHORITY AND FUNCTIONS OF THE ADMINISTRATOR

## SECTION 1121

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1121(a)–(c)(1) .....	41:405(a).	Pub. L. 93-400, § 6(a), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, § 4, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, § 5, Dec. 1, 1983, 97 Stat. 1326; Pub. L. 100-679, § 3(a)(1), Nov. 17, 1988, 102 Stat. 4055.
1121(c)(2) .....	41:405a (1st sentence).	Pub. L. 95-507, title II, § 222 (1st sentence), Oct. 24, 1978, 92 Stat. 1771.
1121(c)(3) .....	41:408.	Pub. L. 93-400, § 9, Aug. 30, 1974, 88 Stat. 799.
1121(d) .....	41:405(b).	Pub. L. 93-400, § 6(b), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, § 4, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, § 5, Dec. 1, 1983, 97 Stat. 1327; Pub. L. 100-679, § 3(a)(2), Nov. 17, 1988, 102 Stat. 4055; Pub. L. 104-106, title XLIII, § 4322(a)(1), Feb. 10, 1996, 110 Stat. 677.
1121(e) .....	41:405(f).	Pub. L. 93-400, § 6(f), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, § 4, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, § 5, Dec. 1, 1983, 97 Stat. 1328; Pub. L. 100-679, § 3(a)(4), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 104-201, title X, § 1074(f)(1), Sept. 23, 1996, 110 Stat. 2661.
1121(f) .....	41:405(c).	Pub. L. 93-400, § 6(c), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, § 4, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, § 5, Dec. 1, 1983, 97 Stat. 1327.

In subsection (c)(2), the text of 41:405a (1st sentence relating to promulgating a single, simplified, uniform Federal procurement regulation) is omitted as superseded by 41:405(a) because of section 11 of the Office of Federal Procurement Policy Act Amendments of 1979 (Public Law 96-83, 93 Stat. 652).

## SECTION 1122

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1122(a) .....	41:405(d).	Pub. L. 93-400, § 6(d), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, § 4, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, § 5, Dec. 1, 1983, 97 Stat. 1327; Pub. L. 100-679, § 3(a)(3), Nov. 17, 1988, 102 Stat. 4055; Pub. L. 103-355, title V, § 5091, title VII, § 7108, Oct. 13, 1994, 108 Stat. 3361, 3378; Pub. L. 104-106, title XLIII, §§ 4307(b), 4321(h)(1), (2), Feb. 10, 1996, 110 Stat. 668, 675; Pub. L. 105-85, title X, § 1073(g)(2)(B), Nov. 18, 1997, 111 Stat. 1906; Pub. L. 105-135, title VI, § 604(f)(1), Dec. 2, 1997, 111 Stat. 2634.
1122(b) .....	41:405(e).	Pub. L. 93-400, § 6(e), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, § 4, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, § 5, Dec. 1, 1983, 97 Stat. 1328; Pub. L. 98-369, title VII, § 2732(b)(1), July 18, 1984, 98 Stat. 1199.
1122(c)(1) .....	41:405(g).	Pub. L. 93-400, § 6(g), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, § 4, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, § 5, Dec. 1, 1983, 97 Stat. 1328.
1122(c)(2)(A) .....	41:411(b).	Pub. L. 93-400, § 12, Aug. 30, 1974, 88 Stat. 799; Pub. L. 96-83, § 8, Oct. 10, 1979, 93 Stat. 652; Pub. L. 98-191, § 8(c), Dec. 1, 1983, 97 Stat. 1331.
1122(c)(2)(B) .....	41:411(a).	

In clause (12), the words “small business concerns owned and controlled by service-disabled veterans” are added to conform to section 15(g)(1) of the Small Business Act (15:644(g)(1)).

## SECTION 1123

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1123 .....	41:405a (last sentence).	Pub. L. 95-507, title II, § 222 (last sentence), Oct. 24, 1978, 92 Stat. 1771.

## SECTION 1124

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1124(a) .....	41:413(a) (1st, 2d sentences).	Pub. L. 93-400, § 15, as added Pub. L. 98-191, § 7, Dec. 1, 1983, 97 Stat. 1329; Pub. L. 104-201, title X, § 1074(f)(2), Sept. 23, 1996, 110 Stat. 2661.
1124(b) .....	41:413(a) (last sentence).	
1124(c) .....	41:413(b).	

In subsection (c), the words “Committee on Oversight and Government Reform” are substituted for “Committee on Government Operations” on authority of section 1(a)(6) of Public Law 104-14 (2 U.S.C. note prec. 21), Rule X(1)(h) of the Rules of the House of Representatives, adopted by House Resolution No. 5 (106th Congress, January 6, 1999), and Rule X(1)(m) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007). The words “Committee on Homeland Security and Governmental Affairs” are substituted for “Committee on Governmental Affairs” on authority of Senate Resolution No. 445 (108th Congress, October 9, 2004).

## SECTION 1125

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1125(a) .....	41:405(i)(1).	Pub. L. 93-400, § 6(i), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, § 4, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, § 5, Dec. 1, 1983, 97 Stat. 1328.
1125(b) .....	41:405(i)(2).	

## SECTION 1126

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1126(a) .....	41:405(j)(1).	Pub. L. 93-400, § 6(j), as added Pub. L. 103-355, title I, § 1091(b)(2), Oct. 13, 1994, 108 Stat. 3272.
1126(b) .....	41:405(j)(2).	

## SECTION 1127

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1127(a)(1) .....	41:435(b).	Pub. L. 93-400, § 39, as added Pub. L. 105-85, title VIII, § 808(c)(1), Nov. 18, 1997, 111 Stat. 1837; Pub. L. 105-261, title VIII, § 804(c)(1), Oct. 17, 1998, 112 Stat. 2083.
1127(a)(2) .....	41:435(c)(3).	
1127(a)(3) .....	41:435(c)(1).	
1127(a)(4) .....	41:435(c)(5).	
1127(a)(5) .....	41:435(c)(4).	
1127(a)(6) .....	41:435(c)(2).	
1127(b) .....	41:435(a).	

## SECTION 1128

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1128 .....	41:433 note.	Pub. L. 108-136, title XIV, § 1414, Nov. 24, 2003, 117 Stat. 1666.

## SECTION 1129

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1129 .....	41:405 note.	Pub. L. 108-136, title XIV, § 1431(b), Nov. 24, 2003, 117 Stat. 1671.

The words “Not later than 180 days after the date of the enactment of this Act” are omitted, and the word “maintain” is substituted for “establish”, to eliminate obsolete words.

## SECTION 1130

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1130 .....	41:405(h)(1).	Pub. L. 93-400, § 6(h)(1), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, § 4, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, § 5, Dec. 1, 1983, 97 Stat. 1328; Pub. L. 104-106, title LVI, § 5607(d), Feb. 10, 1996, 110 Stat. 702.

## SECTION 1131

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1131 .....	41:405(k).	Pub. L. 93-400, § 6(k), as added Pub. L. 103-355, title V, § 5051(b), Oct. 13, 1994, 108 Stat. 3351; Pub. L. 105-85, title VIII, § 851(b), Nov. 18, 1997, 111 Stat. 1851.

**CHAPTER 13—ACQUISITION COUNCILS**

## SUBCHAPTER I—FEDERAL ACQUISITION REGULATORY COUNCIL

Sec.

1301. Definition.  
 1302. Establishment and membership.  
 1303. Functions and authority.  
 1304. Contract clauses and certifications.

## SUBCHAPTER II—CHIEF ACQUISITION OFFICERS COUNCIL

1311. Establishment and membership.  
 1312. Functions.

## SUBCHAPTER I—FEDERAL ACQUISITION REGULATORY COUNCIL

## SECTION 1301

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1301 .....	41:403(17).	Pub. L. 93-400, § 4(17), as added Pub. L. 108-375, title VIII, § 807(b), Oct. 28, 2004, 118 Stat. 2011.

## SECTION 1302

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1302(a) .....	41:421(a).	Pub. L. 93-400, § 25(a), (b), as added Pub. L. 100-679, § 4, Nov. 17, 1988, 102 Stat. 4056; Pub. L. 101-510, title VIII, § 807, Nov. 5, 1990, 104 Stat. 1593; Pub. L. 104-106, title XLIII, § 4322(a)(2), Feb. 10, 1996, 110 Stat. 677.
1302(b) .....	41:421(b).	

In subsection (a), the words “(hereinafter in this section referred to as the ‘Council’)” are omitted as unnecessary.

In subsection (b)(2)(A)(i), the words “Under Secretary of Defense for Acquisition, Technology, and Logistics” are substituted for “Under Secretary of Defense for Acquisition and Technology” because of section 911(a)(1) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65, 113 Stat. 717, 10 U.S.C. 133 note).

In subsection (b)(2)(A)(ii), the cross-reference to section 16(3) of the Office of Federal Procurement Policy Act (41:414(3)) is treated as a cross-reference to section 16(c) of the Act to reflect the amendment of section 16 by section 1421(a)(1) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136, 117 Stat. 1666).

## SECTION 1303

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1303(a) .....	41:421(c).	Pub. L. 93–400, §25(c)–(f), as added Pub. L. 100–679, §4, Nov. 17, 1988, 102 Stat. 4056; Pub. L. 104–201, title VIII, §822, title X, §1074(f)(3), Sept. 23, 1996, 110 Stat. 2609, 2661; Pub. L. 105–85, title VIII, §841(d), Nov. 18, 1997, 111 Stat. 1843.
1303(b) .....	41:421(d).	
1303(c) .....	41:421(e).	
1303(d) .....	41:421(f).	

In subsection (a)(6), the text of 41:421(c)(6) (last sentence) is omitted because 41:407 was repealed by section 4305(b) of the National Defense Authorization Act of Fiscal Year 1996 (Public Law 104–106, 110 Stat. 665).

In subsection (b)(1)(A), the words “after 60 days after November 17, 1988” are omitted as obsolete.

In subsection (b)(1)(B), the words “(as that term is defined in section 3502(11) of title 44)” are omitted because chapter 35 of title 44 was amended generally by the Paperwork Reduction Act of 1995 (Public Law 104–13, 109 Stat. 163) and 44:3502 no longer defines “information collection request”. The term “information collection request” is retained in this section of the revised title, however, because 44:ch. 35 still contains provisions about requests for collection of information.

## SECTION 1304

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1304(a) .....	41:425(a).	Pub. L. 93–400, §29, as added Pub. L. 103–355, title I, §1093, Oct. 13, 1994, 108 Stat. 3273; Pub. L. 104–106, title XLIII, §4301(b)(2)(A), (c), Feb. 10, 1996, 110 Stat. 657, 658.
1304(b)(1) .....	41:425(b).	
1304(b)(2), (3) .....	41:425(c).	

## SUBCHAPTER II—CHIEF ACQUISITION OFFICERS COUNCIL

## SECTION 1311

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1311(a) .....	41:414b(a).	Pub. L. 93–400, §16A(a)–(c), as added Pub. L. 108–136, title XIV, §1422(a), Nov. 24, 2003, 117 Stat. 1668.
1311(b) .....	41:414b(b)(1) (words before comma), (2)–(5).	
1311(c)(1) .....	41:414b(b)(1) (words after comma).	
1311(c)(2) .....	41:414b(c)(2).	
1311(c)(3) .....	41:414b(c)(1).	
1311(c)(4) .....	41:414b(c)(3).	

## SECTION 1312

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1312(a) .....	41:414b(d).	Pub. L. 93–400, §16A(d), (e), as added Pub. L. 108–136, title XIV, §1422(a), Nov. 24, 2003, 117 Stat. 1668.



## SECTION 1312—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1312(b) .....	41:414b(e).	

**CHAPTER 15—COST ACCOUNTING STANDARDS**

- Sec.  
 1501. Cost Accounting Standards Board.  
 1502. Cost accounting standards.  
 1503. Contract price adjustment.  
 1504. Effect on other standards and regulations.  
 1505. Examinations.  
 1506. Authorization of appropriations.

## SECTION 1501

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1501(a) .....	41:422(a)(1) (1st sentence).	Pub. L. 93-400, §26(a)–(e), as added Pub. L. 100-679, §5(a), Nov. 17, 1988, 102 Stat. 4058.
1501(b) .....	41:422(a)(1) (last sentence), (2).	
1501(c) .....	41:422(b).	
1501(d) .....	41:422(c).	
1501(e) .....	41:422(d).	
1501(f) .....	41:422(e).	

In subsection (b)(2), the text of 41:422(a)(2)(C) is omitted as obsolete.

In subsection (b)(2)(A), the last sentence is substituted for “of the initial members, two shall be appointed for terms of two years, one shall be appointed for a term of three years, and one shall be appointed for a term of four years” because the initial members have already been appointed.

In subsection (c)(2), the reference to section 5376 of title 5 is substituted for the reference to grade GS-18 of the General Schedule because of section 529 [title I, §101(c)(1)] of the Treasury, Postal Service, and General Government Appropriations Act, 1991 (Public Law 101-509, 104 Stat. 1442, 5:5376 note).

In subsection (f)(1), the words “Except as otherwise provided in subsection (a) of this section” are omitted because 41:422(a) does not provide any relevant exception.

In subsection (f)(2), the words “private sector” are substituted for “private life” for consistency with subsection (b)(1)(B) of the revised section.

In subsection (f)(3), the words “Executive Schedule” are substituted for “Federal Executive Salary Schedule under section 5316 of title 5” for consistency and to eliminate unnecessary words.

## SECTION 1502

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1502(a) .....	41:422(f)(1), (3).	Pub. L. 93-400, § 26(f), as added Pub. L. 100-679, § 5(a), Nov. 17, 1988, 102 Stat. 4060; Pub. L. 103-355, title II, § 2453, title VIII, § 8301(d), Oct. 13, 1994, 108 Stat. 3326, 3397; Pub. L. 104-106, title XLII, § 4205, title XLIII, § 4321(h)(4), Feb. 10, 1996, 110 Stat. 656, 675; Pub. L. 106-65, title VIII, § 802(a), (b), Oct. 5, 1999, 113 Stat. 701; Pub. L. 109-163, div. A, title VIII, § 822, Jan. 6, 2006, 119 Stat. 3386.
1502(b)(1) .....	41:422(f)(2), (4).	
1502(b)(2) .....	41:422(f)(4).	
1502(b)(3) .....	41:422(f)(5).	
1502(c) .....	41:422(g)(1).	Pub. L. 93-400, § 26(g), (h)(1), as added Pub. L. 100-679, § 5(a), Nov. 17, 1988, 102 Stat. 4061.
1502(d) .....	41:422(g)(2) (1st, 2d sentences).	
1502(e) .....	41:422(g)(2) (last sentence).	
1502(f) .....	41:422(h)(1).	
1502(g) .....	41:422(g)(3).	

In subsection (a)(1), the word “make” is omitted as being included in “prescribe”.

In subsection (b)(2)(A), the word “categories” is omitted as being included in “classes”.

In subsection (b)(3)(A)(ii), the words “as in effect on or after the effective date of this paragraph” are omitted as obsolete.

## SECTION 1503

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1503(a) .....	41:422(h)(2).	Pub. L. 93-400, § 26(h)(2)-(4), as added Pub. L. 100-679, § 5(a), Nov. 17, 1988, 102 Stat. 4062.
1503(b) .....	41:422(h)(3).	
1503(c) .....	41:422(h)(4).	

## SECTION 1504

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1504(a) .....	41:422(j)(1), (2).	Pub. L. 93-400, § 26(j), as added Pub. L. 100-679, § 5(a), Nov. 17, 1988, 102 Stat. 4062.
1504(b) .....	41:422(j)(3).	
1504(c) .....	41:422(j)(4).	

## SECTION 1505

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1505 .....	41:422(k).	Pub. L. 93-400, § 26(k), as added Pub. L. 100-679, § 5(a), Nov. 17, 1988, 102 Stat. 4062.

## SECTION 1506

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1506 .....	41:422(I).	Pub. L. 93-400, § 26(I), as added Pub. L. 100-679, § 5(a), Nov. 17, 1988, 102 Stat. 4063.

### CHAPTER 17—AGENCY RESPONSIBILITIES AND PROCEDURES

<i>Sec.</i>		
1701.	Cooperation with the Administrator.	
1702.	Chief Acquisition Officers and senior procurement executives.	
1703.	Acquisition workforce.	
1704.	Planning and policy-making for acquisition workforce.	
1705.	Advocates for competition.	
1706.	Personnel evaluation.	
1707.	Publication of proposed regulations.	
1708.	Procurement notice.	
1709.	Contracting functions performed by Federal personnel.	
1710.	Public-private competition required before conversion to contractor performance.	
1711.	Value engineering.	
1712.	Record requirements.	
1713.	Procurement data.	

## SECTION 1701

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1701 .....	41:406.	Pub. L. 93-400, § 7, Aug. 30, 1974, 88 Stat. 798.

## SECTION 1702

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1702(a), (b)(1), (2)	41:414(a).	Pub. L. 93-400, § 16, as added Pub. L. 98-191, § 7, Dec. 1, 1983, 97 Stat. 1330; Pub. L. 98-369, title VII, § 2732(b)(2), July 18, 1984, 98 Stat. 1199; Pub. L. 108-136, div. A, title XIV, § 1421(a)(1), Nov. 24, 2003, 117 Stat. 1666.
1702(b)(3) .....	41:414(b).	
1702(c) .....	41:414(c).	

## SECTION 1703

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1703(a) .....	41:433(e) (last sentence).	Pub. L. 93-400, § 37(b)-(h)(2), as added Pub. L. 104-106, title XLIII, § 4307(a)(1), Feb. 10, 1996, 110 Stat. 666. Pub. L. 93-400, § 37(a), as added Pub. L. 104-106, title XLIII, § 4307(a)(1), Feb. 10, 1996, 110 Stat. 666; Pub. L. 109-163, div. A, title VIII, § 821(b)(1), Jan. 6, 2006, 119 Stat. 3386.
1703(b)(1) .....	41:433(a).	
1703(b)(2) .....	41:433(e) (1st sentence).	Pub. L. 108-136, div. A, title XIV, § 1412(a), Nov. 24, 2003, 117 Stat. 1664.
1703(c) .....	41:433(b).	
1703(d) .....	41:433(c).	
1703(e) .....	41:433(d).	
1703(f) .....	41:433(f).	
1703(g) .....	41:433(g).	
1703(h)(1) .....	41:433(h)(1)(A).	
1703(h)(2) .....	41:433(h)(2).	
1703(h)(3) .....	41:433(h)(1)(B).	
1703(i)(1) .....	41:433 note.	

## SECTION 1703—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1703(i)(2)–(8) .....	41:433(h)(3).	Pub. L. 93–400, § 37(h)(3), as added Pub. L. 108–136, div. A, title XIV, § 1412(b), Nov. 24, 2003, 117 Stat. 1664; Pub. L. 109–163, div. A, title VIII, § 821(a), Jan. 6, 2006, 119 Stat. 3386; Pub. L. 110–181, div. A, title VIII, § 854, Jan. 28, 2008, 122 Stat. 251.
1703(j) .....	41:433 note.	Pub. L. 108–136, div. A, title XIV, § 1413, Nov. 24, 2003, 117 Stat. 1665; Pub. L. 110–181, div. A, title VIII, § 853, title X, § 1063(g)(2), Jan. 28, 2008, 122 Stat. 250, 323.
1703(k) .....	41:433(i).	Pub. L. 93–400, § 37(i), as added Pub. L. 109–313, § 4, Oct. 6, 2006, 120 Stat. 1737.

In subsection (e), the word “information” the second time it appears is substituted for “data” for consistency in the subsection.

In subsection (i)(6), the words “Office of Federal Procurement Policy” are substituted for “Office of Federal Acquisition Policy” to provide the correct name of the office.

In subsection (j), the text of 1413(c) of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108–136, 117 Stat. 1665) is omitted as obsolete.

In subsection (k)(4), the words “Committee on Oversight and Government Reform” are substituted for “Committee on Government Reform” on authority of Rule X(1)(m) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

## SECTION 1704

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1704(a)(1) .....	no source.	
1704(a)(2) .....	41:433a(h).	Pub. L. 110–181, div. A, title VIII, § 855, Jan. 28, 2008, 122 Stat. 251.
1704(b)–(f) .....	41:433a(a)–(e).	
1704(g) .....	41:433a note.	Pub. L. 110–417, [div. A], title VIII, § 869, Oct. 14, 2008, 122 Stat. 4553.
1704(h), (i) .....	41:433a(f), (g).	

In subsection (a), the definition of “executive agency” is omitted as unnecessary.

In subsection (f)(1), the words “Not later than 1 year after the date of the enactment of this Act” are omitted as obsolete.

In subsection (g)(2), the words “Associate Administrator” are substituted for “Associate Administrator for Acquisition Workforce Programs designated under section 855(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 251; 41 U.S.C. 433(a))” because of subsection (a)(1).

