

TO MAKE IMPROVEMENTS IN THE ENACTMENT OF TITLE  
41, UNITED STATES CODE, INTO A POSITIVE LAW TITLE  
AND TO IMPROVE THE CODE

JUNE 22, 2021.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H.R. 3239]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3239) to make improvements in the enactment of title 41, United States Code, into a positive law title and to improve the Code, having considered the same, reports favorably thereon and recommends that the bill do pass.

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Purpose and Summary

Following up on the enactment of Title 41, United States Code (“Public Contracts”), into positive law in the 111th Congress, H.R. 3239 would make technical amendments to laws classified to various titles of the United States Code.

## Background and Need for the Legislation

The House of Representatives has assigned to the Judiciary Committee responsibility for the “Revision and codification of the Statutes of the United States.”<sup>1</sup> In modern practice, this responsibility entails periodically updating the United States Code (“the Code”). Currently organized in 54 titles based on subject matter, the Code contains all of the general and permanent laws of the United States. Congress created the Code in 1926 to compile federal laws into a sensible, up-to-date collection that would spare people the labor of searching for laws in the chronologically-organized volumes of the Statutes at Large.<sup>2</sup> To date, 25 of these 54 titles have been enacted into “positive law,” which means the text of these titles is itself the law,<sup>3</sup> while the remaining titles are “non-positive,” meaning that they organize federal statutes for users’ convenience, but do not themselves have the force of law.<sup>4</sup>

The entity responsible for updating the Code as Congress passes new laws or amends existing ones is the Office of the Law Revision Counsel (OLRC).<sup>5</sup> Established within the House of Representatives, OLRC’s purpose is “to develop and keep current an official and positive codification of the laws of the United States,” while maintaining strict impartiality as to issues of legislative policy.<sup>6</sup> The Judiciary Committee plays an essential role in OLRC’s mission. OLRC is required:

- (1) To prepare, and submit to the Committee on the Judiciary one title at a time, a complete compilation, restatement, and revision of the general and permanent laws of the United States which conforms 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 both of substance and of form, separately stated, with a view to the enactment of each title as positive law.<sup>7</sup>

Following this procedure, OLRC recently submitted the text of H.R. 3239 to the Judiciary Committee for consideration. The bill proposes “follow up” changes to Title 41, which was enacted into

<sup>1</sup> Clause 1(l)(17) of House Rule X.

<sup>2</sup>The Statutes at Large is the collection of laws passed in a particular session of Congress, arranged in sequence by public law number, <https://www.archives.gov/federal-register/publications/statutes.html>. The content of the Statutes at Large is considered “legal evidence of laws, concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.” 1 U.S.C. § 112.

<sup>3</sup>For example, H.R. 2694 (117th Congress) proposes amending Title 18 (“Crimes and Criminal Procedure”), which is a positive title of the U.S. Code, so it is drafted to directly amend a provision of that title (“Section 4285 of title 18, United States Code, is amended in the first sentence . . .”). The content of positive-law Code titles is considered “legal evidence of the laws therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.” 1 U.S.C. § 204.

<sup>4</sup>For example, H.R. 2922 (117th Congress) proposes amending section 101(b) of the Elder Abuse Prevention and Prosecution Act, which is compiled in Title 34 (“Crime Control and Law Enforcement”), a non-positive title of the Code. In this situation, the bill amends the underlying law and includes a parenthetical citation to its location in Title 34 as a convenience (“Section 101(b) of the Elder Abuse Prevention and Prosecution Act (34 U.S.C. 21711(b)) is amended to read . . .”). The contents of non-positive titles “establish prima facie the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included.” 1 U.S.C. § 204.

<sup>5</sup>Office of the Law Revision Counsel, U.S. Code, home page, <https://uscode.house.gov/>.

<sup>6</sup>H. Res. 988 (93d Congress), § 205(c), as enacted into law by Pub. L. 93–554 (2 U.S.C. § 285a)

<sup>7</sup>*Id.*, (2 U.S.C. § 285b)

positive law as Public Law 111–350 in 2011.<sup>8</sup> It updates statutory references in the Code to properly reflect Title 41’s status as a positive-law title, to incorporate provisions into title 41 enacted since 2011, to make clarifying amendments, and to correct technical errors.<sup>9</sup> The Judiciary Committee marked up legislation very similar to H.R. 3239 in the 112th and 115th Congresses, but these bills did not become law.<sup>10</sup>

### **Hearings**

The Committee did not hold any hearings related to H.R. 3239.

### **Committee Consideration**

On Tuesday, May 18, 2021, the Committee met in open session and ordered the bill, H.R. 3239, favorably reported without amendment, by a voice vote, a quorum being present.

### **Committee Votes**

No rollcall votes occurred during the Committee’s consideration of H.R. 3239.

### **Committee Oversight Findings**

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of House rule X, are incorporated in the descriptive portions of this report.

### **New Budget Authority and Tax Expenditures**

In compliance with clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and in compliance with clause (3)(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee sets forth, with respect to the bill, H.R. 3239, the following analysis and estimate prepared by the Director of the Congressional Budget Office. This analysis finds that because it makes no substantive changes to the law, H.R. 3239 would have no effect on the federal budget.

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<sup>8</sup>Pub. L. 111–350, 124 Stat. 367 (2011). For the Judiciary Committee’s role in the enactment of this law, see H. Rept. 111–42.

<sup>9</sup>OLRC, Positive Law Codification, Title 41, U.S. Code, Public Contracts, Background, <https://uscode.house.gov/codification/t41/index.html>.

<sup>10</sup>H.R. 6080 (112th Congress) and H.R. 6762 (115th Congress).

<b>H.R. 3239, To make improvements in the enactment of title 41, United States Code, into a positive law title and to improve the Code</b> <b>As ordered reported by the House Committee on the Judiciary on May 18, 2021</b>			
By Fiscal Year, Millions of Dollars	2021	2021-2026	2021-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	0
Statutory pay-as-you-go procedures apply?	No	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 3239 would make conforming, clarifying, and technical changes to most titles of the United States Code that address public contracts. Public Law 111–350, which was signed into law on January 4, 2011, enacted certain laws relating to public contracts as title 41, United States Code. The bill would make technical amendments to update statutory references and would update the United States Code to reflect newly enacted law. Information from the Office of Law Revision Counsel indicates that the bill would make no substantive changes to the law; therefore, CBO estimates that enacting H.R. 3239 would have no effect on the federal budget.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

### **Duplication of Federal Programs**

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 3239 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

### **Performance Goals and Objectives**

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 3239 would make improvements in the enactment of title 41, United States Code, into a positive law title and improve the Code.

### **Advisory on Earmarks**

In accordance with clause 9 of House rule XXI, H.R. 3239 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of House rule XXI.

## Section-by-Section Analysis

### **Explanation of H.R. 3239, To Make Improvements in the Enactment of Title 41, United States Code, into a Positive Law Title and To Improve the Code**

#### **Background**

Public Law 111–350, which was signed into law on January 4, 2011, enacted certain laws relating to public contracts as title 41, United States Code. This bill makes conforming amendments in laws classified to various titles of the Code that are necessary because of the enactment of title 41 into positive law and makes technical changes to Public Law 111–350. The Office of the Law Revision Counsel of the House of Representatives has prepared the bill and submitted it to the Committee as part of the responsibilities of the Office under section 285b of title 2, United States Code, to provide revisions in titles of the Code that have been enacted into positive law so that those titles may be kept current and to update the Code to reflect newly enacted law.

#### **Section-by-Section Explanation**

##### *Section 1—Table of Contents*

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

##### *Section 2—Purpose*

Section 2 of the bill provides the purpose of the Act.

##### *Sections 3 through 40—Technical Amendments*

Sections 3 through 40 of the Act make technical amendments to laws classified to various titles of the United States Code. Except as noted below, these amendments simply update statutory references to properly reflect the citation changes made by Public Law 111–350.

In the instances noted below, amendments are made to incorporate recently enacted provisions into title 41, United States Code, to make clarifying amendments, or to correct technical errors in the law.

Throughout the bill, the words “chapter 5 of title 40” and “chapter 5 of title 40, United States Code” are substituted for “the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)” or words of like import for clarity where the provision in which the reference appears relates to the disposal of property. The relevant provisions of the Act are those relating to property management, restated in chapter 5 of title 40.

Section 8(16) of the bill amends section 2878(e)(2) of title 10, United States Code, to clarify the cross-reference and for consistency in the United States Code. Before section 2878(d)(2) (subsequently redesignated (e) by section 2805(d)(1) of Public Law 110–417 (122 Stat. 4723)) was amended by section 3(b)(23) of Public Law 107–217 (116 Stat. 1297), the reference was to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.). All provisions of that Act relating to property management are restated in chapter 5 of title 40.

Section 10(1) of the bill repeals section 5(c)(2) of Public Law 111–350 (124 Stat. 3847). The amendment could not be executed because of the redesignation of paragraph (h) as paragraph (a)(8) by section 201(a)(1) of Public Law 108–293 (118 Stat. 1031).

Section 10(3) of the bill amends section 93(a)(8) of title 14, United States Code, to clarify the cross-reference and for consistency in the United States Code. Before section 93(h) (subsequently redesignated (a)(8) by section 201(a)(1) of Public Law 108–293 (118 Stat. 1031)) was amended by section 3(c)(2) of Public Law 107–217 (116 Stat. 1298), the reference was to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.). All provisions of that Act relating to property management are restated in chapter 5 of title 40.

Section 30(1)(A) of the bill amends section 7(b) of Public Law 111–350 (124 Stat. 3855) insofar as it relates to title III, § 4 of the Act of March 3, 1933 (ch. 212) to correct the United States Code reference.

Section 30(1)(B) of the bill repeals section 7(b) of Public Law 111–350 (124 Stat. 3855) insofar as it relates to sections 1 and 16 of the Contract Disputes Act of 1978 (Public Law 95–563, 41 U.S.C. 601 note), and those provisions are revived to read as if section 7(b) of Public Law 111–350 had not been enacted.

Section 30(2) of the bill inserts chapter 73 in title 41, United States Code, to restate provisions that were repealed and omitted from the restatement of existing law by Public Law 111–350 but that should have been included in the restatement. The source provision citations along with any revision notes are set out below.

## **CHAPTER 73—FINALITY OF ADMINISTRATIVE DECISIONS IN DISPUTES ARISING UNDER CONTRACTS NOT SUBJECT TO CHAPTER 71**

### **SECTION 7301**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7301 .....	(no source)	

### **SECTION 7302**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7302 .....	41 U.S.C. 321 (proviso)	May 11, 1954, ch. 199, § 1 (proviso), 68 Stat. 81.

### **SECTION 7303**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7303 .....	41 U.S.C. 321 (words before proviso)	May 11, 1954, ch. 199, § 1 (words before proviso), 68 Stat. 81.

### **SECTION 7304**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7304 .....	U.S.C. 322	May 11, 1954, ch. 199, § 2, 68 Stat. 81.

Section 30(4) of the bill inserts sections 154, 171, and 172 in title 41, United States Code, for convenience. Section 154 includes addi-

tional definitions for the provisions referred to in section 171(c) of title 41. Sections 171 and 172 provide a way to reference provisions formerly contained in the Federal Property and Administrative Services Act of 1949 and the Office of Federal Procurement Policy Act, respectively. The source provision citations are set out below.

#### SECTION 154

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
154 .....	(no source)	

### SUBCHAPTER IV—REFERENCE TO PROVISIONS FORMERLY CONTAINED IN OTHER LAWS

#### SECTION 171

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
171 .....	(no source)	

#### SECTION 172

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
172 .....	(no source)	

Section 30(12)(A) of the bill amends section 1703(i)(5) of title 41, United States Code, by incorporating section 821(c) of the National Defense Authorization Act for Fiscal Year 2006 (Pub. L. 109–163, div. A, title VIII, 119 Stat. 3386).

Section 30(16) of the bill amends section 2313(e)(1) of title 41, United States Code, to incorporate language added by section 3010 of the Supplemental Appropriations Act, 2010 (Public Law 111–212, 124 Stat. 2430). Section 3010 amended section 872(e)(1) of the Clean Contracting Act of 2008, which was classified to former 41 U.S.C. 417b(e)(1), and which was repealed and restated as section 2313(e)(1) by Public Law 111–350. The amendment made by section 3010 applies to section 2313(e)(1) by virtue of section 6(a) of Public Law 111–350 (124 Stat. 3854), but the added language could not be directly inserted into the text. Section 30(16) rectifies the problem by formally incorporating the language added by section 3010 into the text of section 2313(e)(1).

Section 30(21) of the bill amends section 6503(b) of title 41, United States Code, to clarify that the party responsible for a breach or violation under subsection (a) is liable for liquidated damages both for each individual under 16 years of age and for each incarcerated individual and to clarify that the party is liable for liquidated damages for all underpayments of wages.

Section 30(22)(A) of the bill amends section 6504(a) of title 41, United States Code. Clause (i) clarifies that the online version of the debarred list is to be made accessible to all agencies. Clause (ii) clarifies that the provision also applies to firms, which is not included in the definition of “person” in section 6501.

Section 30(22)(B) of the bill amends section 6504(b) of title 41, United States Code, to clarify that debarment covers all Federal contract awards.

Section 30(23) of the bill amends section 6506(b) of title 41, United States Code. Paragraph (A) clarifies that the Secretary's authority also applies to rules, which may be made through adjudication. Paragraph (B) clarifies that the Secretary does not have to prove a necessity, only that the Secretary's action may be necessary.

Section 30(24)(A) of the bill amends section 6507(b) of title 41, United States Code, to clarify that the Secretary may hold hearings when there is a complaint of breach or violation of a stipulation or representation included in a proposal or contract.

Paragraphs (27)(B) and (28)(A) of section 30 of the bill amend sections 6702(a) and 6703 (matter before paragraph (1)) of title 41, United States Code, to clarify that the \$2,500 threshold applies to Federal service contracts and is not a threshold under the Service Contract Act.

Section 30(28)(B) of the bill amends section 6703(1) of title 41, United States Code, to avoid placing an unintended burden on the Department of Labor to include all classes of service employees performing on a contract when that may not be feasible or desirable when making a particular wage determination.

Section 30(29)(A) of the bill amends section 6705(b)(1) of title 41, United States Code, to avoid placing a limitation on partial amounts being withheld when the available amounts are insufficient to cover the total amount due to any particular employee.

Section 30(29)(B) of the bill amends section 6705(b)(2) of title 41, United States Code, to clarify that the Federal Government may bring action if accrued payments withheld are insufficient to reimburse all service employees and not just one service employee.