In subsection (g)(3)(D), the reference to “section 37(j) of the Office of Federal Procurement Policy Act” is changed to “section 1703(g) of this title” to correct an error in the law.

## SECTION 1705

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1705 .....	41:418.	Pub. L. 93-400, § 20, as added Pub. L. 98-369, title VII, § 2732(a), July 18, 1984, 98 Stat. 1197; Pub. L. 103-355, title VIII, § 8303(a), Oct. 13, 1994, 108 Stat. 3398.

## SECTION 1706

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1706 .....	41:414a.	Pub. L. 98-577, title V, § 502, Oct. 30, 1984, 98 Stat. 3085.

## SECTION 1707

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1707 .....	41:418b.	Pub. L. 93-400, § 22, as added Pub. L. 98-577, title III, § 302(a), Oct. 30, 1984, 98 Stat. 3076; Pub. L. 103-355, title V, § 5092, Oct. 13, 1994, 108 Stat. 3362, as amended Pub. L. 104-106, title XLIII, § 4321(a)(9), Feb. 10, 1996, 110 Stat. 671.

In subsection (a)(2), the words “Notwithstanding the preceding sentence” are omitted as unnecessary.

## SECTION 1708

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1708(a) .....	41:416(a)(1).	Pub. L. 93-400, § 18, as added Pub. L. 98-369, title VII, § 2732(a), July 18, 1984, 98 Stat. 1195; Pub. L. 98-577, title III, § 303(a), Oct. 30, 1984, 98 Stat. 3077; Pub. L. 99-500, § 101(c) [title X, § 922(b), (d)(2)], Oct. 18, 1986, 100 Stat. 1783-151, 1783-152; Pub. L. 99-591, § 101(c) [title X, § 922(b), (d)(2)], Oct. 30, 1986, 100 Stat. 3341-151, 3341-152; Pub. L. 99-661, title IX, formerly title IV, § 922(b), (d)(2), Nov. 14, 1986, 100 Stat. 3931, 3932, renumbered title IX, Pub. L. 100-26, § 3(5), Apr. 21, 1987, 101 Stat. 273; Pub. L. 101-510, title VIII, § 806(d), Nov. 5, 1990, 104 Stat. 1592; Pub. L. 103-355, title I, § 1055(b)(1), title IV, §§ 4201(b), (c), 4202(a)-(c), title VIII, § 8302, title IX, § 9001(b), Oct. 13, 1994, 108 Stat. 3265, 3344, 3398, 3402; Pub. L. 104-106, title XLI, § 4101(c), title XLII, § 4202(d), title XLIII, §§ 4310, 4321(h)(3), Feb. 10, 1996, 110 Stat. 642, 654, 670, 675; Pub. L. 105-85, title VIII, § 850(e)(2), Nov. 18, 1997, 111 Stat. 1849; Pub. L. 105-261, title X, § 1069(d)(1), Oct. 17, 1998, 112 Stat. 2136; Pub. L. 106-398, § 1 [[div. A], title VIII, § 810(a), (b)], Oct. 30, 2000, 114 Stat. 1654A-209; Pub. L. 107-296, title VIII, § 833(c)(2), Nov. 25, 2002, 116 Stat. 2226.
1708(b)(1), (2) .....	41:416(c).	
1708(b)(3) .....	no source.	
1708(c) .....	41:416(b).	
1708(d) .....	41:416(a)(2), (7).	
1708(e) .....	41:416(a)(3), (5), (6).	

## SECTION 1708—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1708(f) .....	41:416(a)(4).	
1708(g) .....	41:416(d).	

In subsection (a)(3), the words “under a basic agreement, basic ordering agreement, or similar arrangement” are substituted for “referred to in clause (A)(ii)” for clarity. The words “by the Secretary of Commerce” are omitted as obsolete. The Secretary of Commerce no longer has responsibility for publishing notices of awards or orders. See revision note for subsection (d).

In subsection (b)(2), the text of 41 U.S.C. 416(C)(1)(H) is omitted because the procurement authority of the Secretary of Homeland Security pursuant to the special procedures provided in section 833(c) of the Homeland Security Act of 2002 (6 U.S.C. 339(c)) expired on September 30, 2007.

Subsection (b)(3) is added because of section 850(e)(3) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, 111 Stat. 1849, 15:637 note), which in part provided that the amendments made by section 850(e)(2), which amended 41:416(c)(1), be implemented in a manner consistent with applicable international agreements.

Subsection (d) is substituted for 41:416(a)(2) and (7) to eliminate unnecessary words. Federal Business Opportunities is the designated single point of universal electronic public access for publication of all procurement information and notices previously published by the Secretary of Commerce in the Commerce Business Daily. See 66 Fed. Reg. 27407, May 16, 2001, 68 Fed. Reg. 56678, October 1, 2003, 48 CFR ch. 1, subch. B, part 5, and the special notice posted in CBDNet on December 28, 2001, and printed on January 2, 2002. The special notice can be found by going to <http://cbdnet.gpo.gov> and clicking on “Federal Business Opportunities to replace the Commerce Business Daily”.

In subsection (e)(1)(B)(i), the words “required for a bid or proposal for a contract described in” are substituted for “required by” for clarity.

In subsection (e)(1)(B)(ii), the words “required for an order described in” are substituted for “required by” for clarity.

## SECTION 1709

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1709(a) .....	41:419(b).	Pub. L. 93–400, § 23, as added Pub. L. 103–355, title VI, § 6002(a), Oct. 13, 1994, 108 Stat. 3363.
1709(b) .....	41:419(a).	
1709(c) .....	41:419(c).	

In subsection (a), before paragraph (1), the words “Personnel referred to in subsection (b) are” are substituted for “For purposes of subsection (a) of this section, the personnel described in this subsection are as follows” to eliminate unnecessary words. In paragraph (3), the words “employee from State or local governments” are substituted for “person” for clarity.

## SECTION 1710

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1710 .....	41:439.	Pub. L. 93-400, § 43, as added Pub. L. 110-181, title III, § 327(a), Jan. 28, 2008, 122 Stat. 63.

In the heading for subsection (d) and in subsection (d)(2), the words “disabled people” are substituted for “handicapped persons” for consistency with chapter 85 of the revised title.

## SECTION 1711

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1711 .....	41:432.	Pub. L. 93-400, § 36, as added Pub. L. 104-106, title XLIII, § 4306(a), Feb. 10, 1996, 110 Stat. 665.

## SECTION 1712

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1712 .....	41:417.	Pub. L. 93-400, § 19, as added Pub. L. 98-369, title VII, § 2732(a), July 18, 1984, 98 Stat. 1197; Pub. L. 103-355, title IV, § 4403, Oct. 13, 1994, 108 Stat. 3349; Pub. L. 110-417, title VIII, § 874(b), Oct. 14, 2008, 122 Stat. 4558.

## SECTION 1713

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1713(a) .....	41:417a(b).	Pub. L. 100-533, title V, § 502, Oct. 25, 1988, 102 Stat. 2697; Pub. L. 105-135, title VI, § 604(f)(2), Dec. 2, 1997, 111 Stat. 2634.
1713(b) .....	41:417a(a).	

In subsection (b), the words “socially and economically disadvantaged individuals” are substituted for “socially and economically disadvantaged businesses” for consistency with the term set out in subsection (a).

**CHAPTER 19—SIMPLIFIED ACQUISITION PROCEDURES**

Sec.

- 1901. Simplified acquisition procedures.
- 1902. Procedures applicable to purchases below micro-purchase threshold.
- 1903. Special emergency procurement authority.
- 1904. Certain transactions for defense against attack.
- 1905. List of laws inapplicable to contracts or subcontracts not greater than simplified acquisition threshold.
- 1906. List of laws inapplicable to procurements of commercial items.
- 1907. List of laws inapplicable to procurements of commercially available off-the-shelf items.
- 1908. Inflation adjustment of acquisition-related dollar thresholds.

## SECTION 1901

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1901 .....	41:427.	Pub. L. 93-400, § 31, as added Pub. L. 103-355, title IV, § 4201(a), Oct. 13, 1994, 108 Stat. 3342; Pub. L. 104-106, title XLII, § 4202(c), title XLIII, § 4302(b), Feb. 10, 1996, 110 Stat. 653, 658, as amended Pub. L. 104-201, title X, § 1074(b)(6) (less effective date), Sept. 23, 1996, 110 Stat. 2660; Pub. L. 105-85, title VIII, § 850(d), Nov. 18, 1997, 111 Stat. 1848.

Section 31(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(e)) is omitted as obsolete.

In subsection (e)(2), the reference to section 253 of this title is limited to section 3303(e) of the revised title for clarity.

## SECTION 1902

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1902 .....	41:428.	Pub. L. 93-400, § 32, as added Pub. L. 103-355, title IV, § 4301(a), Oct. 13, 1994, 108 Stat. 3346; Pub. L. 104-106, title XLIII, §§ 4304(b)(4), (c)(3), 4311, Feb. 10, 1996, 110 Stat. 664, 671.

## SECTION 1903

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1903(a) .....	41:428a(a), (e).	Pub. L. 93-400, § 32A, as added Pub. L. 108-136, title XIV, § 1443(a)(1), Nov. 24, 2003, 117 Stat. 1675; Pub. L. 108-375, title VIII, § 822, Oct. 28, 2004, 118 Stat. 2016.
1903(b) .....	41:428a(b), (c).	
1903(c) .....	41:428a(d).	

## SECTION 1904

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1904 .....	41:428a note.	Pub. L. 108-136, title XIV, § 1441, Nov. 24, 2003, 117 Stat. 1673.

In subsection (a)(2), the reference to subsection (g) of section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160, 10 U.S.C. 2371 note) is changed to subsection (i) because of section 847(c)(1) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136, 117 Stat. 1554), which redesignated subsection (g) as subsection (h), and section 823(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163, 119 Stat. 3387), which redesignated subsection (h) as subsection (i).

In subsection (a)(3)(A), the words “paragraph (2)” are substituted for “this paragraph” to correct the cross-reference.

In subsection (a)(4)(A), the words “to use the authority for such project” are omitted as unnecessary.

In subsection (c), the words “Committee on Homeland Security and Governmental Affairs” are substituted for “Committee on Governmental Affairs” on authority of Senate Resolution No. 445



(108th Congress, October 9, 2004). The words “Committee on Oversight and Government Reform” are substituted for “Committee on Government Reform” on authority of Rule X(1)(m) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

## SECTION 1905

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1905(a) .....	no source.	Pub. L. 93–400, § 33, as added Pub. L. 103–355, title IV, § 4101, Oct. 13, 1994, 108 Stat. 3339.
1905(b)–(d) .....	41:429.	

## SECTION 1906

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1906(a) .....	no source.	Pub. L. 93–400, § 34, as added Pub. L. 103–355, title VIII, § 8003(a), Oct. 13, 1994, 108 Stat. 3388.
1906(b)–(e) .....	41:430.	

## SECTION 1907

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1907 .....	41:431(a), (b).	Pub. L. 93–400, § 35(a), (b), as added Pub. L. 104–106, title XLII, § 4203(a), Feb. 10, 1996, 110 Stat. 654; Pub. L. 105–85, title X, § 1073(g)(2)(C), Nov. 18, 1997, 111 Stat. 1906.

## SECTION 1908

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1908(a) .....	no source.	Pub. L. 93–400, § 35A, as added Pub. L. 108–375, title VIII, § 807(a)(1), Oct. 28, 2004, 118 Stat. 2010.
1908(b)(1) .....	41:431a(c).	
1908(b)(2) .....	41:431a(d).	Pub. L. 108–375, title VIII, § 807(c)(1), Oct. 28, 2004, 118 Stat. 2011.
1908(b)(3) .....	41:431a note.	
1908(c)(1), (2) .....	41:431a(a).	Pub. L. 108–375, title VIII, § 807(c)(2), Oct. 28, 2004, 118 Stat. 2011.
1908(c)(3) .....	41:431a note.	
1908(d) .....	41:431a(b).	
1908(e) .....	41:431a(e).	
1908(f) .....	41:431a(f).	

In subsection (c)(3), the words “After the date of the enactment of this Act” are omitted as obsolete.

In subsection (e)(1), the words “Secretary of Labor” are substituted for “Department of Labor” because of 29:551.

## CHAPTER 21—RESTRICTIONS ON OBTAINING AND DISCLOSING CERTAIN INFORMATION

- Sec.  
 2101. Definitions.  
 2102. Prohibitions on disclosing and obtaining procurement information.  
 2103. Actions required of procurement officers when contacted regarding non-Federal employment.  
 2104. Prohibition on former official’s acceptance of compensation from contractor.

2105. Penalties and administrative actions.  
 2106. Reporting information believed to constitute evidence of offense.  
 2107. Savings provisions.

## SECTION 2101

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2101(1) .....	41:423(f)(5).	Pub. L. 93-400, § 27(f), as added Pub. L. 100-679, § 6(a), Nov. 17, 1988, 102 Stat. 4063; Pub. L. 101-189, title VIII, § 814(a)-(d)(1), Nov. 29, 1989, 103 Stat. 1495; Pub. L. 101-510, title XIV, § 1484(l)(6), Nov. 5, 1990, 104 Stat. 1720; Pub. L. 102-25, title VII, § 705(i), Apr. 6, 1991, 105 Stat. 121; Pub. L. 103-355, title VIII, § 8301(e), Oct. 13, 1994, 108 Stat. 3397; Pub. L. 104-106, title XLIII, § 4304(a), Feb. 10, 1996, 110 Stat. 662.
2101(2) .....	41:423(f)(1).	
2101(3) .....	41:423(f)(3).	
2101(4) .....	41:423(f)(4).	
2101(5) .....	41:423(f)(7).	
2101(6) .....	41:423(f)(6).	
2101(7) .....	41:423(f)(2).	

## SECTION 2102

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2102(a) .....	41:423(a).	Pub. L. 93-400, § 27(a), (b), as added Pub. L. 100-679, § 6(a), Nov. 17, 1988, 102 Stat. 4063; Pub. L. 101-189, title VIII, § 814(a)-(d)(1), Nov. 29, 1989, 103 Stat. 1495; Pub. L. 101-510, title XIV, § 1484(l)(6), Nov. 5, 1990, 104 Stat. 1720; Pub. L. 102-25, title VII, § 705(i), Apr. 6, 1991, 105 Stat. 121; Pub. L. 103-355, title VIII, § 8301(e), Oct. 13, 1994, 108 Stat. 3397; Pub. L. 104-106, title XLIII, § 4304(a), Feb. 10, 1996, 110 Stat. 659; Pub. L. 107-347, title II, § 209(d)(4), Dec. 17, 2002, 116 Stat. 2930.
2102(b) .....	41:423(b).	

## SECTION 2103

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2103(a) .....	41:423(c)(1).	Pub. L. 93-400, § 27(c), as added Pub. L. 100-679, § 6(a), Nov. 17, 1988, 102 Stat. 4063; Pub. L. 101-189, title VIII, § 814(a)-(d)(1), Nov. 29, 1989, 103 Stat. 1495; Pub. L. 101-510, title XIV, § 1484(l)(6), Nov. 5, 1990, 104 Stat. 1720; Pub. L. 102-25, title VII, § 705(i), Apr. 6, 1991, 105 Stat. 121; Pub. L. 103-355, title VIII, § 8301(e), Oct. 13, 1994, 108 Stat. 3397; Pub. L. 104-106, title XLIII, § 4304(a), Feb. 10, 1996, 110 Stat. 660.
2103(b) .....	41:423(c)(2).	
2103(c) .....	41:423(c)(3), (4).	

## SECTION 2104

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2104(a) .....	41:423(d)(1).	Pub. L. 93-400, §27(d), as added Pub. L. 100-679, §6(a), Nov. 17, 1988, 102 Stat. 4063; Pub. L. 101-189, title VIII, §814(a)-(d)(1), Nov. 29, 1989, 103 Stat. 1495; Pub. L. 101-510, title XIV, §1484(l)(6), Nov. 5, 1990, 104 Stat. 1720; Pub. L. 102-25, title VII, §705(i), Apr. 6, 1991, 105 Stat. 121; Pub. L. 103-355, title VIII, §8301(e), Oct. 13, 1994, 108 Stat. 3397; Pub. L. 104-106, title XLIII, §4304(a), Feb. 10, 1996, 110 Stat. 660.
2104(b) .....	41:423(d)(2).	
2104(c) .....	41:423(d)(5).	
2104(d) .....	41:423(d)(3), (4).	

## SECTION 2105

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2105(a) .....	41:423(e)(1).	Pub. L. 93-400, §27(e), as added Pub. L. 100-679, §6(a), Nov. 17, 1988, 102 Stat. 4063; Pub. L. 101-189, title VIII, §814(a)-(d)(1), Nov. 29, 1989, 103 Stat. 1495; Pub. L. 101-510, title XIV, §1484(l)(6), Nov. 5, 1990, 104 Stat. 1720; Pub. L. 102-25, title VII, §705(i), Apr. 6, 1991, 105 Stat. 121; Pub. L. 103-355, title VIII, §8301(e), Oct. 13, 1994, 108 Stat. 3397; Pub. L. 104-106, title XLIII, §4304(a), Feb. 10, 1996, 110 Stat. 661.
2105(b) .....	41:423(e)(2).	
2105(c) .....	41:423(e)(3).	

In subsection (a), the word “violates” is substituted for “engages in conduct constituting a violation” to eliminate unnecessary words.

In subsection (b), the words “liable to the Federal Government for” are substituted for “subject to” for consistency in the revised title and with other titles of the United States Code.

In subsection (c)(1), the words “has violated” are substituted for “has engaged in conduct constituting a violation” to eliminate unnecessary words.

## SECTION 2106

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2106 .....	41:423(g).	Pub. L. 93-400, §27(g), as added Pub. L. 100-679, §6(a), Nov. 17, 1988, 102 Stat. 4063; Pub. L. 101-189, title VIII, §814(a)-(d)(1), Nov. 29, 1989, 103 Stat. 1495; Pub. L. 101-510, title XIV, §1484(l)(6), Nov. 5, 1990, 104 Stat. 1720; Pub. L. 102-25, title VII, §705(i), Apr. 6, 1991, 105 Stat. 121; Pub. L. 103-355, title VIII, §8301(e), Oct. 13, 1994, 108 Stat. 3397; Pub. L. 104-106, title XLIII, §4304(a), Feb. 10, 1996, 110 Stat. 663.

## SECTION 2107

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2107 .....	41:423(h).	Pub. L. 93-400, §27(h), as added Pub. L. 100-679, §6(a), Nov. 17, 1988, 102 Stat. 4063; Pub. L. 101-189, title VIII, §814(a)-(d)(1), Nov. 29, 1989, 103 Stat. 1495; Pub. L. 101-510, title XIV, §1484(l)(6), Nov. 5, 1990, 104 Stat. 1720; Pub. L. 102-25, title VII, §705(i), Apr. 6, 1991, 105 Stat. 121; Pub. L. 103-355, title VIII, §8301(e), Oct. 13, 1994, 108 Stat. 3397; Pub. L. 104-106, title XLIII, §4304(a), Feb. 10, 1996, 110 Stat. 663.

## CHAPTER 23—MISCELLANEOUS

- Sec.
2301. Use of electronic commerce in Federal procurement.
2302. Rights in technical data.
2303. Ethics safeguards related to contractor conflicts of interest.
2304. Conflict of interest standards for consultants.
2305. Authority of Director of Office of Management and Budget not affected.
2306. Openness of meetings.
2307. Comptroller General's access to information.
2308. Modular contracting for information technology.
2309. Protection of constitutional rights of contractors.
2310. Performance-based contracts or task orders for services to be treated as contracts for the procurement of commercial items.
2311. Enhanced transparency on interagency contracting and other transactions.
2312. Contingency Contracting Corps.
2313. Database for Federal agency contract and grant officers and suspension and debarment officials.

## SECTION 2301

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2301(a) .....	41:426(f).	Pub. L. 93-400, §30, as added Pub. L. 103-355, title IX, §9001(a), Oct. 13, 1994, 108 Stat. 3399; Pub. L. 105-85, title VIII, §850(a), Nov. 18, 1997, 111 Stat. 1847; Pub. L. 106-398, §1 [[div. A], title VIII, §810(d)], Oct. 30, 2000, 114 Stat. 1654A-210.
2301(b) .....	41:426(a).	
2301(c) .....	41:426(b).	
2301(d) .....	41:426(c).	
2301(e) .....	41:426(d).	

In this section, the text of 41:426(e) is omitted as obsolete because the last report was to be submitted not later than March 1, 2004.

In subsection (c), the word “executive” is added for clarity and for consistency in the revised section.

In subsection (e)(2), the words “with respect to the agency systems, technologies, procedures, and processes established pursuant to this section” are omitted as unnecessary.

## SECTION 2302

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2302(a) .....	41:418a(a) (1st sentence).	Pub. L. 93-400, §21, as added Pub. L. 98-577, title III, §301(a), Oct. 30, 1984, 98 Stat. 3074; Pub. L. 99-145, title IX, §961(d)(2), Nov. 8, 1985, 99 Stat. 704.

## SECTION 2302—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2302(b) .....	41:418a(a) (2d, last sentences).	
2302(c) .....	41:418a(b).	
2302(d) .....	41:418a(c).	
2302(e) .....	41:418a(d).	

In subsection (a), the words “Federal Acquisition Regulation” are substituted for “single system of Government-wide procurement regulations as defined in section 403(4) of this title” because section 3(a)(1) of the Office of Federal Procurement Policy Act Amendments of 1988 (Public Law 100–679, 102 Stat. 4055) substituted “Federal Acquisition Regulation” for “single system of Government-wide procurement regulations” in section 6 of the Office of Federal Procurement Policy Act (Public Law 93–400, 88 Stat. 797, 41:406) and because section 3(c) of the Office of Federal Procurement Policy Act Amendments of 1988 (102 Stat. 4056) struck section 4(4) of the Office of Federal Procurement Policy Act (88 Stat. 797, 41:403(4)), as amended by section 4 of the Office of Federal Procurement Policy Act Amendments of 1983 (Public Law 98–191, 97 Stat. 1326), which had defined “single system of Government-wide procurement regulations”.

## SECTION 2303

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2303(a) .....	no source.	
2303(b), (c) .....	41:405c(a), (c).	Pub. L. 110–417, [div. A], title VIII, § 841(a), (c), Oct. 14, 2008, 122 Stat. 4537, 4539.

In this section, the words “relevant acquisition functions” are substituted for “acquisition functions closely associated with inherently governmental functions” because of subsection (a).

In subsection (b), the words “Not later than 270 days after the date of the enactment of this Act” are omitted because of section 6(f) of the bill.

In subsection (b)(4)(A), the words “Except as provided in subparagraph (B)” are omitted as unnecessary.

## SECTION 2304

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2304(a) .....	41:405b(a).	Pub. L. 100–463, title VIII, § 8141, Oct. 1, 1988, 102 Stat. 2270–47.
2304(b) .....	41:405b(b).	
2304(c) .....	41:405b(d).	
2304(d) .....	41:405b(e).	

In this section, the text of 41:405b(c) is omitted as obsolete.

In subsection (a), before paragraph (1), the words “The Administrator shall prescribe under this division Government-wide regulations” are substituted for “Not later than 90 days after October 1, 1988, the Administrator of the Office of Federal Procurement Policy shall issue a policy, and not later than 180 days thereafter Government-wide regulations shall be issued under the Office of Federal

Procurement Policy Act (41 U.S.C. 401 et seq.)” to eliminate obsolete words.

In subsection (b), before paragraph (1), the words “the following types of consulting services” are omitted as unnecessary.

In subsection (c)(2), the words “Director of National Intelligence” are substituted for “Director of Central Intelligence” because of section 1081(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458, 50 U.S.C. 401 note). The words “each January 1” are substituted for “no later than January 1, 1990, and annually thereafter to eliminate obsolete and unnecessary words. The words “exempted under paragraph (1)” are substituted for “exempted from the regulations required by subsection (a) of this section in accordance with the provisions of this subsection” to eliminate unnecessary words.

## SECTION 2305

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2305 .....	41:405(h)(2).	Pub. L. 93–400, § 6(h)(2), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96–83, § 4, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98–191, § 5, Dec. 1, 1983, 97 Stat. 1328.

The words “in effect on December 1, 1983” are substituted for “current” for clarity.

## SECTION 2306

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2306 .....	41:412(b).	Pub. L. 93–400, § 14(b), Aug. 30, 1974, 88 Stat. 800; Pub. L. 96–83, § 9, Oct. 10, 1979, 93 Stat. 652.

## SECTION 2307

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2307 .....	41:412(a).	Pub. L. 93–400, § 14(a), Aug. 30, 1974, 88 Stat. 800.

## SECTION 2308

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2308 .....	41:434.	Pub. L. 93–400, § 38, formerly § 35, as added Pub. L. 104–106, title LII, § 5202(a), Feb. 10, 1996, 110 Stat. 690; renumbered § 38, Pub. L. 104–201, title X, § 1074(d)(1), Sept. 23, 1996, 110 Stat. 2660.

## SECTION 2309

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2309 .....	41:436.	Pub. L. 93–400, § 40, formerly § 39, as added Pub. L. 105–277, title III, § 308(a), Oct. 21, 1998, 112 Stat. 2681–879; renumbered § 40, Pub. L. 108–136, title XIV, § 1431(d)(2), Nov. 24, 2003, 117 Stat. 1672.

In subsection (a), the reference is to the Chemical Weapons Convention Implementation Act of 1998 rather than the Chemical Weapons Convention Implementation Act of 1997 to correct an error in the source provision.

## SECTION 2310

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2310 .....	41:437.	Pub. L. 93–400, § 41, as added Pub. L. 108–136, title XIV, § 1431(a), Nov. 24, 2003, 117 Stat. 1671.

In subsection (c), the words “Committees on Homeland Security and Governmental Affairs” are substituted for “Committees on Governmental Affairs” on authority of Senate Resolution No. 445 (108th Congress, October 9, 2004). The words “Committees on Oversight and Government Reform” are substituted for “Committees on Government Reform” on authority of Rule X(1)(m) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

## SECTION 2311

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2311 .....	41:405 note.	Pub. L. 110–417, [div. A], title VIII, § 874(a), Oct. 14, 2008, 122 Stat. 4558.

In the first sentence, the words “Not later than one year after the date of enactment of this Act” are omitted because of section 6(f) of the bill.

## SECTION 2312

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2312 (except subsection (a)).	41:440.	Pub. L. 93–400, § 44, as added Pub. L. 110–417, [div. A], title VIII, § 870(a), Oct. 14, 2008, 122 Stat. 4554.
2312(a) .....	no source.	

## SECTION 2313

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2313 .....	41:417b.	Pub. L. 110–417, [div. A], title VIII, § 872, Oct. 14, 2008, 122 Stat. 4555.

In subsection (a), the words “not later than one year after the date of the enactment of this Act” are omitted because of section 6(f) of the bill.

In subsection (c)(7), the word “practicable” is substituted for “practical” to correct an error in the law.

In subsection (f), the words “Not later than one year after the date of the enactment of this Act” are omitted because of section 6(f) of the bill. The words “shall require” are substituted for “shall be amended to require” to reflect the permanence of the provision.

In subsection (f)(2), the words “the information submitted under paragraph (1)” are substituted for “such information” for clarity.

## DIVISION C—PROCUREMENT

## CHAPTER 31—GENERAL

Sec.

3101. Applicability.  
 3102. Delegation and assignment of powers, functions, and responsibilities.  
 3103. Acquisition programs.  
 3104. Small business concerns.  
 3105. New contracts and grants and merit-based selection procedures.  
 3106. Erection, repair, or furnishing of public buildings and improvements not authorized, and certain contracts not permitted, by this division.

## SECTION 3101

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3101(a) .....	41:252(a) (words before 1st semicolon).	June 30, 1949, ch. 288, title III, § 302(a), 63 Stat. 393; July 12, 1952, ch. 703, § 1(m), 66 Stat. 594; Pub. L. 85-800, § 1, Aug. 28, 1958, 72 Stat. 966; Pub. L. 89-343, § 1, Nov. 8, 1965, 79 Stat. 1303.
3101(b)(1) .....	41:252a.	June 30, 1949, ch. 288, title III, § 302A, as added Pub. L. 103-355, title IV, §§ 4003, 4103(a), Oct. 13, 1994, 108 Stat. 3338, 3341.
3101(b)(2) .....	41:252b.	June 30, 1949, ch. 288, title III, § 302B, as added Pub. L. 103-355, title IV, § 4203(b), Oct. 13, 1994, 108 Stat. 3346.
3101(c)(1) .....	41:252(a) (words after 1st semicolon and before “but when”).	
3101(c)(2) .....	41:252(a) (words after “other law”). 41:260.	June 30, 1949, ch. 288, title III, § 310, 63 Stat. 397; July 12, 1952, ch. 703, § 1(m), (n), 66 Stat. 594; Pub. L. 85-800, § 6, Aug. 28, 1958, 72 Stat. 967; Pub. L. 89-343, § 5, Nov. 8, 1965, 79 Stat. 1303; Pub. L. 98-369, div. B, title VII, § 2714(a)(6), July 18, 1984, 98 Stat. 1185.

In subsection (c)(1)(B), the words “except as provided in paragraph (2)” are added for clarity. The words “section 113(e) of title 40 or any other” are omitted as unnecessary.

## SECTION 3102

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3102 .....	41:261.	June 30, 1949, ch. 288, title III, § 311, as added Pub. L. 103-355, title I, § 1552, Oct. 13, 1994, 108 Stat. 3299.

## SECTION 3103

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3103 .....	41:263.	June 30, 1949, ch. 288, title III, § 313, as added Pub. L. 103-355, title V, § 5051(a), Oct. 13, 1994, 108 Stat. 3351; Pub. L. 105-85, div. A, title VIII, § 851(a), Nov. 18, 1997, 111 Stat. 1851.



## SECTION 3104

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3104 .....	41:252(b).	June 30, 1949, ch. 288, title III, §302(b), 63 Stat. 393; July 12, 1952, ch. 703, § 1(m), 66 Stat. 594; Pub. L. 98-369, div. B, title VII, §2714(a)(1)(A), July 18, 1984, 98 Stat. 1184.

The word “declared” is omitted as unnecessary.

## SECTION 3105

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3105(a) .....	41:253(i)(1).  41:266(a).	June 30, 1949, ch. 288, title III, §303(i), as added Pub. L. 103-355, title VII, §7203(b)(1)(B), Oct. 13, 1994, 108 Stat. 3380; Pub. L. 104-106, title XLI, § 4101(b)(1), Feb. 10, 1996, 110 Stat. 642.  June 30, 1949, ch. 288, title III, §316, as added Pub. L. 103-355, title VII, §7203(b)(2), Oct. 13, 1994, 108 Stat. 3381; Pub. L. 104-106, title XLIII, § 4321(e)(9), Feb. 10, 1996, 110 Stat. 675.
3105(b) .....	41:253(i)(3). 41:266(c).	
3105(c) .....	41:253(i)(2). 41:266(b).	
3105(d) .....	41:253(i)(4). 41:266(d).	

## SECTION 3106

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3106 .....	41:252(c)(1).	June 30, 1949, ch. 288, title III, §302(c)(1), 63 Stat. 393; July 12, 1952, ch. 703, § 1(m), 66 Stat. 594; Pub. L. 85-800, §§2, 3, Aug. 28, 1958, 72 Stat. 966; Pub. L. 89-343, § 2, Nov. 8, 1965, 79 Stat. 1303; Pub. L. 89-348, §1(2), Nov. 8, 1965, 79 Stat. 1310; Pub. L. 90-268, §4, Mar. 16, 1968, 82 Stat. 50; Pub. L. 93-356, §3, July 25, 1974, 88 Stat. 390; Pub. L. 98-191, §9(a)(1), Dec. 1, 1983, 97 Stat. 1331; Pub. L. 98-369, div. B, title VII, §2714(a)(1)(B), July 18, 1984, 98 Stat. 1184.

In paragraph (1), the words “but such authorization shall be required in the same manner as heretofore” are omitted as unnecessary.

## CHAPTER 33—PLANNING AND SOLICITATION

- Sec.
3301. Full and open competition.
3302. Requirements for purchase of property and services pursuant to multiple award contracts.
3303. Exclusion of particular source or restriction of solicitation to small business concerns.
3304. Use of noncompetitive procedures.
3305. Simplified procedures for small purchases.
3306. Planning and solicitation requirements.
3307. Preference for commercial items.
3308. Planning for future competition in contracts for major systems.
3309. Design-build selection procedures.

3310. Quantities to order.  
 3311. Qualification requirement.

## SECTION 3301

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3301(a) .....	41:253(a)(1).	June 30, 1949, ch. 288, title III, § 303(a), 63 Stat. 395; July 12, 1952, ch. 703, § 1(m), 66 Stat. 594; Pub. L. 90-268, § 2, Mar. 16, 1968, 82 Stat. 49; Pub. L. 98-369, title VII, § 2711(a)(1), July 18, 1984, 98 Stat. 1175; Pub. L. 103-355, title I, § 1051(1), Oct. 13, 1994, 108 Stat. 3260.
3301(b)(1) .....	41:253(a)(2).	
3301(b)(2) .....	41:252(c)(2).	June 30, 1949, ch. 288, title III, § 302(c)(2), as added Pub. L. 98-369, title VII, § 2714(a)(1)(B), July 18, 1984, 98 Stat. 1184.
3301(c) .....	41:253(h).	June 30, 1949, ch. 288, title III, § 303(h), as added Pub. L. 104-106, title XLI, § 4101(b)(2), Feb. 10, 1996, 110 Stat. 642.

## SECTION 3302

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3302 .....	41:253h note.	Pub. L. 110-417, [div. A], title VIII, § 863(a)-(e), Oct. 14, 2008, 122 Stat. 4547.

In subsection (b), the words “Not later than one year after the date of the enactment of this Act” are omitted because of section 6(f) of the bill. The words “shall require” are substituted for “shall be amended to require” to reflect the permanence of the provision.

In subsection (c)(2)(A), the words “except as provided in paragraph (3)” are omitted as unnecessary.

In subsection (c)(3)(A), “subsection (a)(3)(A)” is substituted for “subsection (d)(2)(A)” for consistency in the revised title and to correct an error in the law.

In subsection (d)(1), the words “Not later than one year after the date of the enactment of this Act” are omitted because of section 6(f) of the bill. The words “shall require” are substituted for “shall be amended to require” to reflect the permanence of the provision.

## SECTION 3303

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3303 .....	41:253(b).	June 30, 1949, ch. 288, title III, § 303(b), 63 Stat. 395; July 12, 1952, ch. 703, § 1(m), 66 Stat. 594; Pub. L. 90-268, § 2, Mar. 16, 1968, 82 Stat. 49; Pub. L. 98-369, title VII, § 2711(a)(1), July 18, 1984, 98 Stat. 1175; Pub. L. 98-577, title V, § 504(a)(1), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, § 1052, Oct. 13, 1994, 108 Stat. 3260.

## SECTION 3304

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3304(a) .....	41:253(c), (d)(2).	June 30, 1949, ch. 288, title III, § 303(c)–(f), (j), 63 Stat. 395; July 12, 1952, ch. 703, § 1(m), 66 Stat. 594; Pub. L. 90–268, § 2, Mar. 16, 1968, 82 Stat. 49; Pub. L. 98–369, title VII, § 2711(a)(1), July 18, 1984, 98 Stat. 1176; Pub. L. 98–577, title V, § 504(a)(2), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 99–145, title IX, § 961(a)(2), title XIII, § 1304(c)(2), Nov. 8, 1985, 99 Stat. 703, 742; Pub. L. 103–355, title I, §§ 1053, 1055(a), title VII, § 7203(b)(1)(A), Oct. 13, 1994, 108 Stat. 3261, 3265, 3380; Pub. L. 104–106, title XLI, § 4102(b), title XLIII, § 4321(e)(2), Feb. 10, 1996, 110 Stat. 643, 674; Pub. L. 104–320, §§ 7(a)(2), 11(c)(2), Oct. 19, 1996, 110 Stat. 3871, 3873; Pub. L. 110–181, div. A, title VIII, § 844(a), Jan. 28, 2008, 122 Stat. 239; Pub. L. 110–417, [div. A], title VIII, § 862(a), Oct. 14, 2008, 122 Stat. 4546.
3304(b) .....	41:253(d)(1).	
3304(c) .....	41:253(d)(3).	
3304(d) .....	41:253(e).	
3304(e)(1) .....	41:253(f)(1).	
3304(e)(2) .....	41:253(f)(3).	
3304(e)(3), (4) .....	41:253(f)(2).	
3304(e)(5) .....	41:253(f)(4).	
3304(f) .....	41:253(j).	

In subsection (a)(7), the words “(who may not delegate the authority under this paragraph)” are substituted for 41:253(d)(2) to move the restriction closer to where it applies.

In subsection (d)(1)(B)(i), the words “advocate for competition” are substituted for “competition advocate” for consistency with section 1705 of the revised title.

In subsection (d)(1)(B)(ii), the reference to section 5376 of title 5 is substituted for the reference to grade GS–16 or above under the General Schedule because of section 529 [title I, § 101(c)(1)] of the Treasury, Postal Service and General Government Appropriations Act, 1991 (Public Law 101–509, 104 Stat. 1442, 5 U.S.C. 5376 note).

In subsection (d)(5)(B), the words “and not in lieu of” are omitted as unnecessary.

In subsection (f)(2), the words “referred to in subparagraph (A) of paragraph (1)” are added for clarity.

## SECTION 3305

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3305 .....	41:253(g).	June 30, 1949, ch. 288, title III, § 303(g), 63 Stat. 395; July 12, 1952, ch. 703, § 1(m), 66 Stat. 594; Pub. L. 90-268, § 2, Mar. 16, 1968, 82 Stat. 49; Pub. L. 98-369, title VII, § 2711(a)(1), July 18, 1984, 98 Stat. 1178; Pub. L. 99-145, title XIII, § 1304(c)(3), Nov. 8, 1985, 99 Stat. 742; Pub. L. 101-510, title VIII, § 806(c), Nov. 5, 1990, 104 Stat. 1592; Pub. L. 103-355, title I, § 1051(2), title IV, § 4402(a), Oct. 13, 1994, 108 Stat. 3260, 3348; Pub. L. 104-106, title XLII, § 4202(b)(1), Feb. 10, 1996, 110 Stat. 653; Pub. L. 105-85, title VIII, § 850(f)(4)(B), Nov. 18, 1997, 111 Stat. 1850.

## SECTION 3306

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3306(a)–(e) .....	41:253a.	June 30, 1949, ch. 288, title III, § 303A, as added Pub. L. 98-369, title VII, § 2711(a)(2), July 18, 1984, 98 Stat. 1178; Pub. L. 103-355, title I, §§ 1061(a), (b), 1062, title IV, § 4402(b), Oct. 13, 1994, 108 Stat. 3266, 3267, 3348; Pub. L. 104-106, title XLII, § 4202(b)(2), Feb. 10, 1996, 110 Stat. 653.
3306(f) .....	41:253a note.	Pub. L. 108-136, title XIV, § 1428, Nov. 24, 2003, 117 Stat. 1670.

In subsection (f)(2), the words “Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend” are omitted as obsolete.

## SECTION 3307

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3307(a) .....	41:264.	June 30, 1949, ch. 288, title III, §§ 314, 314B, as added Pub. L. 103-355, title VIII, §§ 8201, 8203, Oct. 13, 1994, 108 Stat. 3394.
3307(b) .....	41:264b(a).	
3307(c) .....	41:264b(b).	
3307(d) .....	41:264b(c).	
3307(e) .....	41:264 note.	Pub. L. 103-355, title VIII, § 8002, Oct. 13, 1994, 108 Stat. 3386; Pub. L. 108-136, title XIV, 1432, Nov. 24, 2003, 117 Stat. 1672.

Subsection (a)(1) is substituted for 41 U.S.C. 264(a) for clarity.

In subsection (e), the text of section 8002(f) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355, 41 U.S.C. 264 note) is omitted as obsolete.

In subsection (e)(2)(B)(i) and (C)(i), the words “as the case may be” are omitted as unnecessary.

## SECTION 3308

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3308 .....	41:253b(j).	June 30, 1949, ch. 288, title III, § 303B(j), formerly § 303B(f), as added Pub. L. 98-577, title II, § 201(a), Oct. 30, 1984, 98 Stat. 3068; redesignated as § 303B(g), Pub. L. 103-355, title I, § 1064(1), Oct. 13, 1994, 108 Stat. 3268; redesignated as § 303B(j), Pub. L. 104-106, title XLI, § 4104(b)(2), Feb. 10, 1996, 110 Stat. 645.

## SECTION 3309

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3309 .....	41:253m.	June 30, 1949, ch. 288, title III, § 303M, as added Pub. L. 104-106, div. D, title XLI, § 4105(b)(1), Feb. 10, 1996, 110 Stat. 647.

In subsections (a) and (c)(1), the words “sections 1101 to 1104 of title 40” are substituted for “the Brooks Architect-Engineers Act (title IX of this Act)” and “the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.)”, respectively, because of section 5(c) of Public Law 107-217 (40 U.S.C. note prec. 101) and for consistency with title 40.

In subsection (c)(5), the reference to section 253b of this title is limited to chapter 37 of the revised title for clarity.

## SECTION 3310

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3310 .....	41:253f.	June 30, 1949, ch. 288, title III, § 303F, formerly § 303G, as added Pub. L. 98-577, title II, § 205(a), Oct. 30, 1984, 98 Stat. 3073; renumbered § 303F, Pub. L. 99-145, title XIII, § 1304(c)(4)(A), Nov. 8, 1985, 99 Stat. 742.