Section 30(30) of the bill amends section 6706(b) of title 41, United States Code, to reflect the change in title from "hearing examiner" to "administrative law judge" by Public Law 95-251 (92 Stat. 183). See section 3, which provides that any reference to a hearing examiner appointed under section 3105 of title 5, United States Code, shall be deemed to be a reference to an administrative law judge. Section 3105 authorizes each agency to appoint as many administrative law judges as are necessary for proceedings to be conducted in accordance with sections 556 and 557 of title 5 and a proceeding referred to in section 6706(b) is one that must be conducted in accordance with sections 556 and 557.

Section 30(31)(C)(i) of the bill amends section 6707(c)(1) of title 41, United States Code, to remain consistent with present law as it applies to successor contracts of collectively-bargained rates and fringe benefits negotiated for predecessor contracts. See 29 CFR 4.1b(a) (2d sentence).

Section 30(31)(C)(ii) of the bill amends section 6707(c)(2) of title 41, United States Code, to remain consistent with present law as it applies to collectively-bargained rates. See 29 CFR 4.1b(a) (2d sentence).

Section 31(58) of the bill amends section 104(i) of the Alaska Power Administration Asset Sale and Termination Act (Public Law 104-58, 42 U.S.C. 7152 note) to clarify the cross-reference and for consistency in the United States Code. Section 484 of title 40, United States Code, which provided for the disposal of property, was restated as subchapter III of chapter 5 of title 40. All provisions of title 40 relating to property management are restated in



chapter 5 of title 40. See revision note for “chapter 5 of title 40” and “chapter 5 of title 40, United States Code”.

Section 34(2) of the bill amends section 613(b) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1212(b)) to clarify the cross-reference and for consistency in the United States Code. Section 484 of title 40, United States Code, which provided for the disposal of property, was restated as subchapter III of chapter 5 of title 40. All provisions of title 40 relating to property management are restated in chapter 5 of title 40. See revision note for “chapter 5 of title 40” and “chapter 5 of title 40, United States Code”.

### **Changes in Existing Law Made by the Bill, as Reported**

In compliance with clause 3(e) of House rule XIII, changes in existing law made by the bill, H.R. 3239, as reported, are shown as follows:

#### **CHANGES IN EXISTING LAW MADE BY THE BILL**

Set out below is a comparative print showing changes in existing law proposed by the bill. Insertions are shown in italic and omissions are surrounded by brackets.

## **TITLE 2—THE CONGRESS**

### **§ 141a (Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, div. B, title II, ch. 5, paragraph under heading “GENERAL PROVISION, THIS CHAPTER”)**

The responsibility for design, installation, and maintenance of security systems to protect the physical security of the buildings and grounds of the Library of Congress is transferred from the Architect of the Capitol to the Capitol Police Board. Such design, installation, and maintenance shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to [section 3709 of the Revised Statutes of the United States (41 U.S.C. 5)] *section 6101 of title 41, United States Code*. Any alteration to a structural, mechanical, or architectural feature of the buildings and grounds of the Library of Congress that is required for a security system under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

### **§ 471 note (Legislative Branch Appropriations Act, 1996, § 114)**

SEC. 114. Notwithstanding the provisions of [the Federal Property and Administrative Services Act of 1949, as amended] *chapter 5 of title 40, United States Code*, or any other provision of law, upon the abolition of the Office of Technology Assessment, all records and property of the Office (including the Unix system, all computer hardware and software, all library collections and research materials, and all photocopying equipment), shall be under the administrative control of the Architect of the Capitol. Not later than December 31, 1995, the Architect shall submit a proposal to

transfer such records and property to appropriate support agencies of the Legislative Branch which request such transfer, and shall carry out such transfer subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate.

**§ 475(a) (Technology Assessment Act of 1972, § 6(a))**

SEC. 6. The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this chapter, including, but without being limited to, the authority to—

\* \* \* \* \*

(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*;

(3) make advance, progress, and other payments which relate to technology assessment without regard to the provisions of [section 3548 of the Revised Statutes (31 U.S.C. 529)] *section 3324(a) and (b) of title 31*;

**§ 1108(a)(6) (John C. Stennis Center for Public Service Training and Development Act, § 119(a)(6))**

**SEC. 119. ADMINISTRATIVE PROVISIONS.**

(a) IN GENERAL.—In order to carry out the provisions of this chapter, the Center may—

\* \* \* \* \*

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this chapter, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41 United States Code*;

**§ 1151 note (Emergency Supplemental Appropriations Act, § 3011b)(4)(B))**

SEC. 3011. RUSSIAN LEADERSHIP PROGRAM. (a) PURPOSE.—It is the purpose of this section to establish, in accordance with the provisions of this section—

\* \* \* \* \*

(b) GRANTS.—

\* \* \* \* \*

(4) ADMINISTRATION.—

\* \* \* \* \*

(B) WAIVER OF COMPETITIVE BIDDING.—The Librarian of Congress, after consultation with the Joint Committee on the Library of Congress, may enter into contracts under

subparagraph (A)(i) to carry out the pilot program during fiscal years 2000 and 2001 without regard to [section 3709 of the Revised Statutes] *section 6101 of title 41, United States Code*, or any other requirement for competitive contracting or the providing of notice of contracting opportunities.

**§ 1816a(a) (Legislative Branch Appropriations Act, 2008, § 1308(a))**

SEC. 1308. DESIGN BUILD CONTRACTS.—(a) Notwithstanding any other provision of law, the Architect of the Capitol may use the two-phase selection procedures authorized in [section 303M of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253m)] *section 3309 of title 41, United States Code*, for entering into a contract for the design and construction of a public building, facility, or work in the same manner and under the same terms and conditions as the head of an executive agency under such section.

**§ 1816b (Public Law 96–558)**

That, notwithstanding any other provision of law, the Architect of the Capitol is authorized to contract for personal services with any firm, partnership, corporation, association, or other legal entity in the same manner as he is authorized to contract for personal services with individuals under the provisions of [section 3709 of the Revised Statutes of the United States (41 U.S.C. 5)] *section 6101 of title 41, United States Code*.

**§ 1821(a)(1) (Legislative Branch Appropriations Act, 2003, § 1201(a)(1))**

SEC. 1201. SMALL PURCHASE CONTRACTING AUTHORITY. (a) IN GENERAL.—To promote efficiency and economy in contracting and to avoid unnecessary burdens, the Architect of the Capitol is granted authority to utilize special simplified procedures for purchases of property and services the aggregate amount of which does not exceed \$250,000. Notwithstanding any other provision of law—

(1) [section 3709 of the Revised Statutes of the United States (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, shall apply with respect to purchases and contracts for the Architect of the Capitol as if the reference to “\$25,000” in paragraph (1) of such section were a reference to “\$100,000”; and

**§ 1964(b) (Legislative Branch Appropriations Act, 1996, § 308(b))**

SEC. 308. (a)(1) Effective October 1, 1995, the unexpended balances of appropriations specified in paragraph (2) are transferred to the appropriation for general expenses of the Capitol Police, to be used for design and installation of security systems for the Capitol buildings and grounds.

\* \* \* \* \*

(b) Effective October 1, 1995, the responsibility for design and installation of security systems for the Capitol buildings and grounds is transferred from the Architect of the Capitol to the Capitol Police

Board. Such design and installation shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to [section 3709 of the Revised Statutes of the United States (41 U.S.C. 5)] *section 6101 of title 41, United States Code*. On and after October 1, 1995, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for a security system under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

**§ 2021 note (Public Law 102–330, § 1(d))**

(a) ACQUISITION OF PROPERTY.—(1) The Architect of the Capitol, under the direction of the Senate Committee on Rules and Administration, may acquire, on behalf of the United States Government, by purchase, condemnation, transfer or otherwise, as an addition to the United States Capitol Grounds, such real property in the District of Columbia as may be necessary to carry out the provisions of this Act [this note]. Real property acquired for purposes of this Act, may, in the discretion of the Architect of the Capitol, extend to the outer face of the curbs of such property so acquired, including alleys or parts of alleys and streets within the lot lines and curblines surrounding such real property, together with any or all improvements thereon.

\* \* \* \* \*

(d) REPAIRS; EXPENDITURES.—The Architect of the Capitol is authorized, without regard to the provisions of [section 3709 of the Revised Statutes of the United States] *section 6101 of title 41, United States Code*, to enter into contracts and to make expenditures for (1) necessary repairs to, and refurbishment of, the real property and the improvements on such real property acquired in accordance with subsection (a), including expenditures for personal and other services as may be necessary to carry out the purposes of this Act; and (2) for the construction on such real property of any facilities thereon as authorized under subsection (f). In no event shall the aggregate value of contracts and expenditures under this subsection exceed an amount equal to that authorized to be appropriated pursuant to subsection (e).

**§ 2146(b)(3) (Legislative Branch Appropriations Act, 1989, § 307E(b)(3))**

SEC. 307E. (a) The Architect of the Capitol, subject to the direction of the Joint Committee on the Library, is authorized to—

\* \* \* \* \*

(b)(1) Gifts or bequests of money under subsection (a)(2) of this section shall, when received by the Architect, be deposited with the Treasurer of the United States, who shall credit these deposits as offsetting collections to an account entitled “Botanic Garden, Gifts and Donations”. The gifts or bequests described under subsection (a)(2) of this section shall be accepted only in the total amount provided in appropriations Acts.

\* \* \* \* \*

(3) Receipts, obligations, and expenditures of funds under this section shall be included in annual estimates submitted by the Architect for the operation and maintenance of the Botanic Garden and such funds shall be expended by the Architect, without regard to [section 3709 of the Revised Statutes] *section 6101 of title 41, United States Code*, for the purposes of this section after approval in appropriation Acts. All such sums shall remain available until expended, without fiscal year limitation.

**§ 4301(i)(2) (Legislative Reorganization Act of 1946, § 202(i)(2))**

SEC. 202. (a) Each standing committee of the Senate (other than the Committee on Appropriations) is authorized to appoint, by majority vote of the committee, not more than six professional staff members in addition to the clerical staffs. Such professional staff members shall be assigned to the chairman and the ranking minority member of such committee as the committee may deem advisable, except that whenever a majority of the minority members of such committee so request, two of such professional staff members may be selected for appointment by majority vote of the minority members and the committee shall appoint any staff members so selected. A staff member or members appointed pursuant to a request by the minority members of the committee shall be assigned to such committee business as such minority members deem advisable. Services of professional staff members appointed by majority vote of the committee may be terminated by a majority vote of the committee and services of professional staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request. Professional staff members authorized by this subsection shall be appointed on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of their respective positions. Such professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them.

\* \* \* \* \*

(i)(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, or the Committee on House Oversight in the case of standing committees of the House of Representatives, within the limits of funds made available from the contingent fund of the Senate or the applicable accounts of the House of Representatives pursuant to resolutions which, in the case of the Senate, shall specify the maximum amounts which may be used for such purpose, approved by the appropriate House, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction or with respect to the administration of the affairs of the committee.

(2) Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of com-

pensation which may be paid to a regular employee of the committee. Such contracts shall not be subject to the provisions of [section 3709 of the Revised States (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, or any other provision of law requiring advertising.

**§ 6157(b) (Supplemental Appropriations Act, 1985, § 195(b))**

SEC. 195. (a) Funds authorized to be expended under section 120 of Public Law 97–51 (2 U.S.C. 61–6) may be used by the Majority or Minority Conference Committee of the Senate, with the approval of the Committee on Rules and Administration, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction or with respect to the administration of the affairs of the committee.

\* \* \* \* \*

(b) Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of such committee. Such contracts shall not be subject to the provisions of [section 5 of title 41] *section 6101 of title 41, United States Code*, or any other provision of law requiring advertising.

**§ 6599 (Public Law 97–51, § 117)**

SEC. 117. For each fiscal year (beginning with the fiscal year which ends September 30 1982), the Sergeant of Arms and Doorkeeper of the Senate is hereby authorized to expend from the account for the Sergeant of Arms and Doorkeeper of the Senate, within the contingent fund of the Senate, an amount not to exceed \$300,000:

(1) the procurement of the services, on a temporary basis, of individual consultants, or organizations thereof, with the prior consent of the Committee on Rules and Administration; such services may be procured by contract with the providers acting as independent contractors, or in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate; and any such contract shall not be subject to the provisions of [section 5] *section 6101 of title 5, United States Code*, or any other provision of law requiring advertising; and

## TITLE 5—GOVERNMENT ORGANIZATIONS AND EMPLOYEES

**§ 571 note (Administrative Dispute Resolution Act,  
§ 3(d)(2)(B))**

\* \* \* \* \*

## (d) PROCEDURES FOR GRANTS AND CONTRACTS.—

\* \* \* \* \*

(2)(A) Within 1 year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended, as necessary, to carry out this Act and the amendments made by this Act.

(B) For purposes of this section, the term “Federal Acquisition Regulation” means the single system of Government-wide procurement regulation referred to in [section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a))] *section 1121(b) of title 41, United States Code*.

**§ 595(c)(10)****§ 595. Organization of the Conference**

\* \* \* \* \*

(c) The Chairman is the chief executive of the Conference. In that capacity he has the power to—

\* \* \* \* \*

(10) organize and direct studies ordered by the Assembly or the Council, to contract for the performance of such studies with any public or private persons, firm, association, corporation, or institution under [title III of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 251–260)] *the provisions referred to in section 171(c) of title 41*, and to use from time to time, as appropriate, experts and consultants who may be employed in accordance with section 3109 of this title at rates not in excess of the maximum rate of pay for grade GS–15 as provided in section 5332 of this title;

**§ 2301 note (Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002, § 206)****SEC. 206. STUDIES BY GENERAL ACCOUNTING OFFICE ON EXHAUSTION OF ADMINISTRATIVE REMEDIES AND ON ASCERTAINMENT OF CERTAIN DEPARTMENT OF JUSTICE COSTS.**

\* \* \* \* \*

## (c) STUDIES ON STATUTORY EFFECTS ON AGENCY OPERATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the General Accounting Office shall conduct—

\* \* \* \* \*

(B) a study on the effects of [section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612)] *section 7108 of title 41, United States Code*, on the operations of Federal agencies.

\* \* \* \* \*

## (d) STUDY ON ADMINISTRATIVE AND PERSONNEL COSTS INCURRED BY THE DEPARTMENT OF THE TREASURY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall conduct a study on the extent of any administrative and personnel costs incurred by the Department of the Treasury to account for payments made in accordance with section 2414, 2517,

2672, or 2677 of title 28, United States Code, and under section 1304 of title 31, United States Code, as a result of—

\* \* \* \* \*

(B) **the Contracts Dispute Act of 1978 (41 U.S.C. 601 note; Public Law 95–563)]** *chapter 71 of title 41, United States Code.*

**§ 3109(b)**

**§ 3109. Employment of experts and consultants; temporary or intermittent**

\* \* \* \* \*

(b) When authorized by an appropriation or other statute, the head of an agency may procure by contract the temporary (not in excess of 1 year) or intermittent services of experts or consultants or an organization thereof, including stenographic reporting services. Services procured under this section are without regard to—

\* \* \* \* \*

(3) **[section 6101(b) to (d)]** *section 6101* of title 41, except in the case of stenographic reporting services by an organization.