In subsection (b), the words “or quantities” are omitted because of 1:1.

## SECTION 3311

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3311 .....	41:253c.	June 30, 1949, ch. 288, title III, § 303C, formerly § 303D, as added Pub. L. 98-577, title II, § 202(a), Oct. 30, 1984, 98 Stat. 3069; renumbered § 303C, Pub. L. 99-145, title XIII, § 1304(c)(4)(A), Nov. 8, 1985, 99 Stat. 742.

In subsection (d)(1)(A), the words “in the Commerce Business Daily” are omitted as obsolete. See revision note for section 1708(d) of the revised title.

**CHAPTER 35—TRUTHFUL COST AND PRICING DATA**

- Sec.  
 3501. Definitions.  
 3502. Required cost or pricing data and certification.  
 3503. Exceptions.  
 3504. Cost or pricing data on below-threshold contracts.

3505. Submission of other information.  
 3506. Price reductions for defective cost or pricing data.  
 3507. Interest and penalties for certain overpayments.  
 3508. Right to examine contractor records.  
 3509. Notification of violations of Federal criminal law or overpayments.

## SECTION 3501

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3501(a) .....	41:254b(h).	June 30, 1949, ch. 288, title III, § 304A(h), formerly § 304A(i), as added Pub. L. 103-355, title I, § 1251(a)(2), Oct. 13, 1994, 108 Stat. 3284; redesignated as § 304A(h), Pub. L. 104-106, title XLII, § 4201(b)(2)(B), Feb. 10, 1996, 110 Stat. 652.
3501(b) .....	41:254b note.	Pub. L. 110-417, [div. A], title VIII, § 868, Oct. 14, 2008, 122 Stat. 4552.

Subsection (a) of Pub. L. 110-417, § 868 is omitted as unnecessary.

In subsection (b)(1), the words “The Federal Acquisition Regulation” are substituted for “The regulations modified pursuant to subsection (a)” for clarity and conformity with the revised title.

## SECTION 3502

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3502 .....	41:254b(a).	June 30, 1949, ch. 288, title III, § 304A(a), as added Pub. L. 103-355, title I, § 1251(a)(2), Oct. 13, 1994, 108 Stat. 3278; Pub. L. 105-261, div. A, title VIII, § 805(b), Oct. 17, 1998, 112 Stat. 2083.

## SECTION 3503

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3503 .....	41:254b(b).	June 30, 1949, ch. 288, title III, § 304A(b), as added Pub. L. 103-355, title I, § 1251(a)(2), Oct. 13, 1994, 108 Stat. 3279; Pub. L. 104-106, title XLII, § 4201(b)(1), Feb. 10, 1996, 110 Stat. 651.

In subsection (b)(2), the words “as the case may be” are omitted as unnecessary.

## SECTION 3504

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3504 .....	41:254b(c).	June 30, 1949, ch. 288, title III, § 304A(c), as added Pub. L. 103-355, title I, § 1251(a)(2), Oct. 13, 1994, 108 Stat. 3280; Pub. L. 104-106, title XLII, §§ 4201(b)(1), 4321(e)(3), Feb. 10, 1996, 110 Stat. 651, 675.

## SECTION 3505

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3505 .....	41:254b(d).	June 30, 1949, ch. 288, title III, § 304A(d), as added Pub. L. 103-355, title I, § 1251(a)(2), Oct. 13, 1994, 108 Stat. 3281; Pub. L. 104-106, title XLII, §§ 4201(b)(1), 4321(e)(4), Feb. 10, 1996, 110 Stat. 652, 675; Pub. L. 105-261, div. A, title VIII, § 808(b), Oct. 17, 1998, 112 Stat. 2085.

## SECTION 3506

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3506 .....	41:254b(e).	June 30, 1949, ch. 288, title III, § 304A(e), as added Pub. L. 103-355, title I, § 1251(a)(2), Oct. 13, 1994, 108 Stat. 3282.

## SECTION 3507

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3507 .....	41:254b(f).	June 30, 1949, ch. 288, title III, § 304A(f), as added Pub. L. 103-355, title I, § 1251(a)(2), Oct. 13, 1994, 108 Stat. 3283.

## SECTION 3508

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3508 .....	41:254b(g).	June 30, 1949, ch. 288, title III, § 304A(g), as added Pub. L. 103-355, title I, § 1251(a)(2), Oct. 13, 1994, 108 Stat. 3283.

## SECTION 3509

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3509 .....	41:251 note.	Pub. L. 110-252, title VI, §§ 6102, 6103, June 30, 2008, 122 Stat. 2386, 2387.

In subsection (b), the words “shall include” are substituted for “shall be amended” and “to include” to reflect the permanence of the provision. The words “within 180 days after the date of the enactment of this Act” are omitted as obsolete.

## CHAPTER 37—AWARDING OF CONTRACTS

Sec.

- 3701. Basis of award and rejection.
- 3702. Sealed bids.
- 3703. Competitive proposals.
- 3704. Post-award debriefings.
- 3705. Pre-award debriefings.
- 3706. Encouragement of alternative dispute resolution.
- 3707. Antitrust violations.
- 3708. Protests.

## SECTION 3701

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3701(a) .....	41:253b(a).	June 30, 1949, ch. 288, title III, § 303B(a), (b), as added Pub. L. 98-369, title VII, § 2711(a)(2), July 18, 1984, 98 Stat. 1179; Pub. L. 103-355, title I, § 1061(c)(1), Oct. 13, 1994, 108 Stat. 3267.
3701(b) .....	41:253b(b).	

## SECTION 3702

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3702(a) .....	41:253b(c) (1st sentence).	June 30, 1949, ch. 288, title III, § 303B(c), as added Pub. L. 98-369, title VII, § 2711(a)(2), July 18, 1984, 98 Stat. 1179; Pub. L. 103-355, title I, §§ 1061(c)(2), 1063(a), Oct. 13, 1994, 108 Stat. 3267, 3268.
3702(b) .....	41:253b(c) (2d sentence).	
3702(a) .....	41:253b(c) (3d, last sentences).	

## SECTION 3703

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3703(a) .....	41:253b(d)(1).	June 30, 1949, ch. 288, title III, § 303B(d), as added Pub. L. 98-369, title VII, § 2711(a)(2), July 18, 1984, 98 Stat. 1180; Pub. L. 103-355, title I, §§ 1061(c)(3), 1063(b), Oct. 13, 1994, 108 Stat. 3267, 3268; Pub. L. 104-106, title XLI, § 4103(b), Feb. 10, 1996, 110 Stat. 644.
3703(b) .....	41:253b(d)(2).	
3703(c) .....	41:253b(d)(3) (1st sentence).	
3703(d) .....	41:253b(d)(3) (last sentence).	

## SECTION 3704

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3704(a) .....	41:253b(e)(1) (1st sentence).	June 30, 1949, ch. 288, title III, § 303B(e), as added Pub. L. 103-355, title I, § 1064(2), Oct. 13, 1994, 108 Stat. 3268; Pub. L. 104-106, title XLI, § 4104(b)(1), Feb. 10, 1996, 110 Stat. 645.
3704(b) .....	41:253b(e)(1) (last sentence).	
3704(c) .....	41:253b(e)(2).	
3704(d) .....	41:253b(e)(3).	
3704(e) .....	41:253b(e)(4).	
3704(f) .....	41:253b(e)(5).	
3704(g) .....	41:253b(g) (related to 41:253b(e)).	

## SECTION 3705

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3705(a) .....	41:253b(f)(1) (1st sentence).	June 30, 1949, ch. 288, title III, § 303B(f), (g) (related to § 303B(f)), as added Pub. L. 104-106, title XLI, § 4104(b)(3), Feb. 10, 1996, 110 Stat. 645.
3705(b) .....	41:253b(f)(1) (last sentence).	
3705(c) .....	41:253b(f)(2).	
3705(d) .....	41:253b(f)(3).	
3705(e) .....	41:253b(f)(4).	
3705(f) .....	41:253b(g) (related to 41:253b(f)).	



## SECTION 3706

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3706 .....	41:253b(h).	June 30, 1949, ch. 288, title III, § 303B(h), as added Pub. L. 104-106, title XLI, § 4104(b)(3), Feb. 10, 1996, 110 Stat. 645.

## SECTION 3707

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3707 .....	41:253b(i).	June 30, 1949, ch. 288, title III, § 303B(i), formerly § 303B(e), as added Pub. L. 98-369, title VII, § 2711(a)(2), July 18, 1984, 98 Stat. 1180; redesignated as § 303B(f), Pub. L. 103-355, title I, § 1064(1), Oct. 13, 1994, 108 Stat. 3268; redesignated as § 303B(i), Pub. L. 104-106, title XLI, § 4104(b)(2), Feb. 10, 1996, 110 Stat. 645.

## SECTION 3708

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3708(a) .....	41:253b(k).	June 30, 1949, ch. 288, title III, § 303B(k), formerly § 303B(h), as added Pub. L. 103-355, title I, § 1065, Oct. 13, 1994, 108 Stat. 3269; redesignated as § 303B(k), Pub. L. 104-106, title XLI, § 4104(b)(2), Feb. 10, 1996, 110 Stat. 645; Pub. L. 104-106, title XLI, § 5607(c), Feb. 10, 1996, 110 Stat. 701, as amended Pub. L. 104-201, title X, § 1074(b)(7) (less effective date), Sept. 23, 1996, 110 Stat. 2660.
3708(b) .....	41:253b(l).	June 30, 1949, ch. 288, title III, § 303B(l), formerly § 303B(i), as added Pub. L. 103-355, title I, § 1066, Oct. 13, 1994, 108 Stat. 3269; redesignated as § 303B(l), Pub. L. 104-106, title XLI, § 4104(b)(2), Feb. 10, 1996, 110 Stat. 645.

**CHAPTER 39—SPECIFIC TYPES OF CONTRACTS**

Sec.

3901. Contracts awarded using procedures other than sealed-bid procedures.  
 3902. Severable services contracts for periods crossing fiscal years.  
 3903. Multiyear contracts.  
 3904. Contract authority for severable services contracts and multiyear contracts.  
 3905. Cost contracts.  
 3906. Cost-reimbursement contracts.

## SECTION 3901

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3901 .....	41:254(a).	June 30, 1949, ch. 288, title III, § 304(a), 63 Stat. 395; Pub. L. 98-369, div. B, title VII, § 2714(a)(3)(A), (B), July 18, 1984, 98 Stat. 1184; Pub. L. 103-355, title IV, § 4103(c), title VIII, § 8204(b), Oct. 13, 1994, 108 Stat. 3341, 3396.

In subsection (b)(2), the words “in its discretion” are omitted as unnecessary.

## SECTION 3902

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3902 .....	41:253 <i>l</i> .	June 30, 1949, ch. 288, title III, § 303L, as added Pub. L. 103-355, title I, § 1073, Oct. 13, 1994, 108 Stat. 3271, as amended Pub. L. 104-106, title XLIII, § 4321(a)(1), Feb. 10, 1996, 110 Stat. 671.

## SECTION 3903

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3903(a) .....	41:254c(d) (1st sentence).	June 30, 1949, ch. 288, title III, § 304B, as added Pub. L. 103-355, title I, § 1072, Oct. 13, 1994, 108 Stat. 3270.
3903(b) .....	41:254c(a).	
3903(c) .....	41:254c(b).	
3903(d) .....	41:254c(c).	
3903(e) .....	41:254c(d) (last sentence).	
3903(f) .....	41:254c(e).	

## SECTION 3904

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3904(a) .....	41:253 <i>l</i> -1.	Pub. L. 105-18, title II, § 7004, June 12, 1997, 111 Stat. 192.
3904(b) .....	41:253 <i>l</i> -2.	Pub. L. 106-57, title II, § 207, Sept. 29, 1999, 113 Stat. 423.
3904(c) .....	41:253 <i>l</i> -3.	Pub. L. 106-554, § 1(a)(2) [title I, §§ 101, 110], Dec. 21, 2000, 114 Stat. 2763A-100, 2763A-108.
3904(d) .....	41:253 <i>l</i> -4.	
3904(e) .....	41:253 <i>l</i> -5.	Pub. L. 108-7, div. H, title I, §§ 5, 1002, 1202, Feb. 20, 2003, 117 Stat. 350, 357, 373.
3904(f) .....	41:253 <i>l</i> -6.	
3904(g) .....	41:253 <i>l</i> -7.	
3904(h) .....	41:253 <i>l</i> -8.	Pub. L. 108-72, § 4, Aug. 15, 2003, 117 Stat. 889.

In subsections (a)–(c) and (e)–(h), the words “procurement of severable services” are substituted for “acquisition of severable services” for consistency with 41:253*l*, restated as section 3902 of the revised title.

In subsection (c), the words “During fiscal year 2001 and any succeeding fiscal year” are omitted as obsolete.

In subsection (d), the words “Beginning on December 21, 2000, and hereafter” are omitted as obsolete.

In subsection (e), the text of 41:253*l*-5(b) is omitted as obsolete.

In subsection (f), the text of 41:253*l*-6(b) is omitted as obsolete.

In subsection (g), the text of 41:253*l*-7(b) is omitted as obsolete.

In subsection (h), the text of 41:253*l*-8(b) is omitted as obsolete.

## SECTION 3905

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3905(a) .....	41:254(b) (1st sentence words before 1st comma).	June 30, 1949, ch. 288, title III, § 304(b), 63 Stat. 395; July 12, 1952, ch. 703, § 1(m), 66 Stat. 594; Pub. L. 103-355, title I, § 1071, title IV, § 4402(c), title X, § 10005(e), Oct. 13, 1994, 108 Stat. 3270, 3349, 3408.

## SECTION 3905—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3905(b) .....	41:254(b) (1st sentence words after 1st comma).	
3905(c) .....	41:254(b) (last sentence words before semicolon).	
3905(d) .....	41:254(b) (last sentence words after semicolon).	

## SECTION 3906

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3906 .....	41:254 note.	Pub. L. 110-417, [div. A], title VIII, § 864(a), (b), (d), (e), (f)(2), (g), Oct. 14, 2008, 122 Stat. 4549.

In subsection (b), the words “Not later than 270 days after the date of the enactment of this Act” are omitted because of section 6(f) of the bill. The words “shall address” are substituted for “shall be revised to address” to reflect the permanence of the provision.

In subsection (d), the words “Subject to subsection (f)” are omitted as unnecessary.

**CHAPTER 41—TASK AND DELIVERY ORDER CONTRACTS**

Sec.

4101. Definitions.

4102. Authorities or responsibilities not affected.

4103. General authority.

4104. Guidance on use of task and delivery order contracts.

4105. Advisory and assistance services.

4106. Orders.

## SECTION 4101

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4101 .....	41:253k.	June 30, 1949, ch. 288, title III, § 303K, as added Pub. L. 103-355, title I, § 1054(a), Oct. 13, 1994, 108 Stat. 3265.

## SECTION 4102

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4102 .....	41:253h note.	Pub. L. 103-355, § 1054(b), Oct. 13, 1994, 108 Stat. 3265.

The text of section 1054(b)(1) of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355, 41:253h note) is omitted as obsolete.

## SECTION 4103

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4103 .....	41:253h.	June 30, 1949, ch. 288, title III, § 303H, as added Pub. L. 103-355, title I, § 1054(a), Oct. 13, 1994, 108 Stat. 3261; Pub. L. 110-181, title VIII, § 843(b)(1), Jan. 28, 2008, 122 Stat. 238.

In subsection (a), the words “(as defined in section 253k of this title)” are omitted as unnecessary.

## SECTION 4104

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4104 .....	41:253h note.	Pub. L. 106-65, div. A, title VIII, § 804, Oct. 5, 1999, 113 Stat. 704.

In this section, the text of section 804(d) of the National Defense Authorization Act for Fiscal Year 2000 (Pub. L. 106-65, 41:253h note) is omitted as obsolete.

In subsection (a), the words “Not later than 180 days after the date of the enactment of this Act” and “be revised to” are omitted as obsolete.

In subsection (b)(1), the words “this chapter and sections 2304a to 2304d of title 10” are substituted for “the provisions of law referred to in that subsection” for clarity.

## SECTION 4105

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4105(a) .....	41:253i(i).	June 30, 1949, ch. 288, title III, § 303I, as added Pub. L. 103-355, title I, § 1054(a), Oct. 13, 1994, 108 Stat. 3262.
4105(b) .....	41:253i(a).	
4105(c)(1) .....	41:253i(b).	Pub. L. 109-364, div. A, title VIII, § 834(b), (c) (related to (b)), Oct. 17, 2006, 120 Stat. 2333.
4105(c)(2) .....	41:253i note.	
4105(d) .....	41:253i(c).	
4105(e) .....	41:253i(d).	
4105(f) .....	41:253i(e).	
4105(g) .....	41:253i(f).	
4105(h) .....	41:253i(g).	
4105(i) .....	41:253i(h).	

In subsection (b)(1), the words “(as defined in section 253k of this title)” are omitted as unnecessary.

In subsection (c)(2)(C), the words “Committee on Oversight and Government Reform” are substituted for “Committee on Government Reform” on authority of Rule X(1)(m) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

## SECTION 4106

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4106(a) .....	41:253j(g).	June 30, 1949, ch. 288, title III, § 303J, as added Pub. L. 103-355, title I, § 1054(a), Oct. 13, 1994, 108 Stat. 3264; Pub. L. 110-181, div. A, title VIII, § 843(b)(2), Jan. 28, 2008, 122 Stat. 238.
4106(b) .....	41:253j(a).	
4106(c) .....	41:253j(b).	
4106(d) .....	41:253j(d).	
4106(e) .....	41:253j(c).	
4106(f) .....	41:253j(e).	
4106(g) .....	41:253j(f).	

In subsection (g)(2), the words “advocate for competition” are substituted for “competition advocate” for consistency with section 1705 of the revised title.

## CHAPTER 43—ALLOWABLE COSTS

- Sec.  
4301. Definitions.  
4302. Adjustment of threshold amount of covered contract.  
4303. Effect of submission of unallowable costs.  
4304. Specific costs not allowable.  
4305. Required regulations.  
4306. Applicability of regulations to subcontractors.  
4307. Contractor certification.  
4308. Penalties for submission of cost known to be unallowable.  
4309. Burden of proof on contractor.  
4310. Proceeding costs not allowable.

## SECTION 4301

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4301(1) .....	41:256(m)(1).	June 30, 1949, ch. 288, title III, § 306(m), as added Pub. L. 105-85, title VIII, § 808(b)(2), Nov. 18, 1997, 111 Stat. 1836; Pub. L. 105-261, title VIII, § 804(b), Oct. 17, 1998, 112 Stat. 2083.
4301(2) .....	41:256(l)(1).	
4301(3) .....	41:256(m)(3).	June 30, 1949, ch. 288, title III, § 306(l)(1), as added Pub. L. 100-700, § 8(a)(1), Nov. 19, 1988, 102 Stat. 4634; Pub. L. 103-355, title II, § 2151, Oct. 13, 1994, 108 Stat. 3315.
4301(4) .....	41:256(m)(2).	

## SECTION 4302

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4302 .....	41:256(l)(2).	June 30, 1949, ch. 288, title III, § 306(l)(2), as added Pub. L. 100-700, § 8(a)(1), Nov. 19, 1988, 102 Stat. 4634; Pub. L. 103-355, title II, § 2151, Oct. 13, 1994, 108 Stat. 3315.

## SECTION 4303

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4303(a) .....	41:256(a).	June 30, 1949, ch. 288, title III, § 306(a)-(d), as added Pub. L. 100-700, § 8(a)(1), Nov. 19, 1988, 102 Stat. 4634; Pub. L. 103-355, title II, § 2151, Oct. 13, 1994, 108 Stat. 3309.

## SECTION 4303—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4303(b) .....	41:256(b).	
4303(c) .....	41:256(c).	
4303(d) .....	41:256(d).	

In subsection (a), the words “(referred to in section 421(c)(1) of this title)” are omitted as unnecessary.

## SECTION 4304

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4304 .....	41:256(e).	June 30, 1949, ch. 288, title III, § 306(e), as added Pub. L. 100–700, § 8(a)(1), Nov. 19, 1988, 102 Stat. 4634; Pub. L. 103–355, title II, § 2151, Oct. 13, 1994, 108 Stat. 3310; Pub. L. 105–85, title VIII, § 808(b)(1), Nov. 18, 1997, 111 Stat. 1836.

## SECTION 4305

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4305(a) .....	41:256(f)(1) (1st, 2d sentences).	June 30, 1949, ch. 288, title III, § 306(f), as added Pub. L. 100–700, § 8(a)(1), Nov. 19, 1988, 102 Stat. 4634; Pub. L. 103–355, title II, § 2151, Oct. 13, 1994, 108 Stat. 3312.
4305(b) .....	41:256(f)(1) (last sentence).	
4305(c) .....	41:256(f)(2)–(4).	

## SECTION 4306

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4306 .....	41:256(g).	June 30, 1949, ch. 288, title III, § 306(g), as added Pub. L. 100–700, § 8(a)(1), Nov. 19, 1988, 102 Stat. 4634; Pub. L. 103–355, title II, § 2151, Oct. 13, 1994, 108 Stat. 3313.

## SECTION 4307

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4307 .....	41:256(h).	June 30, 1949, ch. 288, title III, § 306(h), as added Pub. L. 100–700, § 8(a)(1), Nov. 19, 1988, 102 Stat. 4634; Pub. L. 103–355, title II, § 2151, Oct. 13, 1994, 108 Stat. 3313.

## SECTION 4308

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4308 .....	41:256(i).	June 30, 1949, ch. 288, title III, § 306(i), as added Pub. L. 100–700, § 8(a)(1), Nov. 19, 1988, 102 Stat. 4634; Pub. L. 103–355, title II, § 2151, Oct. 13, 1994, 108 Stat. 3313.

## SECTION 4309

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4309 .....	41:256(j).	June 30, 1949, ch. 288, title III, § 306(j), as added Pub. L. 100-700, § 8(a)(1), Nov. 19, 1988, 102 Stat. 4634; Pub. L. 103-355, title II, § 2151, Oct. 13, 1994, 108 Stat. 3313.

## SECTION 4310

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4310(a) .....	41:256(k)(6).	June 30, 1949, ch. 288, title III, § 306(k), as added Pub. L. 100-700, § 8(a)(1), Nov. 19, 1988, 102 Stat. 4634; Pub. L. 103-355, title II, § 2151, Oct. 13, 1994, 108 Stat. 3313.
4310(b) .....	41:256(k)(1).	
4310(c) .....	41:256(k)(2).	
4310(d) .....	41:256(k)(3).	
4310(e) .....	41:256(k)(4).	
4310(f) .....	41:256(k)(5).	

**CHAPTER 45—CONTRACT FINANCING**

- Sec.  
 4501. Authority of executive agency.  
 4502. Payment.  
 4503. Security for advance payments.  
 4504. Conditions for progress payments.  
 4505. Payments for commercial items.  
 4506. Action in case of fraud.

## SECTION 4501

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4501 .....	41:255(a).	June 30, 1949, ch. 288, title III, § 305(a), 63 Stat. 396; July 12, 1952, ch. 703, § 1(m), 66 Stat. 594; Pub. L. 85-800, § 4, Aug. 28, 1958, 72 Stat. 966; Pub. L. 103-355, title II, § 2051(a)(2), (c), Oct. 13, 1994, 108 Stat. 3304.

## SECTION 4502

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4502(a) .....	41:255(b).	June 30, 1949, ch. 288, title III, § 305(b), as added Pub. L. 103-355, title II, § 2051(b), Oct. 13, 1994, 108 Stat. 3304.
4502(b) .....	41:255(c).	June 30, 1949, ch. 288, title III, § 305(c), 63 Stat. 396; July 12, 1952, ch. 703, § 1(m), 66 Stat. 594; Pub. L. 85-800, § 4, Aug. 28, 1958, 72 Stat. 966; Pub. L. 103-355, title II, § 2051(a)(3), (5), Oct. 13, 1994, 108 Stat. 3304.

## SECTION 4503

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4503 .....	41:255(d).	June 30, 1949, ch. 288, title III, § 305(d), 63 Stat. 396; July 12, 1952, ch. 703, § 1(m), 66 Stat. 594; Pub. L. 85-800, § 4, Aug. 28, 1958, 72 Stat. 966; Pub. L. 103-355, title II, § 2051(a)(4), (5), (d), Oct. 13, 1994, 108 Stat. 3304.

## SECTION 4504

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4504 .....	41:255(e).	June 30, 1949, ch. 288, title III, §305(e), as added Pub. L. 103-355, title II, § 2051(e), Oct. 13, 1994, 108 Stat. 3304, as amended Pub. L. 104-106, title XLIII, § 4321(a)(4), Feb. 10, 1996, 110 Stat. 671.

## SECTION 4505

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4505 .....	41:255(f).	June 30, 1949, ch. 288, title III, §305(f), as added Pub. L. 103-355, title II, § 2051(e), Oct. 13, 1994, 108 Stat. 3304, as amended Pub. L. 104-106, title XLIII, § 4321(a)(4), Feb. 10, 1996, 110 Stat. 671.

## SECTION 4506

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4506 .....	41:255(g).	June 30, 1949, ch. 288, title III, §305(g), as added Pub. L. 103-355, title II, § 2051(e), Oct. 13, 1994, 108 Stat. 3305, as amended Pub. L. 104-106, title XLIII, § 4321(a)(4), Feb. 10, 1996, 110 Stat. 671.

## CHAPTER 47—MISCELLANEOUS

Sec.

4701. Determinations and decisions.  
4702. Prohibition on release of contractor proposals.  
4703. Validation of proprietary data restrictions.  
4704. Prohibition of contractors limiting subcontractor sales directly to Federal Government.  
4705. Protection of contractor employees from reprisal for disclosure of certain information.  
4706. Examination of facilities and records of contractor.  
4707. Remission of liquidated damages.  
4708. Payment of reimbursable indirect costs in cost-type research and development contracts with educational institutions.  
4709. Implementation of electronic commerce capability.  
4710. Limitations on tiering of subcontractors.  
4711. Linking of award and incentive fees to acquisition outcomes.

## SECTION 4701

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4701 .....	41:257.  41:262.	June 30, 1949, ch. 288, title III, § 307, 63 Stat. 396; Pub. L. 85-800, § 5, Aug. 28, 1958, 72 Stat. 967; Pub. L. 89-343, §§ 3, 4, Nov. 8, 1965, 79 Stat. 1303; Pub. L. 98-369, title VII, § 2714(a)(4), July 18, 1984, 98 Stat. 1184; Pub. L. 104-106, title XLIII, § 4321(e)(6), Feb. 10, 1996, 110 Stat. 675; Pub. L. 104-316, title I, § 121(c), Oct. 19, 1996, 110 Stat. 3836. June 30, 1949, ch. 288, title III, § 312, as added Pub. L. 103-355, title I, § 1553, Oct. 13, 1994, 108 Stat. 3300.



## SECTION 4702

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4702(a) .....	41:253b(m)(3).	June 30, 1949, ch. 288, title III, § 303B(m), as added Pub. L. 104-201, title VIII, § 821(b), Sept. 23, 1996, 110 Stat. 2609.
4702(b) .....	41:253b(m)(1).	
4702(c) .....	41:253b(m)(2).	

In subsection (b), the words “Except as provided in paragraph (2)” are omitted as unnecessary.

## SECTION 4703

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4703(a) .....	41:253d(a).	June 30, 1949, ch. 288, title III, § 303D, formerly § 303E, as added Pub. L. 98-577, title II, § 203(a), Oct. 30, 1984, 98 Stat. 3071; renumbered § 303D, Pub. L. 99-145, title XIII, § 1304(c)(4)(A), Nov. 8, 1985, 99 Stat. 742.
4703(b) .....	41:253d(b).	
4703(c) .....	41:253d(c) (1st sentence).	
4703(d) .....	41:253d(c) (last sentence).	
4703(e) .....	41:253d(d).	
4703(f) .....	41:253d(e).	
4703(g) .....	41:253d(f).	

## SECTION 4704

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4704(a) .....	41:253g(a).	June 30, 1949, ch. 288, title III, § 303G(a), (b), formerly § 303H, as added Pub. L. 98-577, title II, § 206(a), Oct. 30, 1984, 98 Stat. 3073; renumbered § 303G, Pub. L. 99-145, title XIII, § 1304(c)(4)(A), Nov. 8, 1985, 99 Stat. 742.
4704(b) .....	41:253g(b).	
4704(c) .....	41:253g(c).	June 30, 1949, ch. 288, title III, § 303G(c), as added Pub. L. 103-355, title IV, § 4103(b), Oct. 13, 1994, 108 Stat. 3341.
4704(d) .....	41:253g(d).	June 30, 1949, ch. 288, title III, § 303G(d), as added Pub. L. 103-355, title VIII, § 8204(a), Oct. 13, 1994, 108 Stat. 3396.

## SECTION 4705

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4705(a) .....	41:265(e).	June 30, 1949, ch. 288, title III, § 315, as added Pub. L. 103-355, title VI, § 6006, Oct. 13, 1994, 108 Stat. 3365; Pub. L. 104-106, title XLIII, § 4321(e)(8), Feb. 10, 1996, 110 Stat. 675.
4705(b) .....	41:265(a).	
4705(c) .....	41:265(b).	
4705(d) .....	41:265(c).	
4705(e) .....	41:265(d).	

In subsection (d)(2), the word “contractor” is substituted for “person” for clarity and for consistency with subsection (d)(1).

## SECTION 4706

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4706(a) .....	41:254d(i).	June 30, 1949, ch. 288, title III, § 304C(a)(1), (b), (g)–(i), as added Pub. L. 103–355, title II, § 2251(a), Oct. 13, 1994, 108 Stat. 3318, 3320.
4706(b)(1) .....	41:254d(a)(1).	June 30, 1949, ch. 288, title III, § 304C(a)(2), as added Pub. L. 103–355, title II, § 2251(a), Oct. 13, 1994, 108 Stat. 3318; Pub. L. 104–106, title XLIII, § 4321(e)(5), Feb. 10, 1996, 110 Stat. 675.
4706(b)(2) .....	41:254d(a)(2).	
4706(c) .....	41:254d(b).	June 30, 1949, ch. 288, title III, § 304C(c), as added Pub. L. 103–355, title II, § 2251(a), Oct. 13, 1994, 108 Stat. 3319; Pub. L. 110–417, title VIII, § 871(a), Oct. 14, 2008, 122 Stat. 4555.
4706(d) .....	41:254d(c).	
4706(e) .....	41:254d(d).	June 30, 1949, ch. 288, title III, § 304C(d), as added Pub. L. 103–355, title II, § 2251(a), Oct. 13, 1994, 108 Stat. 3319; Pub. L. 104–201, title VIII, § 808(b), Sept. 23, 1996, 110 Stat. 2607.
4706(f) .....	41:254d(e).	June 30, 1949, ch. 288, title III, § 304C(f), as added and amended Pub. L. 103–355, title II, § 2251(a), title IV, § 4103(d), Oct. 13, 1994, 108 Stat. 3320, 3341.
4706(g) .....	41:254d(f).	
4706(h) .....	41:254d(g).	
4706(i) .....	41:254d(h).	

In subsection (c)(4), the words “Committee on Oversight and Government Reform” are substituted for “Committee on Government Operations” on authority of section 1(a)(6) of Public Law 104–14 (2 U.S.C. note prec. 21), Rule X(1)(h) of the Rules of the House of Representatives, adopted by House Resolution No. 5 (106th Congress, January 6, 1999), and Rule X(1)(m) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007). The words “Committee on Homeland Security and Governmental Affairs” are substituted for “Committee on Governmental Affairs” on authority of Senate Resolution No. 445 (108th Congress, October 9, 2004).

## SECTION 4707

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4707 .....	41:256a.	Sept. 5, 1950, ch. 849, § 10(a), 64 Stat. 591; Pub. L. 104–316, title II, § 202(u), Oct. 19, 1996, 110 Stat. 3845.

## SECTION 4708

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4708 .....	41:254a.	Pub. L. 87–638, Sept. 5, 1962, 76 Stat. 437.

The words “On and after September 5, 1962” are omitted as obsolete.

SECTION 4709

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4709 .....	41:252c.	June 30, 1949, ch. 288, title III, § 302C, as added Pub. L. 103-355, title IX, § 9003, Oct. 13, 1994, 108 Stat. 3403; Pub. L. 105-85, title VIII, § 850(f)(4)(A), Nov. 18, 1997, 111 Stat. 1850.

SECTION 4710

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4710 .....	41:254b note.	Pub. L. 110-417, [div. A], title VIII, § 866, Oct. 14, 2008, 122 Stat. 4551.

In subsection (b), the words “Not later than one year after the date of the enactment of this Act” are omitted because of section 6(f) of the bill. The word “shall” is substituted for the words “shall be amended” to reflect the permanence of the provision.

SECTION 4711

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4711 .....	41:251 note.	Pub. L. 110-417, [div. A], title VIII, § 867, Oct. 14, 2008, 122 Stat. 4551.

In subsection (b), the words “Not later than 1 year after the date of the enactment of this Act” are omitted because of section 6(f) of the bill. The words “shall provide” are substituted for “shall be amended to provide” to reflect the permanence of the provision.

**Subtitle II—Other Advertising and Contract Provisions**

Chapter	Sec.
61. Advertising .....	6101
63. General Contract Provisions .....	6301
65. Contracts for Materials, Supplies, Articles, and Equipment Exceeding \$10,000 .....	6501
67. Service Contract Labor Standards .....	6701

**CHAPTER 61—ADVERTISING**

Sec.
6101. Advertising requirement for Federal Government purchases and sales.
6102. Exceptions from advertising requirement.
6103. Opening of bids.

SECTION 6101

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6101(a) .....	41:5a.	Aug. 2, 1946, ch. 744, § 18, 60 Stat. 811.

## SECTION 6101—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6101(b)–(d) .....	41:5.	R.S. § 3709; Aug. 2, 1946, ch. 744, § 9(a), (c), 60 Stat. 809; June 30, 1949, ch. 288, title VI, § 602(f), formerly title V, § 502(e), 63 Stat. 403, renumbered title VI, § 602(f), Sept. 5, 1950, ch. 849, §§ 6(a), (b), 8(c), 64 Stat. 583, 591; Pub. L. 85–800, § 7, Aug. 28, 1958, 72 Stat. 967; Pub. L. 93–356, § 1, July 25, 1974, 88 Stat. 390; Pub. L. 98–191, § 9(b), Dec. 1, 1983, 97 Stat. 1332.

In subsection (a), before paragraph (1), the words “In this section” are substituted for “as used in this Act” as the probable intent of Congress. Section 9(a) of the Act of August 2, 1946 (ch. 744, 60 Stat. 809) restated 41:5 generally and section 9(c) of the Act, an independent provision, was editorially added as the last paragraph of 41:5. The definitions which apply to “as used in this Act” are probably intended to apply also to 41:5 as restated by the Act. The definitions for “department” and “continental United States” are omitted because those terms do not appear in 41:5. In paragraph (1), the words “section 9104 of title 31” are substituted for “section 104 of the Government Corporation Control Act, approved December 6, 1945” because of section 4(b) of Public Law. 97–258 (31 U.S.C. note prec. 101). In paragraphs (1) and (2), the word “includes” is substituted for “shall be construed to include” and for “shall be construed as including”, respectively, to eliminate unnecessary words.

In subsection (c), the words “as authorized by section 29 of the Surplus Property Act of 1944 (50 U.S.C. App. 1638)” in section 3709 of the Revised Statutes are omitted because section 29 was repealed by section 602(a)(1) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 399).

## SECTION 6102

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6102(a) .....	41:6a(a).	Oct. 10, 1940, ch. 851, § 2(a), 54 Stat. 1110; Oct. 31, 1951, ch. 654, § 3(8), 65 Stat. 708.
6102(b) .....	41:6a(f).	Oct. 10, 1940, ch. 851, § 2(f), (j), 54 Stat. 1110.
6102(c) .....	41:6a(h).	Oct. 10, 1940, ch. 851, § 2(h), 54 Stat. 1110; Oct. 31, 1951, ch. 654, § 3(9), 65 Stat. 708.
6102(d) .....	41:6a(j).	
6102(e) .....	41:6a–1.	Pub. L. 89–90, (2d par. on p. 276), July 27, 1965, 79 Stat. 276; Pub. L. 93–356, § 2, July 25, 1974, 88 Stat. 390; Pub. L. 98–191, § 9(c), Dec. 1, 1983, 97 Stat. 1332.
6102(f) .....	41:6b(d).	June 24, 1940, ch. 412, 54 Stat. 504.
6102(g) .....	41:6a–3.	Pub. L. 108–7, div. H, title I, §§ 104, 1102, Feb. 20, 2003, 117 Stat. 354, 370.
6102(h) .....	41:6a–4.	

In subsections (a)–(d), the words “under any appropriation Act” are omitted as unnecessary.

In subsection (e), the words “On and after July 27, 1965” are omitted as unnecessary. The words “according to common business practice” are substituted for “in the manner common among businessmen” for consistency in the revised title.

In subsection (g), the words “in any fiscal year” are omitted as unnecessary.

In subsection (h), the text of 41:6a–4(b) is omitted as unnecessary.

## SECTION 6103

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6103 .....	41:8.	R.S. § 3710.

**CHAPTER 63—GENERAL CONTRACT PROVISIONS**

Sec.

6301. Authorization requirement.  
 6302. Contracts for fuel made by Secretary of the Army.  
 6303. Certain contracts limited to appropriated amounts.  
 6304. Certain contracts limited to one-year term.  
 6305. Prohibition on transfer of contract and certain allowable assignments.  
 6306. Prohibition on Members of Congress making contracts with Federal Government.  
 6307. Contracts with Federal Government-owned establishments and availability of appropriations.  
 6308. Contracts for transportation of Federal Government securities.  
 6309. Honorable discharge certificate in lieu of birth certificate.

## SECTION 6301

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6301(a) .....	41:11(a) (words before 2nd comma).	R.S. § 3732; Pub. L. 89–687, title VI, § 612(e), Oct. 15, 1966, 80 Stat. 993; Pub. L. 98–557, § 17(e)(1), (2), Oct. 30, 1984, 98 Stat. 2868; Pub. L. 104–106, div. D, title XLIII, § 4322(b)(4), Feb. 10, 1996, 110 Stat. 677; Pub. L. 109–241, title IX, § 902(c), July 11, 2006, 120 Stat. 566.
6301(b) .....	41:11(a) (words after 2nd comma), (b).	
6301(c) .....	41:14.	R.S. § 3736.

In subsection (b)(1)(A), the words “Secretary of Defense” are substituted for “Department of Defense” because of 10:113.

In subsection (b)(1)(B), the words “Secretary of Homeland Security” are substituted for “Department of Homeland Security” because of section 102(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 112(a)(2)).

## SECTION 6302

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6302 .....	41:11a.	June 30, 1921, ch. 33, § 1 (last proviso on p. 78), 42 Stat. 78.

The words “Secretary of the Army” are substituted for “Secretary of War” because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501). Section 205(a) was repealed by section 53 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 676). Section 1 of the Act of August 10, 1956 (70A Stat. 1) enacted Title 10, “Armed Forces”, and under sections 3011 to 3013 of title 10, the Department of the Army remains under the administrative supervision of the Secretary of the Army.

## SECTION 6303

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6303 .....	41:12.	R.S. § 3733.

The words “the activity covered by the contract” are substituted for “the specific purpose” for clarity.

## SECTION 6304

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6304 .....	41:13.	R.S. § 3735.

The words “an executive department shall not” are substituted for “it shall not be lawful for any of the executive departments to” to state the legal prohibition directly and to eliminate unnecessary words.

## SECTION 6305

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6305(a) .....	41:15(a).	R.S. § 3737; Oct. 9, 1940, ch. 779, § 1, 54 Stat. 1029; May 15, 1951, ch. 75, 65 Stat. 41; Pub. L. 103–355, title II, § 2451, Oct. 13, 1994, 108 Stat. 3324; Pub. L. 104–106, div. D, title XLIII, § 4321(i)(9), Feb. 10, 1996, 110 Stat. 676.
6305(b)(1) .....	41:15(b) (words before par. (1) less words related to minimum amount).	
6305(b)(2) .....	41:15(b) (words before par. (1) related to minimum amount).	
6305(b)(3) .....	41:15(b)(1).	
6305(b)(4) .....	41:15(b)(2) (related to full balance due).	
6305(b)(5) .....	41:15(b)(2) (related to single assignment).	
6305(b)(6) .....	41:15(b)(3).	
6305(b)(7) .....	41:15(c).	
6305(b)(8) .....	41:15(d).	
6305(b)(9)(A) .....	41:15(e).	
6305(b)(9)(B) .....	41:15(f) (less parenthetical phrase in par. (3)).	
6305(b)(9)(C) .....	41:15(f) (parenthetical phrase in par. (3)), (g).	

In subsection (a), the words “The party to whom the Federal Government gives a contract or order” are substituted for “the party to whom such contract or order is given” for clarity. The words “A purported transfer in violation of this subsection” are substituted for “any such transfer” because an actual transfer is precluded by this provision.

In subsection (b)(1), the words “amounts due from the Federal Government” are substituted for “moneys due or to become due from the United States or from any agency or department thereof” to eliminate unnecessary words. The words “may be assigned” are added to provide explicitly for authority that is necessarily implied by the source provision.

In subsection (b)(3), the words “in the case of any contract entered into after October 9, 1940” are omitted as obsolete.