**§ 3702 note (National Defense Authorization Act for Fiscal Year 2010, § 1110(e)(2)(G))**

**SEC. 1110. PILOT PROGRAM FOR THE TEMPORARY ASSIGNMENT OF INFORMATION TECHNOLOGY PERSONNEL TO PRIVATE SECTOR ORGANIZATIONS.**

\* \* \* \* \*

(e) **TERMS AND CONDITIONS FOR PRIVATE SECTOR EMPLOYEES.**—An employee of a private sector organization who is assigned to a Department of Defense organization under this section—

\* \* \* \* \*

(2) is deemed to be an employee of the Department of Defense for the purposes of—

\* \* \* \* \*

(G) **[section 27 of the Office of Federal Procurement Policy Act]** *chapter 21 of title 41, United States Code*; and

**§ 4105. Non-Government facilities; use of**

The head of an agency, without regard to **[section 6101(b) to (d)]** *section 6101* of title 41, may make agreements or other arrangements for the training of employees of the agency by, in, or through non-Government facilities under this chapter.

**§ 6501 note (Telework Enhancement Act of 2010, § 4(b))**

**SEC. 4. TELEWORK RESEARCH.**

\* \* \* \* \*

(b) **USE OF CONTRACT TO CARRY OUT RESEARCH.**—The Director of the Office of Personnel Management may carry out subsection (a) under a contract entered into by the Director using competitive procedures under **[section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253)]** *sections 3105, 3301, and 3303 to 3305 of title 41, United States Code.*



§ 7342(e)(1)

§ 7342. Receipt and disposition of foreign gifts and decorations

\* \* \* \* \*

(e)(1) Except as provided in paragraph (2), gifts and decorations that have been deposited with an employing agency for disposal shall be (A) returned to the donor, or (B) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions [of subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *referred to in section 171(b) and (c)* of title 41. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

§ 8709(a)

§ 8709. Insurance policies

(a) The Office of Personnel Management, without regard to [section 6101(b) to (d)] *section 6101* of title 41, may purchase from one or more life insurance companies a policy or policies of group life and accidental death and dismemberment insurance to provide the benefits specified by this chapter. A company must meet the following requirements:

§ 8714a(a)

§ 8714a. Optional insurance

(a) Under the conditions, directives, and terms specified in sections 8709–8712 of this title, the Office of Personnel Management, without regard to [section 6101(b) to (d)] *section 6101* of title 41, may purchase a policy which shall make available to each insured employee equal amounts of optional life insurance and accidental death and dismemberment insurance in addition to the amounts provided in section 8704(a) of this title.

§ 8714b(a)

§ 8714b. Additional optional life insurance

(a) Under the conditions, directives, and terms specified in sections 8709 through 8712 of this title, the Office of Personnel Management, without regard to [section 6101(b) to (d)] *section 6101* of title 41, may purchase a policy which shall make available to each employee insured under section 8702 of this title amounts of additional optional life insurance (without accidental death and dismemberment insurance). An employee may elect coverage under this section without regard to whether the employee has elected coverage under optional insurance available under section 8714a of this title.

**§ 8714c(a)**

**§ 8714c. Optional life insurance on family members**

(a) Under the conditions, directives, and terms specified in sections 8709 through 8712 of this title, the Office of Personnel Management, without regard to **§ section 6101(b) to (d)** *section 6101* of title 41, may purchase a policy which shall make available to each employee insured under section 8702 of this title amounts of optional life insurance (without accidental death and dismemberment insurance) on the employee's family members.

**§ 8902(a)**

**§ 8902. Contracting authority**

(a) The Office of Personnel Management may contract with qualified carriers offering plans described by section 8903 or 8903a of this title, without regard to **§ section 6101(b) to (d)** *section 6101* of title 41 or other statute requiring competitive bidding. Each contract shall be for a uniform term of at least 1 year, but may be made automatically renewable from term to term in the absence of notice of termination by either party.

**§ 8953**

**§ 8953. Contracting authority**

(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8954 without regard to **§ section 6101(b) to (d)** *section 6101* of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

\* \* \* \* \*

(d)(1) Each contract under this chapter shall require the qualified company to agree—

\* \* \* \* \*

(3) For purposes of applying **§ the Contract Disputes Act of 1978** *chapter 71 of title 41* to disputes arising under this chapter between a qualified company and the Office—

(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing **§ (after appropriate arrangements, as described in section 8(c) of such Act)**; and

(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in **§ section 10(a)(1) of such Act** *section 7104(b)(1) of title 41* relative to such a dispute.

\* \* \* \* \*

**8983****§ 8983. Contracting authority**

(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8984 without regard to [section 6101(b) to (d)] *section 6101* of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

\* \* \* \* \*

(d)(1) Each contract under this chapter shall require the qualified company to agree—

\* \* \* \* \*

(3) For purposes of applying [the Contract Disputes Act of 1978] *chapter 71 of title 41* to disputes arising under this chapter between a qualified company and the Office—

(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing [(after appropriate arrangements, as described in section 8(c) of such Act)]; and

(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in [section 10(a)(1) of such Act] *section 7104(b)(1) of title 41* relative to such a dispute.

**§ 9003(a)****§ 9003. Contracting authority**

(a) IN GENERAL.—The Office of Personnel Management shall, without regard to [section 6101(b) to (d)] *section 6101* of title 41 or any other statute requiring competitive bidding, contract with one or more qualified carriers for a policy or policies of long-term care insurance. The Office shall ensure that each resulting contract (hereafter in this chapter referred to as a “master contract”) is awarded on the basis of contractor qualifications, price, and reasonable competition.

**TITLE 6—DOMESTIC SECURITY****§ 189(b)(6) (Homeland Security Act of 2002, § 309(b)(6))****SEC. 309. UTILIZATION OF DEPARTMENT OF ENERGY NATIONAL LABORATORIES AND SITES IN SUPPORT OF HOMELAND SECURITY ACTIVITIES.**

\* \* \* \* \*

(b) JOINT SPONSORSHIP ARRANGEMENTS.—

\* \* \* \* \*

(6) FUNDING.—The Department shall provide funds for work at the Department of Energy national laboratories or sites, as the case may be, under a joint sponsorship arrangement under this subsection under the same terms and conditions as apply

to the primary sponsor of such national laboratory under [section 303(b)(1)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(b)(1)(C))] *section 3303(a)(1)(C) of title 41, United States Code*, or of such site to the extent such section applies to such site as a federally funded research and development center by reason of this subsection.

**§ 393 (Homeland Security Act of 2002, § 833)**

**SEC. 833. SPECIAL STREAMLINED ACQUISITION AUTHORITY.**

\* \* \* \* \*

**(b) INCREASED MICRO-PURCHASE THRESHOLD FOR CERTAIN PROCUREMENTS.—**

(1) **IN GENERAL.**—The Secretary may designate certain employees of the Department to make procurements described in subsection (a) of this section for which in the administration of [section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428 the amount specified in subsections (c), (d), and (f) of such section 32] *section 1902 of title 41, United States Code*, the amount specified in subsections (a), (d), and (e) of such section 1902 shall be deemed to be \$7,500.

(2) **NUMBER OF EMPLOYEES.**—The number of employees designated under paragraph (1) shall be—

(A) fewer than the number of employees of the Department who are authorized to make purchases without obtaining competitive quotations, pursuant to [section 32(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(c))] *section 1902(d) of title 41, United States Code*;

\* \* \* \* \*

**(c) SIMPLIFIED ACQUISITION PROCEDURES.—**

(1) **IN GENERAL.**—With respect to a procurement described in subsection (a) of this section, the Secretary may deem the simplified acquisition threshold referred to in [section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))] *section 134 of title 41, United States Code*, to be—

\* \* \* \* \*

**(d) APPLICATION OF CERTAIN COMMERCIAL ITEMS AUTHORITIES.—**

\* \* \* \* \*

(2) **LIMITATION.**—The \$5,000,000 limitation provided in [section 31(a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2)) and section 303(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(B))] *sections 1901(a)(2) and 3305(a)(2) of title 41, United States Code*, shall be deemed to be \$7,500,000 for purposes of property or services under the authority of this subsection.

**§ 421 (Homeland Security Act of 2002, § 851)**

**SEC. 851. DEFINITION.**

In this part, the term “executive agency” has the meaning given that term under [section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1))] *section 133 of title 41, United States Code*.

**§ 423(b) (Homeland Security Act of 2002, § 853(b))**

**SEC. 853. INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR PROCUREMENT IN SUPPORT OF HUMANITARIAN OR PEACEKEEPING OPERATIONS OR CONTINGENCY OPERATIONS**

\* \* \* \* \*

(b) SIMPLIFIED ACQUISITION THRESHOLD DEFINITIONS.—In this section, the term “simplified acquisition threshold definitions” means the following:

(1) [Section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))] *Section 134 of title 41, United States Code.*

(2) [Section 309(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(d))] *Section 153 of title 41, United States Code.*

**§ 424 (Homeland Security Act of 2002, § 854)**

**SEC. 854. INCREASED MICRO-PURCHASE THRESHOLD FOR CERTAIN PROCUREMENTS**

In the administration of [section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428)] *section 1902 of title 41, United States Code*, with respect to a procurement referred to in section 422 of this title, the amount specified in [subsections (c), (d), and (f) of such section 32] *subsections (a), (d), and (e) of such section 1902* shall be deemed to be \$7,500.

**§ 425 (Homeland Security Act of 2002, § 855)**

**SEC. 855. APPLICATION OF CERTAIN COMMERCIAL ITEMS AUTHORITIES TO CERTAIN PROCUREMENTS**

(a) AUTHORITY.—

\* \* \* \* \*

(2) COMMERCIAL ITEM LAWS.—The provisions of law referred to in paragraph (1) are as follows:

(A) [Sections 31 and 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 427, 430)] *Sections 1901 and 1906 of title 41, United States Code.*

\* \* \* \* \*

(C) [Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g))] *Section 3305 of title 41, United States Code.*

(b) INAPPLICABILITY OF LIMITATION ON USE OF SIMPLIFIED ACQUISITION PROCEDURES.—

(1) IN GENERAL.—The \$5,000,000 limitation provided in [section 31(a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2))] *section 1901(a)(2) of title 41, United States Code*, section 2304(g)(1)(B) of title 10, United States Code, and [section 303(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(B))] *section 3305(a)(2) of title 41, United States Code*, shall not apply to purchases of property or services to which any of the provisions of law referred to in subsection (a) of this section are applied under the authority of this section.

**§ 426(a) (Homeland Security Act of 2002, § 856(a))**

**SEC. 856. USE OF STREAMLINED PROCEDURES.**

(a) **REQUIRED USE.**—The head of an executive agency shall, when appropriate, use streamlined acquisition authorities and procedures authorized by law for a procurement referred to in section 422 of this title, including authorities and procedures that are provided under the following provisions of law:

(1) **[FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949]** *PROVISIONS REFERRED TO IN SECTION 171(c) OF TITLE 41, UNITED STATES CODE.*—In **[title III of the Federal Property and Administrative Services Act of 1949]** *the provisions referred to in section 171(c) of title 41, United States Code:*

(A) **[Paragraphs (1), (2), (6), and (7) of subsection (c) of section 303 (41 U.S.C. 253)]** *Paragraphs (1), (2), (6), and (7) of section 3304(a) of title 41, United States Code*, relating to use of procedures other than competitive procedures under certain circumstances **[subject to section 3304(d) of such section]** *(subject to section 3304(d) of title 41, United States Code).*

(B) **[Section 303J (41 U.S.C. 253j)]** *Section 4106 of title 41, United States Code*, relating to orders under task and delivery order contracts.

\* \* \* \* \*

(3) **[OFFICE OF FEDERAL PROCUREMENT POLICY ACT]** *PROVISIONS REFERRED TO IN SECTION 172(b) OF TITLE 41, UNITED STATES CODE.*—**[Paragraphs (1)(B), (1)(D), and (2) of section 18(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c))]** *Paragraphs (1)(B), (1)(D), and (2)(A) of section 1708(b) of title 41, United States Code*, relating to inapplicability of a requirement for procurement notice.

**§ 453b(g) (American Recovery and Reinvestment Act of 2009, § 604(g))**

**SEC. 604. (a) REQUIREMENT.**—

\* \* \* \* \*

(g) **APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.**—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding **[section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430)]** *section 1906 of title 41, United States Code*, with the exception of commercial items listed under subsections (b)(1)(C) and (b)(1)(D) above. For the purposes of this section, “commercial” shall be as defined in the Federal Acquisition Regulation—Part 2.

**§ 792(c) (Post-Katrina Emergency Management Reform Act of 2006, § 692(c))**

**SEC. 692. LIMITATIONS ON TIERING OF SUBCONTRACTORS.**

\* \* \* \* \*

(c) **COVERED CONTRACTS.**—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by **[section 4 of the Office of Federal Procurement Policy Act (41**

U.S.C. 403)] *section 134 of title 41, United States Code*) entered into by the Department to facilitate response to or recovery from a natural disaster or act of terrorism or other man-made disaster.

**§ 794 (Post-Katrina Emergency Management Reform Act of 2006, § 695)**

**SEC. 695. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.**

(a) REGULATIONS.—The Secretary shall promulgate regulations applicable to contracts described in subsection (c) to restrict the contract period of any such contract entered into using procedures other than competitive procedures pursuant to the exception provided in [paragraph (2) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c))] *paragraph (2) of section 3304(a) of title 41, United States Code*, to the minimum contract period necessary—

\* \* \* \* \*

(c) COVERED CONTRACTS.—This section applies to any contract in an amount greater than the simplified acquisition threshold (as defined by [section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)] *section 134 of title 41, United States Code*) entered into by the Department to facilitate response to or recovery from a natural disaster, act of terrorism, or other man-made disaster.