In subsection (b)(5), the words “participating in such financing” are omitted as unnecessary.

In subsection (b)(8), the words “is not liable to make any refund to the Federal Government” are substituted for “no [liability] . . . shall create or impose any liability on the part of the assignee to make restitution, refund, or repayment to the United States of any amount heretofore since July 1, 1950, or hereafter received under the assignment” to eliminate unnecessary words. The words “an assignor’s liability to the Federal Government” are substituted for “liability of any nature of the assignor to the United States or any department or agency thereof” for clarity and to eliminate unnecessary words.

In subsection (b)(9)(A), the words “except any such contract under which full payment has been made” are omitted as unnecessary because subsection (b)(8) precludes refund where full payment has already been made. The words “payments made to an assignee under the contract” are substituted for “payments to be made to the assignee of any moneys due or to become due under such contract” to eliminate unnecessary words.

In subsection (b)(9)(B), the words “When a ‘no reduction or setoff’ provision as described in subparagraph (A) is included in a contract” are substituted for “If a provision described in subsection (e) of this section or a provision to the same general effect has been at any time heretofore or is hereafter included or inserted in any such contract”, the words “payments to the assignee” are substituted for “payments to be made thereafter to an assignee of any moneys due or to become due”, and the words “an assignor’s liability” are substituted for “any liability of any nature of the assignor to the United States or any department or agency thereof”, for clarity and to eliminate unnecessary words.

In subsection (b)(9)(C), the text of 40:15(g), which provided that nothing in 40:15 affected rights and obligations accrued before subsection (g) was added by the Act of May 15, 1951 (ch. 75, 65 Stat. 41), is omitted as obsolete.

#### SECTION 6306

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6306(a) .....	41:22 (1st sentence).	R.S. § 3741; Feb. 27, 1877, ch. 69, (16th complete par. on p. 249), 19 Stat. 249; Pub. L. 103–355, title VI, § 6004, Oct. 13, 1994, 108 Stat. 3364; Pub. L. 104–106, div. D, title XLIII, § 4321(i)(12), Feb. 10, 1996, 110 Stat. 676.
6306(b) .....	41:22 (last sentence).	Jan. 25, 1934, ch. 5, (related to R.S. § 3741), 48 Stat. 337; June 27, 1934, ch. 847, title V, § 510, 48 Stat. 1264; Aug. 26, 1937, ch. 821, 50 Stat. 838.

In subsection (b)(2), the words “Emergency Farm Mortgage Act of 1933” and “Federal Farm Mortgage Corporation Act” are omitted because all provisions of those Acts have previously been executed or repealed.

In subsection (b)(2)(B), the words “Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.)” are substituted for “Federal Farm Loan Act”

and “Farm Credit Act of 1933” because of section 5.40(a), formerly 5.26(a), of the Farm Credit Act of 1971 (Pub. L. 92–181, 12 U.S.C. 2001 note).

In subsection (b)(2)(C), the words “Home Owners’ Loan Act” are substituted for “Home Owners’ Loan Act of 1933” because of the amendment to 12:1461 made by Public Law 101–73.

## SECTION 6307

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6307 .....	41:23.	June 5, 1920, ch. 240, (last par. under heading “Purchase of Articles Manufactured at Government Arsenals”), 41 Stat. 975. July 1, 1922, ch. 259, (1st proviso on p. 812), 42 Stat. 812.

The words “heretofore or” are omitted as obsolete. The word “hereafter” is omitted as unnecessary because the provision is restated as permanent law rather than as part of a fiscal year appropriation.

## SECTION 6308

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6308 .....	41:24.	July 7, 1884, ch. 332, (words after “fifty five thousand dollars” in 3d par. under heading “Miscellaneous Objects Under the Treasury Department”), 23 Stat. 204.

The words “bullion, cash, or securities of the Federal Government” are substituted for “moneys, bullion, coin, notes, bonds, and other securities of the United States, and paper” to eliminate unnecessary words. The word “awarded” is substituted for “let” to use more modern terminology.

## SECTION 6309

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6309(a) .....	41:49.	June 22, 1942, ch. 432, § 1, 56 Stat. 375.
6309(b) .....	41:50.	June 22, 1942, ch. 432, § 2, 56 Stat. 376; Pub. L. 97–31, § 12(16), Aug. 6, 1981, 95 Stat. 154.

In subsection (a), the words “Air Force” are added because of section 207(a) and (f) of the National Security Act of 1947 (ch. 343, 61 Stat. 502, 503). Section 207(a) and (f) was repealed by section 53 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 676). Section 1 of the Act of August 10, 1956 (70A Stat. 1) enacted Title 10, “Armed Forces” and under subtitle D of title 10 the Department of the Air Force remained an independent administrative entity in the Department of Defense.

Subsection (b)(2)(B) is set out as a separate provision to clarify that the certification applies only to contracts other than contracts with the Federal Government. If the certification were to be construed as applying to all contracts, then the words “under a contract with the United States or” in section 2 of the Act of June 22, 1942, would be rendered meaningless.

In subsection (b)(2)(B), the words “Secretary of the Army” are substituted for “Secretary of War”, and the words “Secretary of the



Air Force” are added, because of sections 205(a) and 207(a) and (f) of the National Security Act of 1947 (ch. 343, 61 Stat. 501, 502, 503). Sections 205(a) and 207(a) and (f) were repealed by section 53 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 676). Section 1 of the Act of August 10, 1956 (70A Stat. 1) enacted Title 10, “Armed Forces” and under sections 3010 to 3013 and 8010 to 8013 the Departments of the Army and Air Force remained under the administrative supervision of the Secretaries of the Army and Air Force, respectively. The words “Secretary of the Department in which the Coast Guard is operating” are substituted for “Secretary of Transportation” because of 6:468(b) and (h), 551(d), and 552(d), 14:1 and 3, and the Department of Homeland Security Reorganization Plan of November 25, 2002 (H. Doc. No. 108–16, 108th Cong., 1st Sess. (6 U.S.C. 542 note)).

**CHAPTER 65—CONTRACTS FOR MATERIALS, SUPPLIES,  
ARTICLES, AND EQUIPMENT EXCEEDING \$10,000**

Sec.

- 6501. Definitions.
- 6502. Required contract terms.
- 6503. Breach or violation of required contract terms.
- 6504. Three-year prohibition on new contracts in case of breach or violation.
- 6505. Exclusions.
- 6506. Administrative provisions.
- 6507. Hearing authority and procedures.
- 6508. Authority to make exceptions.
- 6509. Other procedures.
- 6510. Manufacturers and regular dealers.
- 6511. Effect on other law.

**SECTION 6501**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6501(1) .....	41:35 (matter before subsec. (a) related to definition of “agency of the United States”).	June 30, 1936, ch. 881, § 1 (matter before subsec. (a) related to definition of “agency of the United States”), 49 Stat. 2036; Pub. L. 103–355, title VII, § 7201(1), Oct. 13, 1994, 108 Stat. 3378.
6501(2) .....	41:41.	June 30, 1936, ch. 881, § 7, 49 Stat. 2039; Pub. L. 95–598, title III, § 326, Nov. 6, 1978, 92 Stat. 2679.
6501(3) .....	no source.	

**SECTION 6502**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6502 (matter before par. (1)).	41:35 (matter before subsec. (a) less words related to definition of “agency of the United States”).	June 30, 1936, ch. 881, § 1 (matter before subsec. (a) less words related to definition of “agency of the United States”), (a), 49 Stat. 2036; Pub. L. 103–355, title VII, § 7201(1), Oct. 13, 1994, 108 Stat. 3378.
6502(1) .....	41:35(a). 41:45.	June 30, 1936, ch. 881, § 13, formerly § 11, 49 Stat. 2039; renumbered § 12, June 30, 1952, ch. 530, title III, § 301, 66 Stat. 308; renumbered § 13, Pub. L. 104–106, div. D, title XLIII, § 4321(f)(1)(B), Feb. 10, 1996, 110 Stat. 675.

## SECTION 6502—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6502(2)–(4) .....	41:35(b)–(d).	June 30, 1936, ch. 881, §1(b)–(d), 49 Stat. 2036; May 13, 1942, ch. 306, 56 Stat. 277; Pub. L. 90–351, title I, §819(b), formerly §827(b), as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1215 and renumbered §819(b), Pub. L. 98–473, title II, §609B(f), Oct. 12, 1984, 98 Stat. 2093; Pub. L. 99–145, title XII, §1241(b), Nov. 8, 1985, 99 Stat. 734; Pub. L. 103–355, title VII, §7201(1), Oct. 13, 1994, 108 Stat. 3378.

In the matter before paragraph (1), the words “and entered into” are omitted as unnecessary.

In paragraph (1), the words “under the contract” are substituted for “used in the performance of the contract” in 41:35(a) to eliminate unnecessary words and for consistency in the chapter. The words “Sections 35 to 45 of this title shall apply to all contracts entered into pursuant to invitations for bids issued on or after ninety days from June 30, 1936” in 41:45 are omitted as obsolete.

In paragraph (2), the words “under the contract” are substituted for “used in the performance of the contract” to eliminate unnecessary words and for consistency in the chapter.

In paragraph (3), the words “No individual under 16 years of age” are substituted for “no male person under sixteen years of age and no female person under eighteen years of age” to reflect the interpretation of this provision subsequent to enactment of civil rights laws such as section 703 of the Civil Rights Act of 1964 (42:2000e–2), as carried out by the Department of Labor through 41 C.F.R. Part 50–201.104. The words “incarcerated individual” are substituted for “convict labor” the first time the words appear because the term “convict labor” is ambiguous and may be interpreted to include individuals who are not incarcerated. This would be an inappropriate interpretation because 41:35(c) provides an exception for “convict labor” that satisfies the conditions of 18:1761(c) regarding certain non-Federal prison work projects. The words “or production” are omitted for consistency with the source provisions for paragraphs (1) and (2) and because, in this context, the concept of “production” is included in the words “manufacture or furnishing”. The words “under the contract” are substituted for “included in such contract” for consistency in the chapter.

## SECTION 6503

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6503 .....	41:36.	June 30, 1936, ch. 881, §2, 49 Stat. 2037.

In subsection (b)(1), the words “individual under 16 years of age” are substituted for “male person under sixteen years of age or each female person under eighteen years of age” to reflect the interpretation of this provision subsequent to enactment of civil rights laws such as section 703 of the Civil Rights Act of 1964 (42:2000e–2), as carried out by the Department of Labor through 41 C.F.R. Part 50–201.104. The words “incarcerated individual” are substituted for “convict laborer” because of the exception to convict labor that sat-

ifies the conditions of 18:1761(c). Section 1761 does not apply to non-incarcerated convicts.

Subsection (b)(2) is substituted for “a sum equal to the amount of any deductions, rebates, refunds, or underpayment of wages due to any employee engaged in the performance of such contract” for consistency in the chapter.

In subsection (c), the words “made the contract” and “make other contracts” are substituted for “entering into such contract” and “enter into other contracts”, respectively, for consistency in the revised title.

In subsection (d), the words “suit brought by the Attorney General” are substituted for “suits brought in the name of the United States of America by the Attorney General thereof” to eliminate unnecessary words.

## SECTION 6504

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6504 .....	41:37.	June 30, 1936, ch. 881, § 3, 49 Stat. 2037.

In this section, the words “or firms” are omitted because of the definition of “person” in 41:41, restated in section 6501 of the revised title.

In subsection (a), the words “or violated” are added for consistency in the chapter.

In subsection (b), the words “contract described in section 6502 of this title” are substituted for “contracts” to clarify the scope of the prohibition. The words “the date of the determination by the Secretary that a breach or violation occurred” are substituted for “the date the Secretary of Labor determines such breach to have occurred” to clarify that the three-year period begins with the date of the Secretary’s determination and not with the date of the breach or violation. The words “or violation” are added for consistency in the chapter.

## SECTION 6505

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6505 .....	41:43.	June 30, 1936, ch. 881, § 9, 49 Stat. 2039.

## SECTION 6506

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6506 .....	41:38.	June 30, 1936, ch. 881, § 4, 49 Stat. 2038.

In subsection (b), the word “rules” is omitted as included in “regulations”.

In subsection (c), the words “and to prescribe rules and regulations with respect thereto” are omitted as unnecessary because of subsection (b).

In subsection (d), the words “without regard to the provisions of the civil-service laws”, which appear in section 4 of the Walsh-Healey Act (June 30, 1936, ch. 881, 49 Stat. 2038), are omitted as obsolete because of Executive Order 8743, April 23, 1941 (5 U.S.C. 3301 note), issued by the President pursuant to the Act of Novem-

ber 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211. The words “the Classification Act of 1923”, which appear in section 4 of the Walsh-Healey Act (June 30, 1936, ch. 881, 49 Stat. 2038), are considered to be a reference to the Classification Act of 1949 because of section 1106(a) of the Classification Act of 1949 (Oct. 28, 1949, ch. 782, 63 Stat. 972). The words “chapter 51 and subchapter III of chapter 53 of title 5” are substituted for the reference to the Classification Act of 1949 because of section 7(b) of Public Law 89–554 (5 U.S.C. note prec. 101).

## SECTION 6507

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6507(a) .....	41:43a(b) (1st sentence).	June 30, 1936, ch. 881, § 10(b) (1st sentence), as added June 30, 1952, ch. 530, title III, § 301, 66 Stat. 308; Pub. L. 104–106, div. D, title XLIII, § 4321(f)(2), Feb. 10, 1996, 110 Stat. 675.
6507(b)–(f) .....	41:39.	June 30, 1936, ch. 881, § 5, 49 Stat. 2038.

In subsection (d), the word “contumacy” is omitted as included in “refuses or fails”. The words “may bring an action to enforce the order” are substituted for “upon the application by” for consistency in the revised title and with other titles of the United States Code. The words “the United States District Court for the District of Columbia” in section 5 of the Act of June 30, 1936 (which were substituted for “the Supreme Court of the District of Columbia” by section 32(b) of the Act of June 25, 1948 (ch. 646, 62 Stat. 991), as amended by section 127 of the Act of May 24, 1949 (ch. 139, 63 Stat. 107), and which were were editorially omitted from 41:39) are omitted as included in “a district court of the United States” because of sections 88 and 132(a) of title 28, United States Code. The words “within the court’s judicial district” are substituted for “within the jurisdiction of which” for clarity and for consistency in the revised title and with other titles of the United States Code. The words “requiring the person to obey the order issued under subsection (c)” are substituted for “requiring such person to appear before him or representative designated by him, to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question” for clarity and to eliminate unnecessary words.

In subsection (e), the duty to make findings of fact is restated as a duty of the Secretary (or the Secretary’s representative). The grammatical structure of the last sentence of 41:39 seems to suggest that the court, rather than the Secretary (or the Secretary’s representative), serves as fact finder. However, the provision taken as a whole indicates that it is the Secretary (or the Secretary’s representative) who serves as fact finder. It is the Secretary (or the Secretary’s representative) before whom hearings are held, witnesses testify, and evidence is produced. The court’s involvement is limited to compelling recalcitrant witnesses “to appear before him [the Secretary] or representative designated by him”. The restatement clarifies the generally accepted understanding that the Secretary (or the Secretary’s representative) serves as fact finder (see, e.g., *United States v. Sweet Briar*, 92 F. Supp. 777, 780 (W.D.S.C. 1950) (“the Secretary ‘shall make findings of fact’”); *Ready-Mix*

*Concrete Company v. United States*, 158 F. Supp. 571, 578 (Cl. Ct. 1958) (“the findings of the Department of Labor”).

## SECTION 6508

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6508(a) .....	41:40 (1st sentence).	June 30, 1936, ch. 881, § 6, 49 Stat. 2038; June 28, 1940, ch. 440, title I, § 13, 54 Stat. 681.
6508(b) .....	41:40 (2d sentence).	
6508(c) .....	41:40 (3d sentence).	
6508(d) .....	41:40 (last sentence less proviso).	
6508(e) .....	41:40 (last sentence proviso).	

In subsection (a), the words “an agency of the United States” are substituted for “the contracting agency or department” for consistency in the chapter. Commas are inserted after “exceptions” and “otherwise” to clarify that the words “when justice or the public interest will be served” apply to exceptions in “specific cases” as well as “otherwise”. The word “thereby” is omitted as unnecessary.

In subsection (b), the words “an agency of the United States” are substituted for “the contracting agency”, and the words “minimum wages” are substituted for “minimum rates of pay”, for consistency in the chapter.

In subsection (c), the word “rules” is omitted as included in “regulations”. The words “as hereinbefore described” are omitted as unnecessary. The words “minimum wages” are substituted for “minimum rates of pay” for consistency in the chapter.

In subsection (d), the words “received by any employee affected” are omitted as unnecessary.

In subsection (e), the words “or all” are omitted as unnecessary.

## SECTION 6509

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6509(a) .....	41:43a(a).	June 30, 1936, ch. 881, § 10(a), (b) (last sentence), (c), as added June 30, 1952, ch. 530, title III, § 301, 66 Stat. 308; Pub. L. 103-355, title VII, § 7201(2), (3), Oct. 13, 1994, 108 Stat. 3378.
6509(b) .....	41:43a(c).	
6509(c) .....	41:43a(b) (last sentence).	

Subsection (a) is substituted for “Notwithstanding any provision of section 4 of the Administrative Procedure Act, such Act shall be applicable in the administration of sections 1 to 5 and 7 to 9 of this Act” in section 10 of the Act of June 30, 1936 (ch. 881), for consistency in the revised title and because of section 7(b) of Public Law 89-554 (5 U.S.C. note prec. 101).

In subsection (c), the words “has the right of judicial review” are substituted for “Review . . . may be had” for consistency with subsection (b) and with section 6510(b) of the revised title and because the review provided for in chapter 7 of title 5 is denominated as judicial review. The words “chapter 7 of title 5” are substituted for “section 10 of the Administrative Procedure Act” on authority of section 7(b) of Public Law 89-554 (5 U.S.C. note prec. 101).

## SECTION 6510

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6510 .....	41:43b.	June 30, 1936, ch. 881, § 11, as added Pub. L. 103-355, title VII, § 7201(4), Oct. 13, 1994, 108 Stat. 3378; Pub. L. 104-106, div. D, title XLIII, § 4321(f)(1)(A), Feb. 10, 1996, 110 Stat. 675.

In subsection (a), the words “an agency of the United States” are substituted for “any executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States” because of the definition in section 6501 of the revised title.

## SECTION 6511

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6511 .....	41:42.	June 30, 1936, ch. 881, § 8, 49 Stat. 2039.

Paragraph (1) is substituted for “Title III of the act entitled ‘An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes’, approved May 3, 1933 (commonly known as the Buy American Act)” for consistency in the revised title and to correct an error in the source, which incorrectly gives May 3, 1933, rather than March 3, 1933, as the date of approval.

Paragraph (2) is substituted for “the Act entitled ‘An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes’, approved March 3, 1931 (commonly known as the Bacon-Davis Act), as amended from time to time” because of section 5(c) of Public Law 107-217 (40 U.S.C. note prec. 101) and for consistency with title 40.

The words “the labor provisions of Title II of the National Industrial Recovery Act, approved June 16, 1933, as extended” are omitted as obsolete because of section 201 of the Act of June 21, 1938 (ch. 554, 52 Stat. 816), as amended by the Acts of June 27, 1940 (ch. 437, 54 Stat. 633), April 5, 1941 (ch. 40, 55 Stat. 110), and June 27, 1942 (ch. 450, 56 Stat. 410).

The words “or [the labor provisions] of section 7 of the Emergency Relief Appropriation Act, approved April 8, 1935” are omitted as obsolete. The intended reference was probably to section 7 of the Emergency Relief Appropriation Act of 1935 (49 Stat. 118). Section 7 of the Emergency Relief Appropriation Act of 1935 provided that the President shall require certain rates of pay for persons engaged in carrying out projects that were financed by amounts being appropriated in that Act.

Paragraph (3) is substituted for “the Act entitled ‘An Act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes’, approved May 27, 1930, as amended and supplemented by the Act approved June 23, 1934” for consistency with title 18. The Act of May 27, 1930 (ch. 340, 46 Stat. 391) and the

Act of June 23, 1934 (ch. 736, 48 Stat. 1211), which were classified to sections 744a to 744n of former title 18, were substantially repealed and were replaced by chapter 307 and section 4162 of title 18 in the codification of title 18 by the Act of June 25, 1948 (ch. 645, 62 Stat. 683). Subsequently, section 4162 of title 18 was repealed by section 218(a)(4) of Public Law 98–473 (98 Stat. 2027).

## CHAPTER 67—SERVICE CONTRACT LABOR STANDARDS

Sec.

- 6701. Definitions.
- 6702. Contracts to which this chapter applies.
- 6703. Required contract terms.
- 6704. Limitation on minimum wage.
- 6705. Violations.
- 6706. Three-year prohibition on new contracts in case of violation.
- 6707. Enforcement and administration of chapter.

### SECTION 6701

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6701 .....	41:357.	Pub. L. 89–286, § 8, Oct. 22, 1965, 79 Stat. 1036; Pub. L. 93–57, § 1, July 6, 1973, 87 Stat. 140; Pub. L. 94–489, § 3, Oct. 13, 1976, 90 Stat. 2358.

In paragraph (3), the word “individual” is substituted for “person” because of the definition of “person” in 1:1. The words “contract made by the Federal Government” are substituted for “contract entered into by the United States” for consistency in the revised title. The words “as of July 30, 1976, and any subsequent revision of those regulations” are omitted as obsolete.

In paragraph (4)(A), the words “the outer Continental Shelf” are substituted for “Outer Continental Shelf lands” for consistency with the definition in 43:1331 and for consistency with the more common usage generally found in subchapter III of chapter 29 of title 43. The words “Eniwetok Atoll, Kwajalein Atoll” are omitted because they are part of the Marshall Islands and therefore no longer part of the United States. The words “Canton Island” are omitted because it is part of Kiribati and therefore no longer part of the United States.

### SECTION 6702

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6702(a) .....	41:351(a) (words before par. (1) related to applicability).	Pub. L. 89–286, § 2(a) (words before par. (1) related to applicability), Oct. 22, 1965, 79 Stat. 1034; Pub. L. 94–489, § 1(a), Oct. 13, 1976, 90 Stat. 2358.
6702(b) .....	41:356.	Pub. L. 89–286, § 7, Oct. 22, 1965, 79 Stat. 1035.

In subsection (b)(2), the words “the Walsh-Healey Public Contracts Act (49 Stat. 2036)”, which appear in section 7(2) of Public Law 89–286 (79 Stat. 1036), are treated as a reference to the Act of June 30, 1936 (ch. 881, 49 Stat. 2036), which was known as the Walsh-Healey Act and which was subsequently designated as the Walsh-Healey Act by section 12 of the Act of June 30, 1936, which

was added by section 10005(f)(5) of Public Law 103–355 (108 Stat. 3409).

In subsection (b)(7), the words “United States Postal Service” are substituted for “Post Office Department” because of sections 4(a) and 6(o) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 773, 783, 39 U.S.C. note prec. 101, 201 note).

## SECTION 6703

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6703 .....	41:351(a) (words before par. (1) related to required contract terms), (1)–(5).	Pub. L. 89–286, § 2(a) (words before par. (1) related to required contract terms), (1)–(5), Oct. 22, 1965, 79 Stat. 1034; Pub. L. 92–473, §§ 1, 2, Oct. 9, 1972, 86 Stat. 789; Pub. L. 94–489, § 2, Oct. 13, 1976, 90 Stat. 2358.

## SECTION 6704

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6704 .....	41:351(b).	Pub. L. 89–286, § 2(b), Oct. 22, 1965, 79 Stat. 1034; Pub. L. 94–489, § 1(b), Oct. 13, 1976, 90 Stat. 2358.

## SECTION 6705

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6705(a) .....	41:352(a) (1st sentence).	Pub. L. 89–286, §§ 3, 5(b), Oct. 22, 1965, 79 Stat. 1035.
6705(b)(1) .....	41:352(a) (2d–last sentences).	
6705(b)(2) .....	41:354(b)	
6705(c) .....	41:352(c).	
6705(d) .....	41:352(b).	

In subsection (c), the words “to other actions in accordance with this section” are added for clarity.

## SECTION 6706

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6706(a) .....	41:354(a) (1st sentence).	Pub. L. 89–286, § 5(a) (1st sentence), Oct. 22, 1965, 79 Stat. 1035.
6706(b) .....	41:354(a) (2d–last sentences).	Pub. L. 89–286, § 5(a) (2d–last sentences), Oct. 22, 1965, 79 Stat. 1035; Pub. L. 92–473, § 4, Oct. 9, 1972, 86 Stat. 790.

In subsection (b), the word “entity” is substituted for “firm, corporation, partnership, or association” to use a single broad term clarifying that the prohibition applies to any kind of organization in which the person or firm has a substantial interest. The words “containing the name of such persons or firms” are omitted as unnecessary. The word “person” is substituted for “individual” for consistency in the subsection.



## SECTION 6707

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6707(a)–(d) .....	41:353.	Pub. L. 89–286, § 4, Oct. 22, 1965, 79 Stat. 1035; Pub. L. 92–473, § 3, Oct. 9, 1972, 86 Stat. 789.
6707(e) .....	41:355.	Pub. L. 89–286, § 6, Oct. 22, 1965, 79 Stat. 1035.
6707(f) .....	41:358.	Pub. L. 89–286, § 10, as added Pub. L. 92–473, § 5, Oct. 9, 1972, 86 Stat. 790; Pub. L. 94–273, § 29, Apr. 21, 1976, 90 Stat. 380.

In subsection (e), the words “the definition of ‘regular rate’ under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e))” are substituted for “the regular rate under the Fair Labor Standards Act by provisions of section 7(d) thereof” for clarity, to correct the reference to “the Fair Labor Standards Act” in accordance with section 1 of the Fair Labor Standards Act of 1938 (29:201), which provided the short title for the Act, and to correct the reference to “section 7(d) thereof” in accordance with section 204(d)(1) of the Fair Labor Standards Amendments of 1966 (Public Law 89–601, 80 Stat. 836), which amended the Fair Labor Standards Act of 1938 by redesignating section 7(d) as 7(e).

In subsection (f), the words “paragraphs (1) and (2) of section 2”, which appear in section 10 of the Service Contract Act of 1965, as added by section 5 of Public Law 92–473 (86 Stat. 790), are treated as a reference to paragraphs (1) and (2) of section 2(a) of the Service Contract Act of 1965 to reflect the probable intent of Congress. The words “which are entered into during the applicable fiscal year”, 41:358(1)–(4), and the words “On and after July 1, 1976” are omitted as obsolete.

### Subtitle III—Contract Disputes

Chapter	Sec.
71. Contract Disputes .....	7101

#### CHAPTER 71—CONTRACT DISPUTES

Sec.	
7101. Definitions.	
7102. Applicability of chapter.	
7103. Decision by contracting officer.	
7104. Contractor’s right of appeal from decision by contracting officer.	
7105. Agency boards.	
7106. Agency board procedures for accelerated and small claims.	
7107. Judicial review of agency board decisions.	
7108. Payment of claims.	
7109. Interest.	

## SECTION 7101

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7101 .....	41:601.	Pub. L. 95–563, § 2, Nov. 1, 1978, 92 Stat. 2383; Pub. L. 104–106, div. D, title XLIII, § 4322(b)(5), Feb. 10, 1996, 110 Stat. 677; Pub. L. 109–163, div. A, title VIII, § 847(d)(1), Jan. 6, 2006, 119 Stat. 3393.

In paragraph (8)(C), the words “Government Accountability Office” are substituted for “General Accounting Office” because of section 8(b) of the GAO Human Capital Reform Act of 2004 (Public Law 108–271, 118 Stat. 814, 31 U.S.C. 702 note).

In paragraph (8)(D), the words “section 9101(3) of title 31” are substituted for “section 846 of title 31” because of section 4(b) of Public Law 97–258 (31 U.S.C. note prec. 101).

## SECTION 7102

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7102(a)–(c) .....	41:602.	Pub. L. 95–563, §§ 3, 4, Nov. 1, 1978, 92 Stat. 2383.
7102(d) .....	41:603.	

In subsection (c), the words “an agency head” are substituted for “the head of the agency” for consistency with the defined term “agency head” in section 7101 of the revised title.

In subsection (d), the words “chapter 309 or 311 of title 46” are substituted for “the Act of March 9, 1920, as amended (41 Stat. 525, as amended; 46 U.S.C. 741–752) or the Act of March 3, 1925, as amended (43 Stat. 1112, as amended; 46 U.S.C. 781–790)” in section 4 of the Contract Disputes Act of 1978 (Public Law 95–563, 92 Stat. 2384) because of section 18(c) of Public Law 109–304 (46 U.S.C. note prec. 101).

## SECTION 7103

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7103(a)(1) .....	41:605(a) (1st sentence related to submission).	Pub. L. 95–563, §§ 5, 6(a) (1st, 2d, 5th–last sentences), (b), (c)(3), (5), Nov. 1, 1978, 92 Stat. 2384, 2385.
7103(a)(2) .....	41:605(a) (1st sentence related to writing requirement).	
7103(a)(3) .....	41:605(a) (2d sentence).	
7103(a)(4)(A) .....	41:605(a) (3d sentence).	Pub. L. 95–563, § 6(a) (3d, 4th sentences), Nov. 1, 1978, as added Pub. L. 103–355, title II, § 2351(a)(1), Oct. 13, 1994, 108 Stat. 3322, amended Pub. L. 104–106, div. D, title XLIII, § 4321(a)(6), Feb. 10, 1996, 110 Stat. 671.
7103(a)(4)(B) .....	41:605(a) (4th sentence).	
7103(a)(5) .....	41:605(a) (8th sentence).	
7103(b)(1) .....	41:605(c)(1) (last sentence).	Pub. L. 95–563, § 6(c)(1) (last sentence), Nov. 1, 1978, 92 Stat. 2385; Pub. L. 102–572, title IX, § 907(a)(1)(A), Oct. 29, 1992, 106 Stat. 4518; Pub. L. 103–355, title II, § 2351(b), Oct. 13, 1994, 108 Stat. 3322.
7103(b)(2) .....	41:605(c)(7).	Pub. L. 95–563, § 6(c)(6), (7), as added Pub. L. 102–572, title IX, § 907(a)(1)(B), Oct. 29, 1992, 106 Stat. 4518.
7103(b)(3) .....	41:605(c)(6).	
7103(c)(1) .....	41:605(a) (last sentence).	
7103(c)(2) .....	41:604.	
7103(d) .....	41:605(a) (5th sentence).	
7103(e) .....	41:605(a) (6th, 7th sentences).	
7103(f)(1) .....	41:605(c)(1) (1st sentence).	Pub. L. 95–563, § 6(c)(1) (1st sentence), (2), Nov. 1, 1978, 92 Stat. 2385; Pub. L. 103–355, title II, § 2351(b), Oct. 13, 1994, 108 Stat. 3322.
7103(f)(2) .....	41:605(c)(2).	
7103(f)(3) .....	41:605(c)(3).	

## SECTION 7103—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7103(f)(4) .....	41:605(c)(4).	Pub. L. 95-563, § 6(c)(4), Nov. 1, 1978, 92 Stat. 2385; Pub. L. 103-355, title II, § 2351(e), Oct. 13, 1994, 108 Stat. 3322.
7103(f)(5) .....	41:605(c)(5).	
7103(g) .....	41:605(b).	
7103(h)(1) .....	41:605(d) (1st, last sentences).	Pub. L. 95-563, § 6(d) (1st, last sentences), as added Pub. L. 101-552, § 6(a), Nov. 15, 1990, 104 Stat. 2745, 2746; Pub. L. 104-106, div. D, title XLIII, § 4322(b)(6), Feb. 10, 1996, 110 Stat. 677; Pub. L. 105-85, div. A, title X, § 1073(g)(3), Nov. 18, 1997, 111 Stat. 1906.
7103(h)(2) .....	41:605(d) (2d sentence).	Pub. L. 95-563, § 6(d) (2d sentence), as added Pub. L. 101-552, § 6(a), Nov. 15, 1990, 104 Stat. 2745; Pub. L. 104-320, § 6(1), Oct. 19, 1996, 110 Stat. 3871.
7103(h)(3)(A) .....	41:605(e) (1st sentence).	Pub. L. 95-563, § 6(e), as added Pub. L. 101-552, § 6(a), Nov. 15, 1990, 104 Stat. 2746; Pub. L. 103-355, title II, § 2352, Oct. 13, 1994, 108 Stat. 3322; Pub. L. 104-106, div. D, title XLIII, §§ 4321(a)(7), 4322(b)(6), Feb. 10, 1996, 110 Stat. 671, 677; Pub. L. 104-320, § 6(2), Oct. 19, 1996, 110 Stat. 3871; Pub. L. 105-85, div. A, title X, § 1073(g)(3), Nov. 18, 1997, 111 Stat. 1906.
7103(h)(3)(B) .....	41:605(e) (last sentence).	

In subsection (b)(1)(D) and (2), the word “duly” is omitted as unnecessary.

In subsection (b)(3), the words “of contract appeals” are omitted as unnecessary because of the definition of “agency board” in section 7101 of the revised title.

In subsection (c)(2), the words “this subsection”, which appear in section 5 of the Contract Disputes Act of 1978 (Pub. L. 95-563, 92 Stat. 2384), and which were probably intended to mean “this section”, are translated as “this paragraph” in accordance with the probable intent of Congress.

In subsection (f)(5), the words “the commencement of” are omitted as unnecessary. The words “of the appeal or action” are substituted for “in the event an appeal or suit is so commenced in the absence of a prior decision by the contracting officer” to eliminate unnecessary words.

## SECTION 7104

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7104(a) .....	41:606.	Pub. L. 95-563, § 7, Nov. 1, 1978, 92 Stat. 2385.
7104(b) .....	41:609(a).	Pub. L. 95-563, § 10(a), Nov. 1, 1978, 92 Stat. 2388; Pub. L. 97-164, title I, § 161(10), Apr. 2, 1982, 96 Stat. 49.

In subsection (a), the words “of contract appeals” are omitted as unnecessary because of the definition of “agency board” in section 7101 of the revised title.

In subsection (b)(1), the words “United States Court of Federal Claims” are substituted for “United States Claims Court” because of section 902(b)(1) of the Federal Courts Administration Act of 1992 (Pub. L. 102-572, 106 Stat. 4516, 28 U.S.C. 171 note).

## SECTION 7105

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7105(a) .....	41:607(a)(1), (b)(1).	Pub. L. 95-563, § 8(a)(1), (b)(1), Nov. 1, 1978, 92 Stat. 2385; Pub. L. 101-509, title V, § 529 [title I, § 104(d)(4)], Nov. 5, 1990, 104 Stat. 1447; Pub. L. 109-163, div. A, title VIII, § 847(d)(3), Jan. 6, 2006, 119 Stat. 3394.
7105(b) .....	41:438.	Pub. L. 93-400, § 42, as added Pub. L. 109-163, div. A, title VIII, § 847(a), Jan. 6, 2006, 119 Stat. 3391.
7105(c) .....	41:607(a)(2), (b)(2).	Pub. L. 95-563, § 8(a)(2), (b)(2), Nov. 1, 1978, 92 Stat. 2385, 2386.
7105(d) .....	41:607(c) (1st, 3d, last sentences).	Pub. L. 95-563, § 8(c), Nov. 1, 1978, 92 Stat. 2386; Pub. L. 109-163, div. A, title VIII, § 847(d)(2)(B), Jan. 6, 2006, 119 Stat. 3394.
7105(e)(1)(A), (B)	41:607(d) (1st, 2d sentences).	Pub. L. 95-563, § 8(d), Nov. 1, 1978, 92 Stat. 2386; Pub. L. 97-164, title I, § 160(a)(15), Apr. 2, 1982, 96 Stat. 48; Pub. L. 109-163, div. A, title VIII, § 847(d)(2)(A), Jan. 6, 2006, 119 Stat. 3393.
7105(e)(1)(C) .....	41:607(c) (2d sentence).	
7105(e)(1)(D) .....	41:607(d) (3d sentence).	
7105(e)(2) .....	41:607(d) (last sentence).	
7105(f) .....	41:610.	Pub. L. 95-563, § 11, Nov. 1, 1978, 92 Stat. 2388.
7105(g) .....	41:607(e).	Pub. L. 95-563, § 8(e), Nov. 1, 1978, 92 Stat. 2386.

In subsection (a)(2), the words “administrative law judges” are substituted for “hearing examiners” because of section 3 of Public Law 95-251 (5 U.S.C. 3105 note). The words “Full-time members of agency boards serving as such on the effective date of this chapter shall be considered qualified” are omitted as obsolete.

In subsection (b), the text of 41 U.S.C. 438 (b)(1)(C) is omitted as obsolete.

In subsection (e)(1)(B) and (C), the words “Postal Regulatory Commission” are substituted for “Postal Rate Commission” because of section 604(f) of the Postal Accountability and Enhancement Act (Public Law 109-435, 120 Stat. 3242, 39 U.S.C. 404 note).

## SECTION 7106

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7106(a) .....	41:607(f).	Pub. L. 95-563, § 8(f), Nov. 1, 1978, 92 Stat. 2386; Pub. L. 103-355, title II, § 2351(c), Oct. 13, 1994, 108 Stat. 3322.
7106(b) .....	41:608.	Pub. L. 95-563, § 9, Nov. 1, 1978, 92 Stat. 2387; Pub. L. 103-355, title II, § 2351(d), Oct. 13, 1994, 108 Stat. 3322; Pub. L. 109-364, div. A, title VIII, § 857, Oct. 17, 2006, 120 Stat. 2349.

In subsection (a), the word “only” is omitted for consistency with a similar provision in 41:608(a) and because the word “only” is redundant with the word “sole”.

In subsection (b)(6), the words “from time to time, may review” are substituted for “is authorized to review at least every three years” because the source law, while effectively granting the Administrator authority to conduct the reviews, does not require the Administrator to conduct any reviews, and does not restrict the number of reviews the Administrator may conduct during any time

period. The words “beginning with the third year after November 1, 1978” are omitted as obsolete. The words “the dollar amount specified in paragraph (1)” are substituted for “the dollar amount defined in subsection (a) of this section as a small claim” to eliminate unnecessary words and because 41:608(a), restated as paragraph (1), does not explicitly provide a definition for the term “small claim”.

## SECTION 7107

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7107(a) .....	41:607(g).	Pub. L. 95-563, § 8(g), Nov. 1, 1978, 92 Stat. 2387; Pub. L. 97-164, title I, § 156, Apr. 2, 1982, 96 Stat. 47; Pub. L. 101-552, § 6(b), Nov. 15, 1990, 104 Stat. 2746.
7107(b) .....	41:609(b).	Pub. L. 95-563, § 10(b), (e), Nov. 1, 1978, 92 Stat. 2388.
7107(c) .....	41:609(c).	Pub. L. 95-563, § 10(c), Nov. 1, 1978, 92 Stat. 2388; Pub. L. 97-164, title I, § 157, Apr. 2, 1982, 96 Stat. 47.
7107(d) .....	41:609(d).	Pub. L. 95-563, § 10(d), Nov. 1, 1978, 92 Stat. 2388; Pub. L. 97-164, title I, § 160(a)(15), Apr. 2, 1982, 96 Stat. 48.
7107(e) .....	41:609(e).	
7107(f) .....	41:609(f).	Pub. L. 95-563, § 10(f), as added Pub. L. 103-355, title II, § 2354, Oct. 13, 1994, 108 Stat. 3323.

In subsection (a)(1)(B), the words “may transmit” are substituted for “transmits” to correct the grammatical structure of the provision in accordance with the probable intent of Congress. The words “the decision” are substituted for “the decision of the board of contract appeals” and for “the board’s decision” to eliminate unnecessary words and for consistency with 41:607(g)(1)(A).

In subsection (a)(2)(B), the words “in any case” are omitted as unnecessary.

In subsection (d), the words “United States Court of Federal Claims” are substituted for “United States Claims Court” because of section 902(b)(1) of the Federal Courts Administration Act of 1992 (Pub. L. 102-572, 106 Stat. 4516, 28 U.S.C. 171 note).

In subsection (f)(1), (3), and (4), the words “agency board” are substituted for “board of contract appeals” to eliminate unnecessary words and for consistency with the definition of “agency board” in section 7101 of the revised title.

In subsection (f)(1), the words “under consideration” are substituted for “at issue” to avoid potential confusion with the words “issue described in paragraph (2)”.

## SECTION 7108

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7108 .....	41:612.	Pub. L. 95-563, § 13, Nov. 1, 1978, 92 Stat. 2389; Pub. L. 104-106, div. D, title XLIII, § 4322(b)(7), Feb. 10, 1996, 110 Stat. 677.

## SECTION 7109

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7109(a)(1) .....	41:611 (1st sentence).	Pub. L. 95-563, § 12, Nov. 1, 1978, 92 Stat. 2389.
7109(a)(2) .....	41:611 note.	Pub. L. 102-572, title IX, § 907(a)(3), Oct. 29, 1992, 106 Stat. 4518.
7109(b) .....	41:611 (last sentence).	

In subsection (a)(2), the words “on or after the date of the enactment of this Act”, “the later of”, and “or the date of the enactment of this Act” are omitted as obsolete.