## TITLE 7—AGRICULTURE

**§ 15b(f)(1)(G) (United States Cotton Futures Act, subsection (f)(1)(G))**

\* \* \* \* \*

(f) BASIS GRADE CONTRACTS.—

(1) CONDITIONS.—Each basis grade cotton futures contract shall comply with each of the following conditions:

\* \* \* \* \*

(G) PROVISION FOR TENDER AND SETTLEMENT IN ACCORDANCE WITH GOVERNMENT CLASSIFICATION.—Provide that all tenders of cotton and settlements therefor under such contract shall be in accordance with the classification thereof made under the regulations of the Secretary by such officer or officers of the Government as shall be designated for the purpose, and the costs of such classification shall be fixed, assessed, collected, and paid as provided in such regulations and shall be credited to the account referred to in section 5 of the United States Cotton Standards Act (7 U.S.C. 55). The Secretary may provide by regulation conditions under which cotton samples submitted or used in the performance of services authorized by this act shall become the property of the United States and may be sold and the proceeds credited to the foregoing account: *Provided*, That such cotton samples shall not be subject to the provisions of [the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)] *chapter 5 of title 40, United States Code*. The Secretary is authorized to prescribe regulations for carrying out the purposes of this

subparagraph and the certificates of the officers of the Government as to the classification of any cotton for the purposes of this subparagraph shall be accepted in the courts of the United States in all suits between the parties to such contract, or their privies, as prima facie evidence of the true classification of the cotton involved.

**§ 55(a) (United States Cotton Standards Act, § 5(a)).**

SEC. 5. (a) The Secretary of Agriculture shall cause to be collected such fees and charges for licenses issued to classifiers of cotton under section 3 of this Act, for determinations made under section 4 of this Act, and for the establishment of standards and sale of copies of standards under section 6 of this Act, as will cover, as nearly as practicable, and after taking into consideration net proceeds from any sale of samples, the costs incident to providing services and standards under such sections, including administrative and supervisory costs. The Secretary may provide by regulation conditions under which cotton samples submitted or used in the performance of services authorized by this chapter shall become the property of the United States and may be sold with the proceeds credited to the foregoing account: *Provided*, That such cotton samples shall not be subject to the provisions of [the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)] *chapter 5 of title 40, United States Code*. Any fees or charges, late payment penalties, or proceeds from the sales of samples collected under this subsection, and any interest earned through the investment of such funds shall be credited to the current appropriation account that incurs the costs of the services provided under this chapter, and shall remain available without fiscal year limitation to pay the expenses of the Secretary incident to providing services and standards under this Act and the United States Cotton Futures Act (7 U.S.C. 15b). Such funds may be invested by the Secretary in insured or fully collateralized, interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments.

**§ 79(c) (United States Grain Standards Act, § 7(c))**

SEC. 7. (a) The Secretary is authorized to cause official inspection under the standards provided for in section 4 of this Act to be made of all grain required to be officially inspected as provided in section 5 of this Act, in accordance with such regulations as the Secretary may prescribe.

\* \* \* \* \*

(c) The regulations prescribed by the Secretary under this Act shall include provisions for reinspections and appeal inspections; cancellation and surrender of certificates superseded by reinspections and appeal inspections; and the use of standard forms for official certificates. The Secretary may provide by regulation that samples obtained by or for employees of the Secretary for purposes of official inspection shall become the property of the United States, and such samples may be disposed of without regard to the provisions of [the Federal Property and Administrative Services Act of 1949, as amended] *chapter 5 of title 40, United States Code*.



**§ 427i(a) (Act of June 29, 1935, § 10(a))**

SEC. 10. (a) In order to carry out further research on utilization and associated problems in connection with the development and application of present, new, and extended uses of agricultural commodities and products thereof authorized by section 1 of this title, and to disseminate information relative thereto, and in addition to all other appropriations authorized by this title, there is authorized to be appropriated the following sums:

- (1) \$3,000,000 for the fiscal year ending June 30, 1947, and each subsequent fiscal year.
- (2) An additional \$3,000,000 for the fiscal year ending June 30, 1948, and each subsequent fiscal year.
- (3) An additional \$3,000,000 for the fiscal year ending June 30, 1949, and each subsequent fiscal year.
- (4) An additional \$3,000,000 for the fiscal year ending June 30, 1950, and each subsequent fiscal year.
- (5) An additional \$3,000,000 for the fiscal year ending June 30, 1951, and each subsequent fiscal year.
- (6) In addition to the foregoing, such additional funds beginning with the fiscal year ending June 30, 1952, and thereafter, as the Congress may deem necessary.

The Secretary of Agriculture, in accordance with such regulations as he deems necessary, and when in his judgment the work to be performed will be carried out more effectively, more rapidly, or at less cost than if performed by the Department of Agriculture, may enter into contracts with such public or private organizations or individuals as he may find qualified to carry on work under this section without regard to the provisions of [section 3709, Revised Statutes] *section 6101 of title 41, United States Code*, and with respect to such contracts he may make advance progress or other payments without regard to the provisions of section 3324(a) and (b) of title 31. Contracts under this section may be made for work to continue not more than four years from the date of any such contract. Notwithstanding the provisions of section 5 of the Act of June 20, 1874, as amended (31 U.S.C. 713), any unexpended balances of appropriations properly obligated by contracting with an organization as provided in this subsection may remain upon the books of the Treasury for not more than five fiscal years before being carried to the surplus fund and covered into the Treasury. Research authorized under this subsection shall be conducted so far as practicable at laboratories of the Department of Agriculture. Projects conducted under contract with public and private agencies shall be supplemental to and coordinated with research of these laboratories. Any contracts made pursuant to this authority shall contain requirements making the results of research and investigations available to the public through dedication, assignment to the Government, or such other means as the Secretary shall determine.

**§ 1386 (Agricultural Adjustment Act of 1938, § 386)**

SEC. 386. The provisions of [section 3741 of the Revised Statutes (U.S.C., 1934 edition, title 41, sec. 22)] *section 6306 of title 41, United States Code*, and sections 114 and 115 of the Criminal Code of the United States (U.S.C., 1934 edition, title 18, secs. 204 and 205) shall not be applicable to loans or payments made under this Act (except under section 383(a)).

**§ 1514(f) (Agricultural Adjustment Act of 1938, § 514(f))**

SEC. 514.

\* \* \* \* \*

(f) The provisions of [section 3741 of the Revised States, as amended (41 U.S.C., section 22)] *section 6306 of title 41, United States Code*, shall not apply to any crop insurance agreements made under this subtitle.

**§ 1624(a) (Agricultural Marketing Act of 1946, § 205(a))**

SEC. 205. (a) In carrying out the provisions of title II of this Act, the Secretary of Agriculture may cooperate with other branches of the Government, State agencies, private research organizations, purchasing and consuming organizations, boards of trade, chambers of commerce, other associations of business or trade organizations, transportation and storage agencies and organizations, or other persons or corporations engaged in the production, transportation, storing, processing, marketing, and distribution of agricultural products whether operating in one or more jurisdictions. The Secretary of Agriculture shall have authority to enter into contracts and agreements under the terms of regulations promulgated by him with States and agencies of States, private firms, institutions, and individuals for the purpose of conducting research and service work, making and compiling reports and surveys, and carrying out other functions relating thereto when in his judgment the services or functions to be performed will be carried out more effectively, more rapidly, or at less cost than if performed by the Department of Agriculture. Contracts hereunder may be made for work to be performed within a period not more than four years from the date of any such contract, and advance, progress, or other payments may be made. The provisions of [section 3648 (31 U.S.C., sec. 529) and section 3709 (41 U.S.C., sec. 5 of the Revised Statutes)] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code*, shall not be applicable to contracts or agreements made under the authority of this section. Any unexpended balances of appropriations obligated by contracts as authorized by this section may, notwithstanding the provisions of section 5 of the Act of June 20, 1874, as amended (31 U.S.C., sec. 713), remain upon the books of the Treasury for not more than five fiscal years before being carried to the surplus fund and covered into the Treasury. Any contract made pursuant to this section shall contain requirements making the result of such research and investigations available to the public by such means as the Secretary of Agriculture shall determine.

\* \* \* \* \*

**§ 1736a(c)(2) (Food for Trade Act, § 407(c)(2))**

SEC. 407. ADMINISTRATIVE PROVISIONS.

\* \* \* \* \*

(c) TITLES II AND III PROGRAMS.—

\* \* \* \* \*

(2) FREIGHT PROCUREMENT.—

Notwithstanding the [Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)] *provisions referred to in section 171(b) and (c) of title 41, United States Code*, or other similar provisions of law relating to the making or performance of Federal Government contracts, ocean transportation under titles II and III may be procured on the basis of full and open competitive procedures. Resulting contracts may contain such terms and conditions as the Administrator determines are necessary and appropriate.

**§ 1985(c)(4) (Consolidated Farm and Rural Development Act, § 335(c)(4))**

SEC. 335. (a) The Secretary is authorized and empowered to make advances, without regard to any loan or total indebtedness limitation, to preserve and protect the security for or the lien or priority of the lien securing any loan or other indebtedness owing to, insured by, or acquired by the Secretary under this title or under any other programs administered by the Farmers Home Administration or the Rural Development Administration; to bid for and purchase at any execution, foreclosure, or other sale or otherwise to acquire property upon which the United States has a lien by reason of a judgment or execution arising from, or which is pledged, mortgaged, conveyed, attached, or levied upon to secure the payment of, any such indebtedness whether or not such property is subject to other liens, to accept title to any property so purchased or acquired; and to sell, manage, or otherwise dispose of such property as hereinafter provided.

\* \* \* \* \*

(c) SALE OF PROPERTY.—

\* \* \* \* \*

(4) OTHER LAW.—The [Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)] *provisions referred to in section 171(b) and (c) of title 41, United States Code*, shall not apply to any exercise of authority under this title.

**§ 2208 note (Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1998, § 716(a))**

SEC. 716. HEREAFTER: (a) COMPLIANCE WITH [BUY AMERICAN ACT] CHAPTER 83 OF TITLE 41, UNITED STATES CODE.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with [sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the “Buy American Act”)] *chapter 83 of title 41, United States Code*.

**§ 2279b (Federal Agricultural Improvement and Reform Act of 1996, § 921)**

SEC. 921. DEPARTMENT OF AGRICULTURE EDUCATIONAL, TRAINING, AND PROFESSIONAL DEVELOPMENT ACTIVITIES

\* \* \* \* \*

(h) ACQUISITION AND DISPOSAL OF PROPERTY.—In order to carry out the activities of the Graduate School, the Graduate School may—

\* \* \* \* \*

(4) dispose of real and personal property without regard to [the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)] *chapter 5 of title 40, United States Code.*

(i) CONTRACT AUTHORITY.—The Graduate School may enter into contracts without regard to the [Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)] *provisions referred to in section 171(b) and (c) of title 41, United States Code,* or any other law that prescribes procedures for the procurement of property or services by an executive agency.

**§ 3318(e) (National Agricultural Research, Extension, and Teaching Policy Act of 1977, § 1472(e))**

SEC. 1472. (a) The purpose of this section is to confer upon the Secretary general authority to enter into contracts, grants, and cooperative agreements to further the research, extension, or teaching programs in the food and agricultural sciences of the Department of Agriculture. This authority supplements all other laws relating to the Department of Agriculture and is not to be construed as limiting or repealing any existing authorities.

\* \* \* \* \*

(e) Unless otherwise provided in this title, the Secretary may enter into contracts, grants, or cooperative agreements, as authorized by this section, without regard to any requirements for competition, the provisions of [section 3709 of the Revised Statutes (41 U.S.C. 5), and the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529)] *section 6101 of title 41, United States Code, and the provisions of section 3324(a) and (b) of title 31, United States Code.*

**§ 5901 note (Farm Security and Rural Investment Act of 2002, § 6201(b)(2))**

**SEC. 6201. ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION CORPORATION**

\* \* \* \* \*

(b) DISPOSITION OF ASSETS.—On the date of enactment of this Act—

\* \* \* \* \*

(2) notwithstanding the [Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)] *provisions referred to in section 171(b) and (c) of title 41, United States Code,* and any other law that prescribes procedures for procurement, use, and disposal of property by a Federal agency, the Secretary shall have authority to manage and dispose of the assets transferred under paragraph (1) in a manner that, to the maximum extent practicable, provides the best value to the Federal Government.

## TITLE 8—ALIENS AND NATIONALITY

### § 1157 note (National Defense Authorization Act for Fiscal Year 2008, § 1248(c)(3))

#### SEC. 1248. REPORTS.

\* \* \* \* \*

(c) REPORT ON IRAQI CITIZENS AND NATIONALS EMPLOYED BY THE UNITED STATES GOVERNMENT OR FEDERAL CONTRACTORS IN IRAQ.—

\* \* \* \* \*

(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the term “executive agency” has the meaning given the term in [section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1))] *section 133 of title 41, United States Code.*

### § 1231(g)(1) (Immigration and Nationality Act, § 241(g)(1))

#### SEC. 241. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

\* \* \* \* \*

(g) PLACES OF DETENTION.—

(1) IN GENERAL.—The Attorney General shall arrange for appropriate places of detention for aliens detained pending removal or a decision on removal. When United States Government facilities are unavailable or facilities adapted or suitably located for detention are unavailable for rental, the Attorney General may expend from the appropriation “Immigration and Naturalization Service—Salaries and Expenses”, without regard to [section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, amounts necessary to acquire land and to acquire, build, remodel, repair, and operate facilities (including living quarters for immigration officers if not otherwise available) necessary for detention.

### § 1355(a) (Immigration and Nationality Act, § 285(a))

SEC. 285 (a) Subject to such conditions and limitations as the Attorney General shall prescribe, all exclusive privileges of exchanging money, transporting passengers or baggage, keeping eating houses, or other like privileges in connection with any United States immigrant station, shall be disposed of to the lowest responsible and capable bidder (other than an alien) in accordance with the provision of [section 3709 of the Revised Statutes, as amended (41 U.S.C. 5),] *section 6101 of title 41, United States Code*, and for the use of Government property in connection with the exercise of such exclusive privileges a reasonable rental may be charged. The feeding of aliens, or the furnishing of any other necessary service in connection with any United States immigrant station, may be performed by the Service without regard to the foregoing provisions of this subsection if the Attorney General shall find that it would be advantageous to the Government in terms of economy and efficiency. No intoxicating liquors shall be sold at any immigrant station.

**§ 1363a(a)(1) (Immigration and Nationality Act, § 294(a)(1))**

SEC. 294. (a) IN GENERAL.—With respect to any undercover investigative operation of the Service which is necessary for the detection and prosecution of crimes against the United States—

(1) sums appropriated for the Service may be used for leasing space within the United States and the territories and possessions of the United States without regard to the following provisions of law:

\* \* \* \* \*

(B) **section 3732(a) of the Revised Statutes (41 U.S.C. 11(a))** *section 6301(a) and (b)(1) through (3) of title 41, United States Code,*

(C) **section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255)** *chapter 45 of title 41, United States Code,*

\* \* \* \* \*

(F) **section 3741 of the Revised Statutes (41 U.S.C. 22)** *section 6306 of title 41, United States Code, and*

(G) **subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254(a) and (c))** *section 3901 of title 41, United States Code;*

## **TITLE 10—ARMED FORCES**

**§ 2194(b)(2)**

**§ 2194. Education partnerships**

\* \* \* \* \*

(b) Under a partnership agreement entered into with an educational institution under this section, the director of a defense laboratory may provide, and is encouraged to provide, assistance to the educational institution by—

\* \* \* \* \*

(2) notwithstanding the provisions **of subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I** *referred to in section 171(b) and (c) of title 41 or any provision of law or regulation relating to transfers of surplus property, transferring to the institution any computer equipment, or other scientific equipment, that is—*

**§ 2302 note (Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, § 821)**

**SEC. 821. IMPROVEMENTS IN PROCUREMENTS OF SERVICES.**

(a) PREFERENCE FOR PERFORMANCE-BASED SERVICE CONTRACTING.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with **sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421)** *sections 1121 and 1303 of title 41, United States Code,* shall be revised to establish a pref-

erence for use of contracts and task orders for the purchase of services in the following order of precedence:

\* \* \* \* \*

(e) DEFINITIONS.—In this section:

\* \* \* \* \*

(2) The term “commercial item” has the meaning given the term in [section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))] *section 103 of title 41, United States Code.*

**§ 2302 note (National Defense Authorization Act for Fiscal Year 1996, § 822)**

**SEC. 822. DEFENSE FACILITY WIDE PILOT PROGRAM.**

\* \* \* \* \*

(d) CRITERIA FOR DESIGNATION OF PARTICIPATING FACILITIES.—The Secretary shall establish criteria for selecting a facility for designation as a participant in the pilot program. In developing such criteria, the Secretary shall consider the following:

(1) The number of existing and anticipated contracts and subcontracts performed at the facility—

\* \* \* \* \*

(B) which are administered with the application of cost accounting standards under [section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f))] *section 1502(a) and (b) of title 41, United States Code.*

\* \* \* \* \*

(e) NOTIFICATION.—(1) The Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a written notification of each facility proposed to be designated by the Secretary for participation in the pilot program.

\* \* \* \* \*

(3)(A) The Secretary shall ensure that the management plan for a facility provides for attainment of the following objectives:

\* \* \* \* \*

(B) The management plan for a facility shall also require that all or substantially all of the contracts to be awarded and performed at the facility after the designation of that facility under subsection (b), and all or substantially all of the subcontracts to be awarded under those contracts and performed at the facility after the designation, be—

\* \* \* \* \*

(iii) awarded and administered without the application of cost accounting standards under [section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f))] *section 1502(a) and (b) of title 41, United States Code.*

(f) EXEMPTION FROM CERTAIN REQUIREMENTS.—In the case of a contract or subcontract that is to be performed at a facility designated for participation in the defense facility-wide pilot program and that is subject to section 2306a of title 10, United States Code, or [section 26(f) of the Office of Federal Procurement Policy Act (41

U.S.C. 422(f)] *section 1502(a) and (b) of title 41, United States Code*, the Secretary of Defense may exempt such contract or subcontract from the requirement to obtain certified cost or pricing data under such section 2306a or the requirement to apply mandatory cost accounting standards under [such section 26(f)] *such section 1502(a) and (b)* if the Secretary determines that the contract or subcontract—

\* \* \* \* \*

(g) SPECIAL AUTHORITY.—The authority provided under subsection (a) includes authority for the Secretary of Defense—

\* \* \* \* \*

(2) to apply to a procurement of items other than commercial items under such program—

(A) the authority provided in [section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430)] *section 1906 of title 41, United States Code*, to waive a provision of law in the case of commercial items, and

**§ 2302c note (Federal Acquisition Streamlining Act of 1994, § 9002(c))**

**SEC. 9002. IMPLEMENTATION OF FACNET CAPABILITY IN ARMED SERVICES.**

\* \* \* \* \*

(c) EFFECTIVE DATE.—A FACNET capability may be implemented and used in an agency before the promulgation of regulations implementing this section (as provided in section 10002). If such implementation and use occurs, the period for submission of bids or proposals under [section 18(a)(3)(B) of the Office of Federal Procurement Policy Act] *section 1708(e)(1)(B) of title 41, United States Code*, in the case of a solicitation through FACNET, may be less than the period otherwise applicable under that section, but shall be at least 10 days. The preceding sentence shall not be in effect after September 30, 1995.

**§ 2405 note (National Defense Authorization Act for Fiscal Year 1998, § 810(b)(2)(A))**

**SEC. 810. REPEAL OF LIMITATION ON ADJUSTMENT OF SHIPBUILDING CONTRACTS.**

\* \* \* \* \*

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the repeal made by subsection (a) shall be effective with respect to claims, requests for equitable adjustment, and demands for payment under shipbuilding contracts that have been or are submitted before, on, or after the date of the enactment of this Act. (2) Section 2405 of title 10, United States Code, as in effect immediately before the date of the enactment of this Act, shall continue to apply to a contractor's claim, request for equitable adjustment, or demand for payment under a shipbuilding contract that was submitted before such date if—

(A) a contracting officer denied the claim, request, or demand, and the period for appealing the decision to a court or board under [the Contract Disputes Act of 1978] *chapter 71 of title 41, United States Code*, expired before such date;



§ 2461(d)(1)

**§ 2461. Public-private competition required before conversion to contractor performance**

\* \* \* \* \*

(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial or industrial type function of the Department of Defense that—

(1) is included on the procurement list established pursuant to [section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47)] *section 8503 of title 41*; or

§ 2562(a)(1)

**§ 2562. Limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs**

(a) LIMITATION.—Excess construction or fire equipment from the stocks of the Department of Defense may be transferred to any foreign country or international organization pursuant to part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) or section 21 of the Arms Export Control Act (22 U.S.C. 2761) only if—

(1) no department or agency of the Federal Government (other than the Department of Defense), no State, and no other person or entity eligible to receive excess or surplus property under [subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(b) and (c) of title 41* submits to the Defense Reutilization and Marketing Service a request for such equipment during the period for which the Defense Reutilization and Marketing Service accepts such a request; or

§ 2576(a)

**§ 2576. Surplus military equipment: sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies**

(a) The Secretary of Defense, under regulations prescribed by him, may sell to State and local law enforcement, firefighting, homeland security, and emergency management agencies, at fair market value, pistols, revolvers, shotguns, rifles of a caliber not exceeding .30, ammunition for such firearms, gas masks, personal protective equipment, and other appropriate equipment which (1) are suitable for use by such agencies in carrying out law enforcement, firefighting, homeland security, and emergency management activities, and (2) have been determined to be surplus property under [subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(b) and (c) of title 41*.

**§ 2664(a)**

**§ 2664. Limitations on real property acquisition**

(a) AUTHORIZATION FOR ACQUISITION REQUIRED.—No military department may acquire real property not owned by the United States unless the acquisition is expressly authorized by law. The foregoing limitation shall not apply to the acceptance by a military department of real property acquired under the authority of the Administrator of General Services to acquire property by the exchange of Government property pursuant to [subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)] *the provisions referred to in section 171(b) and (c) of title 41.*

**§ 2667(g)(1)**

**§ 2667. Leases: non-excess property of military departments and Defense Agencies**

\* \* \* \* \*

(g) SPECIAL RULES FOR BASE CLOSURE AND REALIGNMENT PROPERTY.—(1) Notwithstanding [subsection (a)(2) or subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (to the extent subtitle I and title III are inconsistent with this subsection)] *chapter 5 of title 40 (to the extent such chapter is inconsistent with this subsection) or subsection (a)(3)*, pending the final disposition of real property and personal property located at a military installation to be closed or realigned under a base closure law, the Secretary concerned may lease the property to any individual or entity under this subsection if the Secretary determines that such a lease would facilitate State or local economic adjustment efforts.

**§ 2687 note (Defense Base Closure and Realignment Act of 1990, § 2905(b)(2)(A)(i))**

**SEC. 2905. IMPLEMENTATION**

\* \* \* \* \*

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Defense, with respect to excess and surplus real property, facilities, and personal property located at a military installation closed or realigned under this part—

\* \* \* \* \*

(2)(A) Subject to subparagraph (B) and paragraphs (3), (4), (5), and (6), the Secretary of Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

(i) all regulations governing the utilization of excess property and the disposal of surplus property under [the Federal Property and Administrative Services Act of 1949] *chapter 5 of title 40, United States Code*; and

**§ 2687 note (Defense Authorization Amendments and Base Closure and Realignment Act, § 204(b)(2)(A)(i))**

**SEC. 204. IMPLEMENTATION**

\* \* \* \* \*

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary, with respect to excess and surplus real property, facilities, and personal property located at a military installation closed or realigned under this title—

\* \* \* \* \*

(2)(A) Subject to subparagraph (B), the Secretary shall exercise authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

(i) all regulations in effect on the date of the enactment of this title governing utilization of excess property and disposal of surplus property under **the Federal Property and Administrative Services Act of 1949** *chapter 5 of title 40, United States Code*; and

**§ 2691(b)**

**§ 2691. Restoration of land used by permit or damaged by mishap; reimbursement of state costs of fighting wildland fires**

\* \* \* \* \*

(b) SCREENING FOR USE OF IMPROVED LAND.—Unless otherwise prohibited by law or the terms of the permit, before restoration of any land under subsection (a) is begun, the Secretary concerned shall determine, under the provisions **of subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I** *referred to in section 171(b) and (c) of title 41*, whether another military department or Federal agency has a use for the land in its existing, improved state. During the period required to make such a determination, the Secretary may provide for maintenance and repair of improvements on the land to the standards established for excess property by the Administrator of General Services.

**§ 2696(b)**

**§ 2696. Real property: transfer between armed forces and screening requirements for other Federal use**

\* \* \* \* \*

(b) SCREENING REQUIREMENTS FOR ADDITIONAL FEDERAL USE.—The Secretary concerned may not convey real property that is authorized or required to be conveyed, whether for or without consideration, by any provision of law enacted after December 31, 1997, unless the Administrator of General Services has screened the property for further Federal use in accordance with **subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)** *chapter 5 of title 40*.

§ 2854a(d)(1)

§ 2854a. Conveyance of damaged or deteriorated military family housing; use of proceeds

\* \* \* \* \*

(d) INAPPLICABILITY OF CERTAIN PROPERTY DISPOSAL LAWS.—The following provisions of law do not apply to the conveyance of a family housing facility under this section:

(1) [Subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *Provisions of law referred to in section 171(b) and (c) of title 41.*

§ 2878(e)(2)

§ 2878. Conveyance or lease of existing property and facilities

\* \* \* \* \*

(e) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

\* \* \* \* \*

(2) [Subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)] *Chapter 5 of title 40.*

§ 3452 note (Federal Acquisition Streamlining Act of 1994, § 8304(5))

SEC. 8304. PROVISIONS NOT AFFECTED.

Nothing in this title shall be construed as modifying or superseding, or as intended to impair or restrict, authorities or responsibilities under—

\* \* \* \* \*

(5) [the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c)] *chapter 85 of title 41, United States Code.*

§ 3741 note (Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, § 804(d))

SEC. 804. MODIFICATION OF SENIOR EXECUTIVES COVERED BY LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL.

\* \* \* \* \*

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to costs of compensation of senior executives incurred after January 1, 1999, under covered contracts (as defined in section [2324(l)] 3741(2) of title 10, United States Code, and [section 306(l) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C.256(l))] *section 4301(2) of title 41, United States Code*) entered into before, on, or after the date of the enactment of this Act.

§ 8675(d)

§ 8675. Vessels stricken from Naval Vessel Register: sale

\* \* \* \* \*

(d) APPLICABILITY.—This section does not apply to a vessel the disposal of which is authorized by [subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(b) and (c) of title 41, if it is to be disposed of under those provisions.*

**§ 9494(b)(1)**

**§ 9494. Activities performed as auxiliary of the Air Force**

\* \* \* \* \*

(b) FORMS OF AIR FORCE SUPPORT.—The Secretary of the Air Force may, under subsection (a)—

(1) give, lend, or sell to the Civil Air Patrol without regard to [subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(b) and (c) of title 41—*

**§ 9781(g)(1)**

**§ 9781. Disposition of real property at missile sites**

\* \* \* \* \*

(g) If any real property interest of the United States described in subsection (a) is not purchased under the procedures provided in subsections (a) through (f), such tract may be disposed of only in accordance with [subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(b) and (c) of title 41.*

## TITLE 12—BANKS AND BANKING

**§ 90 (Section 5153 of the Revised Statutes)**

SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government: *Provided*, That the Secretary shall, on or before the 1st of January of each year, make a public statement of the securities required during that year for such deposits. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks: *Provided*, That the Secretary of the Treasury shall distribute the deposits herein provided for, as far as practicable, equitably between the different States and sections.

\* \* \* \* \*

Notwithstanding the **【Federal Property and Administrative Services Act of 1949, as amended】** *provisions referred to in section 171(b) and (c) of title 41, United States Code*, the Secretary may select associations as financial agents in accordance with any process the Secretary deems appropriate and their reasonable duties may include the provision of electronic benefit transfer services (including State-administered benefits with the consent of the States), as defined by the Secretary.

**§ 1701c(c)(2) (Housing Act of 1948, § 502(c)(2))**

SEC. 502. In carrying out his functions, powers, and duties—

\* \* \* \* \*

(c) The Secretary of Housing and Urban Development, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, respectively, may, in addition to and not in derogation of any powers and authorities conferred elsewhere in this Act—

\* \* \* \* \*

(2) utilize, contract with and act through, without regard to **【section 3709 of the Revised Statutes】** *section 6101 of title 41, United States Code*, any Federal, State, or local public agency or instrumentality, educational institution, or non-profit agency or organization with the consent of the agency or organization concerned, and any funds available to said officers for carrying out their respective functions, powers, and duties shall be available to reimburse or pay any such agency or organization; and, whenever in the judgment of any such officer necessary, he may make advance, progress, or other payments with respect to such contracts without regard to the provisions of subsections (a) and (b) of section 3324 of title 31; and

**§ 1701z(d) (Housing and Urban Development Act of 1968, § 108(d))**

SEC. 108. (a) In order to encourage the use of new housing technologies in providing decent, safe, and sanitary housing for lower income families; to encourage large-scale experimentation in the use of such technologies; to provide a basis for comparison of such technologies with existing housing technologies in providing such housing; and to evaluate the effect of local housing codes and zoning regulations on the large-scale use of new housing technologies in the provision of such housing, the Secretary of Housing and Urban Development (hereinafter referred to as the “Secretary”) shall institute a program under which qualified organizations, public and private, will submit plans for the development of housing for lower income families, using new and advanced technologies, on Federal land which has been made available by the Secretary for the purposes of this section, or on other land where (1) local building regulations permit the construction of experimental housing, or (2) State or local law permits variances from building regulations in the construction of experimental housing for the purpose of testing and developing new building technologies.