Subsection (b) is substituted for “The interest provided for in this section shall be paid at the rate established by the Secretary of the Treasury pursuant to Public Law 92-41 (85 Stat. 97) for the Renegotiation Board” to eliminate obsolete language and to codify the criteria under which the interest rate is computed. Section 2(a)(3) of the Act of July 1, 1971 (Pub. L. 92-41, 85 Stat. 97), amended section 105(b)(2) of the Renegotiation Act of 1951 (Mar. 23, 1951, ch. 15, 65 Stat. 13) by adding provisions substantially similar to those enacted here. However, the Renegotiation Act of 1951 (Mar. 23, 1951, ch. 15, 65 Stat. 7) was omitted from the Code pursuant to section 102(c)(1) of the Act (65 Stat. 8), amended several times, the last being Public Law 94-185 (89 Stat. 1061), which provided that most provisions of that Act do not apply to receipts and accruals attributable to contract performance after September 30, 1976, and in view of the termination of the Renegotiation Board and the transfer of property and records of the Board to the Administrator of the General Services Administration on March 31, 1979, pursuant to Public Law 95-431 (92 Stat. 1043). Although the Renegotiation Board is no longer in existence, Federal agencies, including the General Services Administration, are required to use interest rates that are computed under the criteria set out in this subsection. See 31:3902(a) and the website of the Bureau of the Public Debt, available at <http://www.publicdebt.treas.gov/opd/opdprmt2.htm>. For an example of publication of rates under the criteria enacted here, see Federal Register, volume 67, number 247, page 78566, December 24, 2002.

### Subtitle IV—Miscellaneous

Chapter	Sec.
81. Drug-Free Workplace .....	8101
83. Buy American .....	8301
85. Committee for Purchase From People Who Are Blind or Severely Disabled .....	8501
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#### CHAPTER 81—DRUG-FREE WORKPLACE

Sec.
8101. Definitions and construction.
8102. Drug-free workplace requirements for Federal contractors.
8103. Drug-free workplace requirements for Federal grant recipients.
8104. Employee sanctions and remedies.
8105. Waiver.
8106. Regulations.

## SECTION 8101

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8101(a)(1) .....	41:706(7).	Pub. L. 100-690, title V, §§ 5157, 5158, Nov. 18, 1988, 102 Stat. 4308.
8101(a)(2) .....	41:706(3).	
8101(a)(3) .....	41:706(4).	
8101(a)(4) .....	41:706(5).	
8101(a)(5) .....	41:706(1).	
8101(a)(6) .....	41:706(2).	
8101(a)(7) .....	41:706(8).	
8101(a)(8) .....	41:706(6).	
8101(b) .....	41:707.	

## SECTION 8102

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8102 .....	41:701.	Pub. L. 100-690, title V, § 5152, Nov. 18, 1988, 102 Stat. 4304; Pub. L. 103-355, title IV, § 4104(d), title VIII, § 8301(f), Oct. 13, 1994, 108 Stat. 3342, 3397; Pub. L. 104-106, div. D, title XLIII, §§ 4301(a)(3), 4321(i)(13), Feb. 10, 1996, 110 Stat. 656, 677.

## SECTION 8103

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8103 .....	41:702.	Pub. L. 100-690, title V, § 5153, Nov. 18, 1988, 102 Stat. 4306; Pub. L. 105-85, div. A, title VIII, § 809, Nov. 18, 1997, 111 Stat. 1838.

## SECTION 8104

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8104 .....	41:703.	Pub. L. 100-690, title V, § 5154, Nov. 18, 1988, 102 Stat. 4307.

## SECTION 8105

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8105 .....	41:704.	Pub. L. 100-690, title V, § 5155, Nov. 18, 1988, 102 Stat. 4307.

## SECTION 8106

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8106 .....	41:705.	Pub. L. 100-690, title V, § 5156, Nov. 18, 1988, 102 Stat. 4308.

The words “Not later than 90 days after November 18, 1988, the” are omitted as obsolete.

## CHAPTER 83—BUY AMERICAN

- Sec.  
8301. Definitions.  
8302. American materials required for public use.  
8303. Contracts for public works.

8304. Waiver rescission.

8305. Annual report.

#### SECTION 8301

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8301 .....	41:10c.	Mar. 3, 1933, ch. 212, title III, § 1, 47 Stat. 1520; Pub. L. 86-70, § 43, June 25, 1959, 73 Stat. 151; Pub. L. 86-624, § 28, July 12, 1960, 74 Stat. 419; Pub. L. 100-418, title VII, § 7005(a), Aug. 23, 1988, 102 Stat. 1552.

In paragraph (1), the words “the Philippine Islands” are omitted because of Proclamation No. 2695 (22 U.S.C. 1394 note). The words “the Canal Zone” are omitted because of the Panama Canal Treaty of 1977.

In paragraph (2), the words “when used in a geographical sense” are omitted as unnecessary.

#### SECTION 8302

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8302 .....	41:10a.	Mar. 3, 1933, ch. 212, title III, § 2, 47 Stat. 1520; Pub. L. 100-418, title VII, § 7005(b), Aug. 23, 1988, 102 Stat. 1553; Pub. L. 103-355, title IV, § 4301(b), Oct. 13, 1994, 108 Stat. 3347; Pub. L. 110-28 title VIII, § 8306, May 25, 2007, 121 Stat. 211.

In subsection (a), the words “Notwithstanding any other provision of law” are omitted as unnecessary.

In subsection (b)(1), reference to fiscal years 2007 and 2008 is omitted as obsolete.

#### SECTION 8303

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8303(a) .....	41:10b(a) (words before “except as provided”).	Mar. 3, 1933, ch. 212, title III, § 3, 47 Stat. 1520; Pub. L. 100-418, title VII, § 7005(c), Aug. 23, 1988, 102 Stat. 1553.
8303(b)(1) .....	41:10b(a) (“except as provided in section 10a of this title”).	
8303(b)(2) .....	41:10b(a) (proviso).	
8303(b)(3) .....	41:10d.	Oct. 29, 1949, ch. 787, title VI, § 633, 63 Stat. 1024; Pub. L. 100-418, title VII, § 7005(d), Aug. 23, 1988, 102 Stat. 1553.
8303(c) .....	41:10b(b).	

In subsection (a), before paragraph (1), the words “growing out of an appropriation heretofore made or hereafter to be made” are omitted as unnecessary.

Subsection (b)(1) is substituted for “except as provided in section 10a of this title” for clarity.

In subsection (b)(3), the words “In order to clarify the original intent of Congress, hereafter, section 10a of this title” are omitted as unnecessary.

In subsection (c), the words “in the United States or elsewhere” are omitted as unnecessary.



## SECTION 8304

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8304(a) .....	41:10b-2(a)(2), (b).	Pub. L. 103-160, div. A, title VIII, § 849(c), (d), Nov. 30, 1993, 107 Stat. 1725.
8304(b) .....	41:10b-2(a)(1).	

In subsection (a), the text of 41:10b-2(b) is omitted as unnecessary.

## SECTION 8305

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8305 .....	41:10b-3.	Pub. L. 104-201, div. A, title VIII, § 827, Sept. 23, 1996, 110 Stat. 2611; Pub. L. 105-85, div. A, title VIII, § 846, Nov. 18, 1997, 111 Stat. 1845; Pub. L. 105-261, div. A, title VIII, § 812, Oct. 17, 1998, 112 Stat. 2086.

### CHAPTER 85—COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Sec.

8501. Definitions.  
 8502. Committee for Purchase From People Who Are Blind or Severely Disabled.  
 8503. Duties and powers of the Committee.  
 8504. Procurement requirements for the Federal Government.  
 8505. Audit.  
 8506. Authorization of appropriations.

## SECTION 8501

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8501(1) .....	41:48b(1).	June 25, 1938, ch. 697, § 5, 52 Stat. 1196; Pub. L. 92-28, § 1, June 23, 1971, 85 Stat. 81; Pub. L. 93-358, § 1(3), July 25, 1974, 88 Stat. 393; Pub. L. 94-273, § 3(22), Apr. 21, 1976, 90 Stat. 377.
8501(2) .....	41:46(a) (words in parentheses before par. (1)).	June 25, 1938, ch. 697, § 1(a) (words in parentheses before par. (1)), 52 Stat. 1196; Pub. L. 92-28, § 1, June 23, 1971, 85 Stat. 77.
8501(3) .....	41:48b(5).	
8501(4) .....	41:48b(7).	
8501(5) .....	41:48b(2).	
8501(6) .....	41:48b(4).	
8501(7) .....	41:48b(3).	
8501(8) .....	41:48b(2).	
8501(9) .....	41:48b(8).	

In this chapter, the word “disabled” is substituted for “handicapped” for consistency with the name of the Committee. The word “product” is substituted for “commodity” to reflect the current usage of the items produced in the Committee’s program.

In this section, the text of 41:48b(6) is omitted as unnecessary.

In paragraph (9), the words “the Northern Mariana Islands” are substituted for “the Trust Territory of the Pacific Islands” because the Trust Territory of the Pacific Islands terminated. See 48 U.S.C. note prec. 1681. However, section 502(a)(2) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1801 note) provided that laws in existence on the effective date of section 502

that were applicable to Guam and that were of general application to the several States would apply to the Northern Mariana Islands. The Marshall Islands, Palau, and the Federated States of Micronesia are not included because although they were part of the Trust Territory of the Pacific Islands, they are independent entities and not part of the United States.

## SECTION 8502

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8502(a), (b) .....	41:46(a) (less words in parentheses before par. (1)).	June 25, 1938, ch. 697, § 1 (less (a) (words in parentheses before par. (1))), 52 Stat. 1196; Pub. L. 92-28, § 1, June 23, 1971, 85 Stat. 77; Pub. L. 93-358, § 1(1), (2), July 25, 1974, 88 Stat. 392; Pub. L. 94-273, § 8(2), Apr. 21, 1976, 90 Stat. 378; Pub. L. 102-54, § 13(p), June 13, 1991, 105 Stat. 278; Pub. L. 102-569, title IX, § 911(a), Oct. 29, 1992, 106 Stat. 4486; Pub. L. 103-73, title III, § 301, Aug. 11, 1993, 107 Stat. 736.
8502(c) .....	41:46(d)(1), (2), (4).	
8502(d) .....	41:46(c).	
8502(e)(1) .....	41:46(b).	
8502(e)(2) .....	41:46(d)(3).	
8502(f) .....	41:46(e).	
8502(g) .....	41:46(f).	
8502(h) .....	41:46(g).	
8502(i) .....	41:46(h).	
8502(j) .....	41:46(i).	

In subsection (b)(1)(F), the words “Department of Education” are substituted for “Department of Health and Human Services” in 41:46(a)(1) to correct a mistake in the United States Code. In the amendment to the original provision by section 1 of Public Law 92-28 (85 Stat. 77), an officer or employee of the Department of Health, Education, and Welfare was one of the members appointed to the Committee for Purchase From People Who Are Blind or Severely Disabled, because the Department, through the Rehabilitation Services Administration, had the major governmental function in the field of vocational rehabilitation for the blind and other severely handicapped and administered related vocational rehabilitation programs for individuals with disabilities. See House Report 92-228. Under section 301(a)(4)(A) and (C) and (b)(3) of the Department of Education Organization Act (20:3441(a)(4)(A) and (C) and (b)(3)), the functions and offices of the Department and the functions of the Secretary of Health, Education, and Welfare and the Commissioner of Rehabilitation Services were transferred to the Department or Secretary of Education. Section 509 of the Act (20:3508) redesignated the Department and Secretary of Health, Education, and Welfare as the Department and Secretary of Health and Human Services, respectively, and provided that references to the Department and Secretary of Health, Education, and Welfare were deemed to be references to the Department or Secretary of Health and Human Services except to the extent a reference was to a function of the Department or Secretary of Education. The reference in 41:46(a)(1) was changed to “Department of Health and Human Services” but should have been changed to “Department of Education”. Furthermore, the regulations of the Committee include

the Department of Education in the list of members of the Committee. See 41 CFR 51–2.1.

In subsection (c), the text of 41:46(d)(2) and (4) is omitted as obsolete.

In subsection (f)(1), the reference to section 5376 of title 5 is substituted for the reference to grade GS–18 of the General Schedule because of section 529 [title I, § 101(c)(1)] of the Treasury, Postal Service and General Government Appropriations Act, 1991 (Public Law 101–509, 104 Stat. 1442, 5 U.S.C. 5376 note). The word “actual” is omitted as unnecessary. The words “A member is entitled to travel expenses, including a per diem allowance instead of subsistence, as provided under section 5703 of title 5” are substituted for 41:46(e)(3) to eliminate unnecessary words. The reference to section 5703 of title 5 is substituted for the reference to section 5703(b) of title 5 because of the amendment to section 5703 by section 4 of the Travel Expense Amendments Act of 1975 (Public Law 94–22, 89 Stat. 85).

In subsection (g), the words “its duties and powers” are omitted as surplus.

In subsection (g)(1), the reference to chapter 33 of title 5 is substituted for “the provisions of title 5 governing appointments in the competitive service” for clarity and for consistency with other titles of the United States Code. The words “relating to classification and General Schedule pay rates” are omitted as unnecessary.

In subsection (j), the words “and to the Congress” are omitted pursuant to section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note). See, also, page 199 of House Document No. 103–7.

#### SECTION 8503

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8503(a) .....	41:47(a).	June 25, 1938, ch. 697, § 2, 52 Stat. 1196; Pub. L. 92–28, § 1, June 23, 1971, 85 Stat. 79.
8503(b) .....	41:47(b).	
8503(c) .....	41:47(c).	
8503(d) .....	41:47(d).	
8503(e) .....	41:47(e).	

In subsection (a), the text of 41:47(a)(1) (last sentence) is omitted as obsolete. The words “procurement list” are substituted for “(hereafter in sections 46 to 48c of this title referred to as the ‘procurement list’)” to eliminate unnecessary words.

In subsection (d)(2), the text of 41:47(d)(2)(B) is omitted as obsolete.

#### SECTION 8504

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8504 .....	41:48.	June 25, 1938, ch. 697, § 3, 52 Stat. 1196; Pub. L. 92–28, § 1, June 23, 1971, 85 Stat. 80.

In subsection (a), the words “referred to in section 8503 of this title” are added for clarity because of the restatement of 41:47(a) in section 8503(a) of the revised title.

In subsection (b), the words “for procurement” are omitted as unnecessary.

## SECTION 8505

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8505 .....	41:48a.	June 25, 1938, ch. 697, § 4, 52 Stat. 1196; Pub. L. 92-28, § 1, June 23, 1971, 85 Stat. 81.

In this section, before paragraph (1), the words “or any of his duly authorized representatives” are omitted because of 31:711(2). In paragraph (1), the words “central nonprofit” are added for clarity.

## SECTION 8506

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8506 .....	41:48c.	June 25, 1938, ch. 697, § 6, 52 Stat. 1196; Pub. L. 92-28, § 1, June 23, 1971, 85 Stat. 82; Pub. L. 93-76, July 30, 1973, 87 Stat. 176; Pub. L. 93-358, § 1(4), July 25, 1974, 88 Stat. 393.

The reference to the fiscal year ending June 30, 1974 is omitted as obsolete.

**CHAPTER 87—KICKBACKS**

Sec.

- 8701. Definitions.
- 8702. Prohibited conduct.
- 8703. Contractor responsibilities.
- 8704. Inspection authority.
- 8705. Administrative offsets.
- 8706. Civil actions.
- 8707. Criminal penalties.

## SECTION 8701

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8701 .....	41:52.	Mar. 8, 1946, ch. 80, § 2, 60 Stat. 37; Pub. L. 86-695, Sept. 2, 1960, 74 Stat. 740; Pub. L. 99-634, § 2(a), Nov. 7, 1986, 100 Stat. 3523.

In this section, the text of 41:52(3) is omitted because of the definition of “person” in 1:1.

In paragraph (2), the words “directly or indirectly” are omitted as unnecessary.

## SECTION 8702

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8702 .....	41:53.	Mar. 8, 1946, ch. 80, § 3, 60 Stat. 37; Pub. L. 86-695, Sept. 2, 1960, 74 Stat. 740; Pub. L. 99-634, § 2(a), Nov. 7, 1986, 100 Stat. 3524.

In paragraph (3), before subparagraph (A), the words “directly or indirectly” are omitted as unnecessary.

## SECTION 8703

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8703(a) .....	41:57(a), (b).	Mar. 8, 1946, ch. 80, § 7, 60 Stat. 37; Pub. L. 86-695, Sept. 2, 1960, 74 Stat. 740; Pub. L. 99-634, § 2(a), Nov. 7, 1986, 100 Stat. 3525; Pub. L. 103-355, title IV, § 4104(a), title VIII, § 8301(c)(1), Oct. 13, 1994, 108 Stat. 3341, 3397; Pub. L. 104-106, div. D, title XLIII, § 4321(g), Feb. 10, 1996, 110 Stat. 675.
8703(b) .....	41:57(e).	
8703(c) .....	41:57(c).	
8703(d) .....	41:57(d).	

In subsection (c)(1), the words “Attorney General” are substituted for “Department of Justice” because of 28:503.

## SECTION 8704

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8704 .....	41:58.	Mar. 8, 1946, ch. 80, § 8, 60 Stat. 37; Pub. L. 86-695, Sept. 2, 1960, 74 Stat. 740; Pub. L. 99-634, § 2(a), Nov. 7, 1986, 100 Stat. 3525; Pub. L. 103-355, title VIII, § 8301(c)(2), Oct. 13, 1994, 108 Stat. 3397.

In subsection (a), the words “Comptroller General” are substituted for “General Accounting Office” because of 31:702.

## SECTION 8705

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8705(a) .....	41:56(d).	Mar. 8, 1946, ch. 80, § 6, 60 Stat. 37; Pub. L. 86-695, Sept. 2, 1960, 74 Stat. 740; Pub. L. 99-634, § 2(a), Nov. 7, 1986, 100 Stat. 3524.
8705(b) .....	41:56(a).	
8705(c) .....	41:56(b).	
8705(d) .....	41:56(c).	

## SECTION 8706

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8706 .....	41:55.	Mar. 8, 1946, ch. 80, § 5, 60 Stat. 37; Pub. L. 86-695, Sept. 2, 1960, 74 Stat. 740; Pub. L. 99-634, § 2(a), Nov. 7, 1986, 100 Stat. 3524.

## SECTION 8707

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8707 .....	41:54.	Mar. 8, 1946, ch. 80, § 4, 60 Stat. 37; Pub. L. 86-695, Sept. 2, 1960, 74 Stat. 740; Pub. L. 99-634, § 2(a), Nov. 7, 1986, 100 Stat. 3524.

## SECTION 4—CONFORMING AMENDMENT

Section 4 of the bill amends section 2410i(b)(1) of title 10, United States Code, to reflect the amendment of section 4(11) of the Office of Federal Procurement Policy Act (Public Law 93-400) by section 4001 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355, 108 Stat. 3338).

## SECTION 5—CONFORMING CROSS-REFERENCES

Section 5 of the bill makes conforming cross-references to titles of the United States Code that have been enacted into positive law and to the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.). These amendments are necessary because of the restatement of the source provisions in section 3.

## SECTION 6—TRANSITIONAL AND SAVINGS PROVISIONS

Section 6 of the bill contains transitional and savings provisions.

Section 6(f) of the bill restates the effective date for certain actions required in provisions of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110–417, 122 Stat. 4356).

## SECTION 6(f)(1)

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6(f)(1) .....	41 U.S.C. 405c(a) (relating to date of enactment)	Pub. L. 110–417, [div. A], title VIII, § 841(a) (relating to date of enactment), Oct. 14, 2008, 122 Stat. 4537.

## SECTION 6(f)(2)

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6(f)(2) .....	41 U.S.C. 405 note (relating to date of enactment)	Pub. L. 110–417, [div. A], title VIII, § 874(a) (relating to date of enactment), Oct. 14, 2008, 122 Stat. 4558.

## SECTION 6(f)(3)

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6(f)(3) .....	41 U.S.C. 417b(a) (relating to date of enactment)	Pub. L. 110–417, [div. A], title VIII, § 872(a) (relating to date of enactment), Oct. 14, 2008, 122 Stat. 4555.

## SECTION 6(f)(4)

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6(f)(4) .....	41 U.S.C. 251 note (relating to date of enactment)  41 U.S.C. 253h note (relating to date of enactment) 41 U.S.C. 254b note (relating to date of enactment) 41 U.S.C. 417b (f) (relating to date of enactment)	Pub. L. 110–417, [div. A], title VIII, §§ 863(a) (relating to date of enactment), (c)(1) (relating to date of enactment), 866(a) (relating to date of enactment), 867(a) (relating to date of enactment), 872(f) (relating to date of enactment), Oct. 14, 2008, 122 Stat. 4547, 4551, 4557.

## SECTION 6(f)(5)

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6(f)(5) .....	41 U.S.C. 254 note (relating to date of enactment)	Pub. L. 110-417, [div. A], title VIII, § 864(a) (relating to date of enactment), Oct. 14, 2008, 122 Stat. 4549.

## SECTION 7—REPEALS

Section 7 of the bill repeals provisions replaced by the bill, along with unnecessary and obsolete provisions (see “Disposition Table” above).