\* \* \* \* \*

(d) Notwithstanding the provisions of **【the Federal Property and Administrative Services Act of 1949】** *chapter 5 of title 40, United*

*States Code*, any land which is excess property within the meaning of [such Act] *such chapter* and which is determined by the Secretary to be suitable in furtherance of the purposes of this section may be transferred to the Secretary upon his request.

**§ 1701z-2 (Housing and Urban Development Act of 1970, § 502)**

SEC. 502. (a) The Secretary shall require, to the greatest extent feasible, the employment of new and improved technologies, methods, and materials in housing construction, rehabilitation, and maintenance under programs administered by him with a view to reducing costs, and shall encourage and promote the acceptance and application of such advanced technology, methods, and materials by all segments of the housing industry, communities, industries engaged in urban development activities, and the general public. To the extent feasible, in connection with the construction, major rehabilitation, or maintenance of any housing assisted under section 501, the Secretary shall assure that there is no restraint by contract, building code, zoning ordinance, or practice against the employment of new or improved technologies, techniques, materials, and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing, except where such restraint is necessary to insure safe and healthful working and living conditions.

\* \* \* \* \*

(c) Notwithstanding any other provision of law, the Secretary is authorized, in connection with projects under this title, to acquire, use and dispose of any land and other property required for the project as he deems necessary. Notwithstanding the provisions of [the Federal Property and Administrative Services Act of 1949] *chapter 5 of title 40, United States Code*, any land which is excess property within the meaning of [such Act] *such chapter* and which is determined by the Secretary to be suitable in furtherance of the purposes of subsection (b) of this section may be transferred to the Secretary upon his request.

\* \* \* \* \*

(e) The Secretary is authorized to carry out the functions authorized in section 1701z-1 of this title either directly or, without regard to [section 3709 of the Revised Statutes] *section 6101 of title 41, United States Code*, by contract or by grant. Advance and progress payments may be made under such contracts or grants without regard to the provisions of subsections (a) and (b) of section 3324 of title 31 and such contracts or grants may be made for work to continue for not more than four years from the date thereof.

**§ 1703(c)(2) (National Housing Act, § 2(c)(2))**

SEC. 2. (a) The Secretary is authorized and empowered upon such terms and conditions as he may prescribe, to insure banks, trust companies, personal finance companies, mortgage companies, building and loan associations, installment lending companies and other such financial institutions, which the Secretary finds to be qualified by experience or facilities and approves as eligible for credit insurance, against losses which they may sustain as a result

of loans and advances of credit, and purchases of obligations representing loans and advances of credit, made by them for the purpose of (i) financing alterations, repairs, and improvements upon or in connection with existing structures or manufactured homes, and the building of new structures, upon urban, suburban, or rural real property (including the restoration, rehabilitation, rebuilding, and replacement of such improvements which have been damaged or destroyed by earthquake, conflagration, tornado, hurricane, cyclone, flood, or other catastrophe), by the owners thereof or by lessees of such real property under a lease expiring not less than six months after the maturity of the loan or advance of credit; and for the purpose of (ii) financing the purchase of a manufactured home to be used by the owner as his principal residence or financing the purchase of a lot on which to place such home and paying expenses reasonably necessary for the appropriate preparation of such lot, including the installation of utility connections, sanitary facilities, and paving, and the construction of a suitable pad, or financing only the acquisition of such a lot either with or without such preparation by an owner of a manufactured home; and for the purpose of financing the preservation of historic structures, and, as used in this section, the term "historic structures" means residential structures which are registered in the National Register of Historic Places or which are certified by the Secretary of the Interior to conform to National Register criteria; and the term "preservation" means restoration or rehabilitation undertaken for such purposes as are approved by the Secretary in regulations issued by him, after consulting with the Secretary of the Interior. Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case shall the insurance granted by the Secretary under this section to any such financial institution on loans, advances of credit, and purchases made by such financial institution for such purposes exceed 10 per centum of the total amount of such loans, advances of credit, and purchases. With respect to any loan, advance of credit, or purchase, the amount of any claim for loss on any such individual loan, advance of credit or purchase paid by the Secretary under the provisions of this section to a lending institution shall not exceed 90 per centum of such loss.

\* \* \* \* \*

(c) HANDLING AND DISPOSAL OF PROPERTY.—

\* \* \* \* \*

(2) ADVERTISEMENTS FOR PROPOSALS.—[Section 3709 of the Revised Statutes] *Section 6101 of title 41, United States Code*, shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed \$25,000.

**§ 1710(g) (National Housing Act, § 204(g))**

SEC. 204. (a) IN GENERAL.—

\* \* \* \* \*

(g) Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, the Secretary shall have power to deal with, complete, rent, renovate, modernize, insure, or sell for cash or credit, in his discre-



tion, any properties conveyed to him in exchange for debentures and certificates of claim as provided in this section; and notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection, by way of compromise or otherwise, all claims against mortgagors assigned by mortgagees to the Secretary as provided in this section: *Provided*, That [section 3709 of the Revised Statutes] *section 6101 of title 41, United States Code*, shall not be construed to apply to any contract for hazard insurance, or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed \$1,000. The Secretary shall, by regulation, carry out a program of sales of such properties and shall develop and implement appropriate credit terms and standards to be used in carrying out the program. The power to convey and to execute in the name of the Secretary deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this chapter, may be exercised by an officer appointed by him, without the execution of any express delegation of power or power of attorney: *Provided*, That nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in his discretion, to any officer, agent, or employee he may appoint: *And provided further*, That a conveyance or transfer of title to real or personal property or an interest therein to the Secretary of Housing and Urban Development, his successors and assigns, without identifying the Secretary therein, shall be deemed a proper conveyance or transfer to the same extent and of like effect as if the Secretary were personally named in such conveyance or transfer. The Secretary may sell real and personal property acquired by the Secretary pursuant to the provisions of this chapter on such terms and conditions as the Secretary may prescribe.

**§ 1713(l) (National Housing Act, § 207(l))**

SEC. 207. (a) As used in this section—

\* \* \* \* \*

(l) Notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of real and other property by the United States, the Secretary shall also have power, for the protection of the interests of the General Insurance Fund, to pay out of the General Insurance Fund all expenses or charges in connection with, and to deal with, complete, reconstruct, rent, renovate, modernize, insure, make contracts for the management of, or establish suitable agencies for the management of, or sell for cash or credit or lease in his discretion, any property acquired by him under this section, and notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection by way of compromise or otherwise all claims assigned and transferred to him in connection with the assignment, transfer, and delivery provided for in this section, and at any time, upon default, to foreclose on any property secured by any mortgage assigned and transferred to or held by him: *Provided*, That [section 3709 of the Revised Statutes] *section 6101 of title 41, United States Code*, shall not be construed to apply to any contract for hazard insurance, or to any

purchase or contract for services or supplies on account of such property if the amount thereof does not exceed \$1,000.

**§ 1739(g) (National Housing Act, § 604(g))**

SEC. 604. (a) In any case in which the mortgagee under a mortgage insured under section 603 shall have foreclosed and taken possession of the mortgaged property, in accordance with regulations of, and within a period to be determined by, the Secretary, or shall, with the consent of the Secretary, have otherwise acquired such property from the mortgagor after default, the mortgagee shall be entitled to receive the benefit of the insurance as hereinafter provided, upon (1) the prompt conveyance to the Secretary of title to the property which meets the requirements of rules and regulations of the Secretary in force at the time the mortgage was insured, and which is evidenced in the manner prescribed by such rules and regulations; and (2) the assignment to him of all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction or foreclosure proceedings, except such claims as may have been released with the consent of the Secretary. Upon such conveyance and assignment the obligation of the mortgagee to pay the premium charges for insurance shall cease and the Secretary shall, subject to the cash adjustment hereinafter provided, issue to the mortgagee debentures having a total face value equal to the value of the mortgage and a certificate of claim, as hereinafter provided. For the purposes of this subsection, the value of the mortgage shall be determined, in accordance with rules and regulations prescribed by the Secretary, by adding to the amount of the original principal obligation of the mortgage which was unpaid on the date of the institution of foreclosure proceedings, or on the date of the acquisition of the property after default other than by foreclosure, the amount of all payments which have been made by the mortgagee for taxes, ground rents, and water rates, which are liens prior to the mortgage, special assessments which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance of the mortgaged property, and any mortgage insurance premiums and by deducting from such total amount any amount received on account of the mortgage after either of such dates, and any amount received as rent or other income from the property, less reasonable expenses incurred in handling the property, after either of such dates: *Provided*, That with respect to mortgages which are foreclosed before there shall have been paid on account of the principal obligation of the mortgage a sum equal to 10 per centum of the appraised value of the property as of the date the mortgage was accepted for insurance, there may be included in the debentures issued by the Secretary, on account of the cost of foreclosure (or of acquiring the property by other means) actually paid by the mortgagee and approved by the Secretary an amount—

\* \* \* \* \*

(g) Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, the Secretary shall have power to deal with, complete, rent, renovate, modernize, insure, make contracts or establish suitable agencies for the management of, or sell for cash or credit, in his discretion, any properties conveyed to him in exchange for debentures.

tures and certificates of claim as provided in this title; and notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection, by way of compromise or otherwise, all claims against mortgagors assigned by mortgagees to the Secretary as provided in this title, except that no suit or action shall be commenced by the Secretary against any such mortgagor on account of any claim so assigned with respect to mortgages insured under section 603 unless such suit or action is commenced within six months after the assignment of such claim to the Secretary, or within six months after the last payment was made to the Secretary with respect to the claim so assigned, whichever is later: *Provided*, That [section 3709 of the Revised Statutes] *section 6101 of title 41, United States Code*, shall not be construed to apply to any contract for hazard insurance, or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed \$1,000. The power to convey and to execute in the name of the Secretary deeds of conveyances, deeds of release, assignments, and satisfactions of mortgages, and any other written instrument relating to real property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this chapter, may be exercised by an officer appointed by him, without the execution of any express delegation of power or power of attorney: *Provided*, That nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney in his discretion, to any officer, agent, or employee he may appoint.

**§ 1747g(h) (National Housing Act, § 708(h))**

SEC. 708. (a) If the aggregate of the amounts paid to the investor pursuant to section 707 hereof with respect to a project insured under this title shall at any time equal or exceed 15 per centum of the established investment, the Secretary thereafter shall have the right, after written notice to the investor of his intentions so to do, to acquire, as of the first day of any operating year, such project in consideration of the issuance and delivery to the investor of debentures having a total face value equal to 90 per centum of the outstanding investment for such operating year. In any such case the investor shall be obligated to convey to said Secretary title to the project which meets the requirements of the rules and regulations of the Secretary in force at the time the insurance contract was executed and which is evidenced in the manner prescribed by such rules and regulations, and, in the event that the investor fails so to do, said Secretary may, at his option, terminate the insurance contract.

\* \* \* \* \*

(h) Notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of real and other property by the United States, the Secretary shall have power, for the protection of the General Insurance Fund, to pay out of said Fund all expenses or charges in connection with, and to deal with, complete, reconstruct, rent, renovate, modernize, insure, make contracts for the management of, or establish suitable agencies for the management of, or sell for cash or credit or lease in his discretion, in whole or in part, any project acquired pursuant to this title; and, notwithstanding any other provisions of law, the Secretary shall also have

power to pursue to final collection by way of compromise or otherwise all claims acquired by, or assigned or transferred to, him in connection with the acquisition or disposal of any project pursuant to this title: *Provided, That* [section 3709 of the Revised Statutes] *section 6101 of title 41, United States Code*, shall not be construed to apply to any contract for hazard insurance, or to any purchase or contract for services or supplies on account of any project acquired pursuant to this subchapter if the amount of such purchase or contract does not exceed \$1,000.

**§ 1747k (National Housing Act, § 712)**

SEC. 712. The Secretary may make such rules and regulations as may be necessary or desirable to carry out the provisions of this subchapter, including, without limiting the foregoing, rules and regulations relating to the maintenance by the investor of books, records, and accounts with respect to the project and the examination of such books, records, and accounts by representatives of the Secretary; the submission of financial and operating statements and the approval thereof; the submission of claims for payments under insurance contracts, the proof of the validity of such claims, and the payment or disallowance thereof; the increase of the established investment if the investor shall make capital improvements or additions to the project; the decrease of the established investment if the investor shall sell part of the project; and the reduction of the outstanding investment for the appropriate operating year or operating years pending the restoration of dwelling or nondwelling facilities damaged by fire or other casualty. With respect to any investor which is subject to supervision or regulation by a State banking, insurance, or other State department or agency, the Secretary may, in carrying out any of his supervisory and regulatory functions with respect to projects insured under this subchapter, utilize, contract with, and act through, such department or agency and without regard to [section 3709 of the Revised Statutes] *section 6101 of title 41, United States Code*.

**§ 1750c(f) (National Housing Act, § 904(f))**

SEC. 904. (a) In any case in which the mortgagee under a mortgage insured under section 903 title shall have foreclosed and taken possession of the mortgaged property, in accordance with regulations of, and within a period to be determined by, the Secretary, or shall, with the consent of the Secretary, have otherwise acquired such property from the mortgagor after default, the mortgagee shall be entitled to receive the benefit of the insurance as hereinafter provided, upon (1) the prompt conveyance to the Secretary of title to the property which meets the requirements of rules and regulations of the Secretary in force at the time the mortgage was insured, and which is evidenced in the manner prescribed by such rules and regulations; and (2) the assignment to him of all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction or foreclosure proceedings, except such claims as may have been released with the consent of the Secretary. Upon such conveyance and assignment the obligation of the mortgagee to pay the premium charges for insurance shall cease and the Secretary shall, subject to the cash adjustment hereinafter provided, issue to the mortgagee debentures having a total face

value equal to the value of the mortgage and a certificate of claim, as hereinafter provided. For the purposes of this subsection, the value of the mortgage shall be determined, in accordance with rules and regulations prescribed by the Secretary, by adding to the amount of the original principal obligation of the mortgage which was unpaid on the date of the institution of foreclosure proceedings, or on the date of the acquisition of the property after default other than by foreclosure, the amount of all payments which have been made by the mortgagee for taxes, ground rents, and water rates, which are liens prior to the mortgage, special assessments which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance of the mortgaged property, and any mortgage insurance premiums and by deducting from such total amount any amount received on account of the mortgage after either of such dates and any amount received as rent or other income from the property, less reasonable expenses incurred in handling the property, after either of such dates: *Provided*, That with respect to mortgages which are foreclosed before there shall have been paid on account of the principal obligation of the mortgage a sum equal to 10 per centum of the appraised value of the property as of the date the mortgage was accepted for insurance, there may be included in the debentures issued by the Secretary, on account of the cost of foreclosure (or of acquiring the property by other means) actually paid by the mortgagee and approved by the Secretary an amount—

\* \* \* \* \*

(f) Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, the Secretary shall have power to deal with, complete, rent, renovate, modernize, insure, make contracts or establish suitable agencies for the management of, or sell for cash or credit, in his discretion, any properties conveyed to him in exchange for debentures and certificates of claim as provided in this section; and, notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection, by way of compromise or otherwise, all claims against mortgagors assigned by mortgagees to the Secretary as provided in this subchapter: *Provided*, That [section 3709 of the Revised Statutes] *section 6101 of title 41, United States Code*, shall not be construed to apply to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed \$1,000. The power to convey and to execute in the name of the Secretary deeds of conveyances, deeds of release, assignments, and satisfactions of mortgages, and any other written instrument relating to real property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this chapter, may be exercised by an officer appointed by him, without the execution of any express delegation of power or power of attorney: *Provided*, That nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney in his discretion, to any officer, agent, or employee he may appoint.

**§ 1788(b) (Federal Credit Union Act, § 208(b))**

SEC. 208. (a)(1) In order to reopen a closed insured credit union or in order to prevent the closing of an insured credit union which

the Board has determined is in danger of closing or in order to assist in the voluntary liquidation of a solvent credit union, the Board, in its discretion, is authorized to make loans to, or purchase the assets of, or establish accounts in such insured credit union upon such terms and conditions as it may prescribe. Except with respect to the voluntary liquidation of a solvent credit union, such loans shall be made and such accounts shall be established only when, in the opinion of the Board, such action is necessary to protect the fund or the interests of the members of the credit union.

\* \* \* \* \*

(b) For the protection of the Fund, the Board, without regard to the **【Federal Property and Administrative Services Act of 1949】** provisions referred to in section 171(b) and (c) of title 41, *United States Code*, may—

(1) deal with, complete, reconstruct, rent, renovate, modernize, insure, make contracts for the management of, sell for cash or credit, or lease, in its discretion, any real property acquired or held by it under this section; and

(2) assign or sell at public or private sale, or otherwise dispose of, any evidence of debt, contract, claim, personal property, or security assigned to or held by it under this section.

**【Section 3709 of the Revised Statutes of the United States】** *Section 6101 of title 41, United States Code*, shall not apply to any purchase or contract for services or supplies made or entered into by the Board under this section if the amount thereof does not exceed \$1,000, or to any contract for hazard insurance on any real property acquired or held by it under this section.

**§ 1827(g) (Federal Deposit Insurance Act, § 17(g))**

(a) ANNUAL REPORTS ON THE DEPOSIT INSURANCE FUND AND THE FSLIC RESOLUTION FUND.—

\* \* \* \* \*

(g) For the purpose of conducting such audit the Comptroller General is authorized in his discretion to employ by contract, without regard to **【section 3709 of the Revised Statutes】** *section 6101 of title 41, United States Code*, professional services of firms and organizations of certified public accountants, with the concurrence of the Corporation, for temporary periods or for special purposes. The Corporation shall reimburse the Government Accountability Office for the cost of any such audit as billed therefor by the Comptroller General, and the Government Accountability Office shall deposit the sums so reimbursed into the Treasury as miscellaneous receipts.

**§ 4516(h)(3) (Federal Housing Enterprises Financial Safety and Soundness Act of 1992, § 1316(h)(3))**

**SEC. 1316. FUNDING.**

\* \* \* \* \*

(h) AUDIT OF AGENCY.—

\* \* \* \* \*

(3) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by con-

tract, without regard to [section 3709 of the Revised Statutes of the United States (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Agency shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.

**§ 5416 (matter before paragraph (1)) (Enhancing Financial Institution Safety and Soundness Act of 2010, § 319 (matter before paragraph (1)))**

**SEC. 319. CONTRACTING AND LEASING AUTHORITY.**

Notwithstanding the [Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)] *provisions referred to in section 171(b) and (c) of title 41, United States Code*, or any other provision of law (except the full and open competition requirements of the Competition in Contracting Act), the Office of the Comptroller of the Currency may—

**§ 5497(a)(5)(C) (Consumer Financial Protection Act of 2010, § 1017(a)(5)(C))**

**SEC. 1017. FUNDING; PENALTIES AND FINES**

**(a) TRANSFER OF FUNDS FROM BOARD OF GOVERNORS.—**

\* \* \* \* \*

**(5) AUDIT OF THE BUREAU.—**

\* \* \* \* \*

(C) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to [section 3709 of the Revised Statutes of the United States (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Bureau shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.

## TITLE 14—COAST GUARD

### Public Law 111–350, § 5(c)(2)

#### SEC. 5. CONFORMING CROSS-REFERENCES.

\* \* \* \* \*

(c) TITLE 14.—Title 14, United States Code, is amended as follows:

\* \* \* \* \*

[(2) In section 93(h), strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C of subtitle I of title 41”.]

#### § 501(d)

##### § 501. Secretary; general powers

For the purpose of executing the duties and functions of the Coast Guard the Secretary may within the limits of appropriations made therefor:

\* \* \* \* \*

(d) design or cause to be designed, cause to be constructed, accept as gift, or otherwise acquire vessels, and subject to applicable regulations under [subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41] *chapter 5 of title 40* dispose of them;

#### § 504(a)(8)

##### § 504. Commandant; general powers

(a) For the purpose of executing the duties and functions of the Coast Guard the Commandant may:

\* \* \* \* \*

(8) design or cause to be designed, cause to be constructed, accept as gift, or otherwise acquire patrol boats and other small craft, equip, operate, maintain, supply, and repair such patrol boats, other small craft, aircraft, and vehicles, and subject to applicable regulations under [subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)] *chapter 5 of title 40* dispose of them;

#### § 901(a)

##### § 901. Disposal of certain material

(a) The Commandant subject to applicable regulations under [subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41] *chapter 5 of title 40* may dispose of, with or without charge, to the Coast Guard Auxiliary, including any incorporated unit thereof, to the sea-scout service of the Boy Scouts of America, and to any public body or private organization not organized for profit having an interest therein for historical or other special reasons, such obsolete or other material as may not be needed for the Coast Guard.



§ 1136(2)

§ 1136. Acquisition approval authority

Nothing in this subchapter shall be construed as altering or diminishing in any way the statutory authority and responsibility of the Secretary of the department in which the Coast Guard is operating, or the Secretary's designee, to—

\* \* \* \* \*

(2) manage department acquisition activities and act as the Acquisition Decision Authority with regard to the review or approval of a Coast Guard Level 1 or Level 2 acquisition project or program, as required by [section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414)] *section 1702 of title 41* and related implementing regulations and directives.

## TITLE 15—COMMERCE AND TRADE

§ 205c (Metric Conversion Act of 1975, § 4)

SEC. 4. As used in this Act, the term—

\* \* \* \* \*

(5) “full and open competition” has the same meaning as defined in [section 403(6) of title 41, United States Code] *section 107 of title 41, United States Code*;

\* \* \* \* \*

(8) “cost or pricing data or price analysis” [has the meaning given such terms in section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b)] *has the meaning given the term “cost or pricing data” in section 3501(a) of title 41, United States Code*; and

§ 205f(4) (Metric Conversion Act of 1975, § 7(4))

SEC. 7. In carrying out its duties under this Act, the Board may.—

\* \* \* \* \*

(4) enter into contracts, in accordance with the [Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.)] *provisions referred to in section 171(b) and (c) of title 41, United States Code*, with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties;

§ 205l(a) (Metric Conversion Act of 1975, § 14(a))

SEC. 14. IMPLEMENTATION IN ACQUISITION OF CONSTRUCTION SERVICES AND MATERIALS FOR FEDERAL FACILITIES.

(a) IN GENERAL.—Construction services and materials for Federal facilities shall be procured in accordance with the policies and procedures set forth in chapter 137 of title 10, United States Code, section 2377 of title 10, United States Code, [title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)] *the provisions referred to in section 171(c) of title 41, United States Code*, and section 3(2) of this Act. Determination of

a design method shall be based upon preliminary market research as required under section 2377(c) of title 10, United States Code, and [section 314B(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 264b(c))] *section 3307(d) of title 41, United States Code*. If the requirements of this Act conflict with the provisions of section 2377 of title 10, United States Code, or [section 314B of the Federal Property and Administrative Services Act of 1949] *subsections (b) through (d) of section 3307 of title 41, United States Code*, then the provisions of [2377 or 314B] *section 2377 or subsections (b) through (d) of section 3307* shall take precedence.

**§ 313 note (Act of June 16, 1948, ch. 483, § 2)**

SEC. 2. The Chief of the Weather Bureau is empowered to make such expenditures at the seat of government and elsewhere as may be necessary to carry out the purposes of this Act and as from time to time may be appropriated for by Congress, including expenditures for the development and purchase of special meteorological instruments and other equipment (including motor vehicles and aircraft), without regard to the provisions of [section 3709 of the Revised Statutes] *section 6101 of title 41, United States Code*. There is hereby authorized to be appropriated such sums as are necessary for the purpose of carrying out the provisions of this Act.

**§ 631 note (Small Business Reauthorization Act of 1997, § 417(a))**

**SEC. 417. DEADLINES FOR ISSUANCE OF REGULATIONS.**

(a) PROPOSED REGULATIONS.—Proposed amendments to the Federal Acquisition Regulation or proposed Small Business Administration regulations under this subtitle and the amendments made by this subtitle shall be published not later than 120 days after the date of enactment of this Act for the purpose of obtaining public comment pursuant to [section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b)] *section 1707 of title 41, United States Code*, or chapter 5 of title 5, United States Code, as appropriate. The public shall be afforded not less than 60 days to submit comments.

**§ 632(v)(1) (Small Business Act, § 3(v)(1))**

SEC. 3. (a)(1) For the purposes of this Act, a small-business concern, including but not limited to enterprises that are engaged in the business of production of food and fiber, ranching and raising of livestock, agriculture, and all other farming and agricultural related industries, shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation: *Provided*, That notwithstanding any other provision of law, an agricultural enterprise shall be deemed to be a small business concern if it (including its affiliates) has annual receipts not in excess of \$750,000.

\* \* \* \* \*

(v) MULTIPLE AWARD CONTRACT.—In this Act, the term “multiple award contract” means—

(1) a multiple award task order contract or delivery order contract that is entered into under the authority of [sections

303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k) **sections 4101, 4103, 4105, and 4106 of title 41, United States Code**; and

**§ 634 (Small Business Act, § 5)**

SEC. 5. (a) The Administration shall have power to adopt, alter, and use a seal, which shall be judicially noticed. The Administrator is authorized, subject to the civil service and classification laws, to select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of this chapter; to define their authority and duties; and to pay the costs of qualification of certain of them as notaries public. The Administration, with the consent of any board, commission, independent establishment, or executive department of the Government, may avail itself on a reimbursable or nonreimbursable basis of the use of information, services, facilities (including any field service thereof), officers, and employees thereof, in carrying out the provisions of this Act.

\* \* \* \* \*

(b) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act the Administrator may—

\* \* \* \* \*

(4) pursue to final collection, by way of compromise or otherwise, all claims against third parties assigned to the Administrator in connection with loans made by him. This shall include authority to obtain deficiency judgments or otherwise in the case of mortgages assigned to the Administrator. **[Section 3709 of the Revised Statutes, as amended (41 U.S.C., sec. 5), Section 6101 of title 41, United States Code, shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Administrator as a result of loans made under this chapter if the premium therefor or the amount thereof does not exceed \$1,000. The power to convey and to execute in the name of the Administrator deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real property or any interest therein acquired by the Administrator pursuant to the provisions of this Act may be exercised by the Administrator or by any officer or agent appointed by him without the execution of any express delegation of power or power of attorney. Nothing in this section shall be construed to prevent the Administrator from delegating such power by order or by power of attorney, in his discretion, to any officer or agent he may appoint;**

\* \* \* \* \*

(c) To such extent as he finds necessary to carry out the provisions of this Act, the Administrator is authorized to procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract or appointment, and in such cases such services shall be without regard to the civil-service and

classification laws and, except in the case of stenographic reporting services by organizations, without regard to [section 3709 of the Revised Statutes, as amended (41 U.S.C., sec. 5)] *section 6101 of title 41, United States Code*. Any individual so employed may be compensated at a rate not in excess of the daily equivalent of the highest rate payable under section 5332 of title 5, including travel time, and, while such individual is away from his or her home or regular place of business, he or she may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5.

**§ 637 (Small Business Act, § 8)**

SEC. 8. (a)(1) It shall be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary or appropriate—

\* \* \* \* \*

(d)(1) It is the policy of the United States that small business concerns, small business concerns owned and controlled by veterans, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women, shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency, including contracts and subcontracts for subsystems, assemblies, components, and related services for major systems. It is further the policy of the United States that its prime contractors establish procedures to ensure the timely payment of amounts due pursuant to the terms of their subcontracts with small business concerns, small business concerns owned and controlled by veterans, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

\* \* \* \* \*

(4)(A) Each solicitation of an offer for a contract to be let by a Federal agency which is to be awarded pursuant to the negotiated method of procurement and which may exceed \$1,000,000, in the case of a contract for the construction of any public facility, or \$500,000, in the case of all other contracts, shall contain a clause notifying potential offering companies of the provisions of this subsection relating to contracts awarded pursuant to the negotiated method of procurement.

\* \* \* \* \*

(F)(i) Each contract subject to the requirements of this paragraph or paragraph (5) shall contain a clause for the payment of liquidated damages upon a finding that a prime contractor has failed to make a good faith effort to comply with the requirements imposed on such contractor by this subsection.

(ii) The contractor shall be afforded an opportunity to demonstrate a good faith effort regarding compliance prior to the contracting officer's final decision regarding the imposition of damages

and the amount thereof. The final decision of a contracting officer regarding the contractor's obligation to pay such damages, or the amounts thereof, shall be subject to [the Contract Disputes Act of 1978 (41 U.S.C. 601–613)] *chapter 71 of title 41, United States Code.*

\* \* \* \* \*

(13) PAYMENT OF SUBCONTRACTORS.—

\* \* \* \* \*

(E) REGULATIONS.—Not later than 1 year after the date of enactment of this paragraph, the Federal Acquisition Regulatory Council established under [section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a))] *section 1302(a) of title 41, United States Code*, shall amend the Federal Acquisition Regulation issued under [section 25 of such Act] *section 1303(a) of title 41, United States Code*, to—

\* \* \* \* \*

(e)(1) Except as provided in subsection (g) of this section—

\* \* \* \* \*

(2)(A) A notice of solicitation required to be published under paragraph (1) may be published—

(i) by electronic means that meet the accessibility requirements under [section 18(a)(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(7))] *section 1708(d) of title 41, United States Code*; or

\* \* \* \* \*

(g)(1) A notice is not required under subsection (e)(1) of this section if—

\* \* \* \* \*

(2) The requirements of subsection (a)(1)(A) of this section do not apply to any procurement under conditions described in paragraph (2), (3), (4), (5), or (7) of [section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c))] *section 3304(a) of title 41, United States Code*, or paragraph (2), (3), (4), (5), or (7) of section 2304(c) of title 10, United States Code.

\* \* \* \* \*

(h)(1) An executive agency may not award a contract using procedures other than competitive procedures unless—

(A) except as provided in paragraph (2), a written justification for the use of such procedures has been approved—

\* \* \* \* \*

(iii) in the case of a contract for an amount exceeding \$10,000,000, by the senior procurement executive of the agency designated pursuant to [section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3))] *section 1702(c)(1) and (2) of title 41, United States Code* (without further delegation); and

(B) all other requirements applicable to the use of such procedures under [title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)] *the provisions referred to in section 171(c) of title 41, United States*

*Code*, or chapter 137 of title 10, United States Code, as appropriate, have been satisfied.

(2) The same exceptions as are provided in [section 303(f)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(2))] *paragraphs (3) and (4) of section 3304(e) of title 41, United States Code*, or section 2304(f)(2) of title 10 shall apply with respect to the requirements of paragraph (1)(A) of this subsection in the same manner as such exceptions apply to the requirements of [section 303(f)(1) of such Act or section 2304(f)(1) of such title] *section 3304(e)(1) of title 41, United States Code, or section 2304(f)(1) of title 10, United States Code*, as appropriate.

\* \* \* \* \*

(j) For purposes of this section, the term “executive agency” has the meaning provided such term in [section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1))] *section 133 of title 41, United States Code*.

\* \* \* \* \*

(m) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) CONTRACTING OFFICER.—The term “contracting officer” has the meaning given such term in [section 27(f)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 42(f)(5))] *section 2101(1) of title 41, United States Code*.

#### **§ 637 note (Small Business Jobs Act of 2010, § 1321)**

##### **SEC. 1321. SUBCONTRACTING MISREPRESENTATIONS.**

Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Administrator for Federal Procurement Policy, shall promulgate regulations relating to, and the Federal Acquisition Regulatory Council established under [section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a))] *section 1302(a) of title 41, United States Code*, shall amend the Federal Acquisition Regulation issued under [section 25 of such Act] *section 1303(a) of title 41, United States Code*, to establish a policy on, subcontracting compliance relating to small business concerns, including assignment of compliance responsibilities between contracting offices, small business offices, and program offices and periodic oversight and review activities.

#### **§ 637 note (Business Opportunity Development Reform Act of 1988, § 304(b))**

##### **SEC. 304. SUBCONTRACTING ASSISTANCE.**

\* \* \* \* \*

(b) LIQUIDATED DAMAGES CLAUSE.—The contract clause required by section 8(d)(4)(F) of the Small Business Act (as added by subsection (a)) shall be made part of the Federal Acquisition Regulation and promulgated pursuant to [section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b)] *section 1707 of title 41, United States Code*.

### § 638 (Small Business Act, § 9)

SEC. 9. (a) Research and development are major factors in the growth and progress of industry and the national economy. The expense of carrying on research and development programs is beyond the means of many small-business concerns, and such concerns are handicapped in obtaining the benefits of research and development programs conducted at Government expense. These small-business concerns are thereby placed at a competitive disadvantage. This weakens the competitive free enterprise system and prevents the orderly development of the national economy. It is the policy of the Congress that assistance be given to small-business concerns to enable them to undertake and to obtain the benefits of research and development in order to maintain and strengthen the competitive free enterprise system and the national economy.

\* \* \* \* \*

(e) For the purpose of this section—

\* \* \* \* \*

(8) the term “research institution” means a nonprofit institution, as defined in section 4(5) of the Stevenson-Wydler Technology Innovation Act of 1980, and includes federally funded research and development centers, as identified by the National Scientific Foundation in accordance with the governmentwide Federal Acquisition Regulation issued in accordance with [section 35(c)(1) of the Office of Federal Procurement Policy Act] *section 1303(a)(1) of title 41, United States Code* (or any successor regulation thereto);

\* \* \* \* \*

(n) REQUIRED EXPENDITURES FOR STTR BY FEDERAL AGENCIES.—

\* \* \* \* \*

(2) LIMITATIONS.—A Federal agency shall not—

(A) use any of its STTR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program, including costs associated with salaries and expenses, or, in the case of a small business concern or a research institution, costs associated with salaries, expenses, and administrative overhead (other than those direct or indirect costs allowable under guidelines of the Office of Management and Budget and the governmentwide Federal Acquisition Regulation issued in accordance with [section 25(c)(1) of the Office of Federal Procurement Policy Act] *section 1303(a)(1) of title 41, United States Code*); or

### § 644 (Small Business Act, § 15)

SEC. 15. (a) To effectuate the purposes of this Act, small-business concerns within the meaning of this Act shall receive any award or contract or any part thereof, and be awarded any contract for the sale of Government property, as to which it is determined by the Administration and the contracting procurement or disposal agency (1) to be in the interest of maintaining or mobilizing the Nation’s full productive capacity, (2) to be in the interest of war or national defense programs, (3) to be in the interest of assuring that a fair

proportion of the total purchases and contracts for property and services for the Government in each industry category are placed with small-business concerns, or (4) to be in the interest of assuring that a fair proportion of the total sales of Government property be made to small-business concerns; but nothing contained in this Act shall be construed to change any preferences or priorities established by law with respect to the sale of electrical power or other property by the Government or any agency thereof. These determinations may be made for individual awards or contracts or for classes of awards or contracts. If a proposed procurement includes in its statement of work goods or services currently being performed by a small business, and if the proposed procurement is in a quantity or estimated dollar value the magnitude of which renders small business prime contract participation unlikely, or if a proposed procurement for construction seeks to package or consolidate discrete construction projects, or the solicitation involves an unnecessary or unjustified bundling of contract requirements, as determined by the Administration, the Procurement Activity shall provide a copy of the proposed procurement to the Procurement Activity's Small Business Procurement Center Representative at least 30 days prior to the solicitation's issuance along with a statement explaining (1) why the proposed acquisition cannot be divided into reasonably small lots (not less than economic production runs) to permit offers on quantities less than the total requirement, (2) why delivery schedules cannot be established on a realistic basis that will encourage small business participation to the extent consistent with the actual requirements of the Government, (3) why the proposed acquisition cannot be offered so as to make small business participation likely, (4) why construction cannot be procured as separate discrete projects, or (5) why the agency has determined that the bundled contract (as defined in section 632(o) of this title) is necessary and justified. The thirty-day notification process shall occur concurrently with other processing steps required prior to issuance of the solicitation. Within 15 days after receipt of the proposed procurement and accompanying statement, if the Procurement Center Representative believes that the procurement as proposed will render small business prime contract participation unlikely, the Representative shall recommend to the Procurement Activity alternative procurement methods which would increase small business prime contracting opportunities. Whenever the Administration and the contracting procurement agency fail to agree, the matter shall be submitted for determination to the Secretary or the head of the appropriate department or agency by the Administrator. For purposes of clause (3) of the first sentence of this subsection, an industry category is a discrete group of similar goods and services. Such groups shall be determined by the Administration in accordance with the definition of a "United States industry" under the North American Industry Classification System, as established by the Office of Management and Budget, except that the Administration shall limit such an industry category to a greater extent than provided under such classification codes if the Administration receives evidence indicating that further segmentation for purposes of this paragraph is warranted due to special capital equipment needs or special labor or geographic requirements or to recognize a new industry. A market for goods or services may not



be segmented under the preceding sentence due to geographic requirements unless the Government typically designates the area where work for contracts for such goods or services is to be performed and Government purchases comprise the major portion of the entire domestic market for such goods or services and, due to the fixed location of facilities, high mobilization costs, or similar economic factors, it is unreasonable to expect competition from business concerns located outside of the general areas where such concerns are located. A contract may not be awarded under this subsection if the award of the contract would result in a cost to the awarding agency which exceeds a fair market price.

\* \* \* \* \*

(c)(1) As used in this subsection:

(A) The term “Committee” means the Committee for Purchase From People Who Are Blind or Severely Disabled established under [the first section of the Act entitled “An Act to create a Committee on Purchases of Blind-made Products, and for other purposes”, approved June 25, 1938 (41 U.S.C. 46)] *section 8502 of title 41, United States Code.*

\* \* \* \* \*

(2)(A) During fiscal year 1995, public or private organizations for the handicapped shall be eligible to participate in programs authorized under this section in an aggregate amount not to exceed \$40,000,000.

(B) None of the amounts authorized for participation by subparagraph (A) may be placed on the procurement list maintained by the Committee pursuant to [section 2 of the Act entitled “An Act to create a Committee on Purchases of Blind-made Products, and for other purposes,” approved June 25, 1938 (41 U.S.C. 47)] *section 8503 of title 41, United States Code.*

\* \* \* \* \*

(q) BUNDLING ACCOUNTABILITY MEASURES.—

\* \* \* \* \*

(2) POLICIES ON REDUCTION OF CONTRACT BUNDLING.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Federal Acquisition Regulatory Council established under [section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 4219(a))] *section 1302(a) of title 41, United States Code*, shall amend the Federal Acquisition Regulation issued under [section 25 of such Act] *section 1303(a) of title 41, United States Code*, to—

\* \* \* \* \*

(r) MULTIPLE AWARD CONTRACTS.—Not later than 1 year after the date of enactment of this subsection, the Administrator for Federal Procurement Policy and the Administrator, in consultation with the Administrator of General Services, shall, by regulation, establish guidance under which Federal agencies may, at their discretion—

\* \* \* \* \*

(2) notwithstanding the fair opportunity requirements under section 2304c(b) of title 10 and [section 303J(b) of the Federal

Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b))】 *section 4106(c) of title 41, United States Code*, set aside orders placed against multiple award contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2); and

**§ 644 note (Federal Acquisition Streamlining Act of 1994, § 2353)**

**SEC. 2353. EXPEDITED RESOLUTION OF CONTRACT ADMINISTRATION MATTERS.**

(a) REGULATIONS REQUIRED.—(1) The Federal Acquisition Regulation shall include provisions that require a contracting officer—

\* \* \* \* \*

(2) The provisions shall not apply to a request for a contracting officer's decision under 【the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.)】 *chapter 71 of title 41, United States Code*.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be considered as creating any rights under 【the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.)】 *chapter 71 of title 41, United States Code*.

**§ 644 note (Small Business Administration Reauthorization and Amendment Act of 1988, § 133(c))**

**SEC. 133. AMENDMENTS RELATING TO PROGRAMS FOR BLIND AND HANDICAPPED.**

\* \* \* \* \*

(c) TASK FORCE.—There is established within the Small Business Administration a task force on purchases from the blind and severely handicapped which shall consist of one representative of the small business community appointed by the Administrator of the Small Business Administration and one individual knowledgeable in the 【affairs】 *affairs* of or experienced in the work of sheltered workshops appointed by the Executive Director of the Committee for Purchase from the Blind and Other Severely Handicapped established under 【the first section of the Act entitled “An Act to create a Committee on Purchases of Blind-made Products, and for other purposes”, approved June 25, 1938 (41 U.S.C. 46)】 *section 8502 of title 41, United States Code*. The task force shall meet at least once every six months for the purpose of reviewing the award of contracts under section 15(c) of the Small Business Act 【15 U.S.C. 644(c)】 and recommending to the Small Business Administration such administrative or statutory changes as it deems appropriate.

**§ 657a(b) (Small Business Act, § 31(b))**

**SEC. 31. HUBZONE PROGRAM.**

(a) IN GENERAL.—There is established within the Administration a program to be carried out by the Administrator to provide for Federal contracting assistance to qualified HUBZone small business concerns in accordance with this section.

(b) ELIGIBLE CONTRACTS.—

(1) DEFINITIONS.—In this subsection—

(A) the term “contracting officer” has the meaning given that term in 【section 27(f)(5) of the Office of Federal Pro-

curement Policy Act (41 U.S.C. 423(f)(5))】 *section 2101(1) of title 41, United States Code*; and

(B) the term “full and open competition” has the meaning given that term in [section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403] *section 107 of title 41, United States Code*.

\* \* \* \* \*

(4) RELATIONSHIP TO OTHER CONTRACTING PREFERENCES.—A procurement may not be made from a source on the basis of a preference provided in paragraph (2) or (3), if the procurement would otherwise be made from a different source under section 4124 or 4125 of title 18, United States Code, or [the Javits-Wagner-O’Day Act (41 U.S.C. 46 et seq.)] *chapter 85 of title 41, United States Code*.

**§ 657b note (Veterans Entrepreneurship and Small Business Development Act of 1999, § 604(d))**

**SEC. 604. DATA AND INFORMATION COLLECTION.**

\* \* \* \* \*

(d) DATA COLLECTION REQUIRED.—The Federal Procurement Data System described in [section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A))] *section 1122(a)(4)(A) of title 41, United States Code*, shall be modified to collect data regarding the percentage and dollar value of prime contracts and subcontracts awarded to small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans.

**§ 657f(e) (Small Business Act, § 36)**

**SEC. 36. PROCUREMENT PROGRAM FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE DISABLED VETERANS.**

\* \* \* \* \*

(e) RELATIONSHIP TO OTHER CONTRACTING PREFERENCES.—A procurement may not be made from a source on the basis of a preference provided under subsection (a) or (b) of this section if the procurement would otherwise be made from a different source under section 4124 or 4125 of title 18, United States Code, or [the Javits-Wagner-O’Day Act (41 U.S.C. 46 et seq.)] *chapter 85 of title 41, United States Code*.

**§ 657q(a)(3) (Small Business Act, § 44(a)(3))**

**SEC. 44. CONSOLIDATION OF CONTRACT REQUIREMENTS.**

(a) DEFINITIONS.—In this section—

\* \* \* \* \*

(3) the term “senior procurement executive” means an official designated under section 1702(c) of title 41, [United States Code] *United States Code*, as the senior procurement executive for a Federal agency.

**§ 713d-2(b) (Joint Resolution of December 30, 1947, ch. 526, § 8(b))**

SEC. 8. (a) In order to alleviate shortages in foods and feeds, and to assist in stabilizing prices, the President shall carry out a program for the conservation of food and feed. In carrying out such program, the President is authorized, through the dissemination of information, educational and other campaigns, the furnishing of assistance, and such other voluntary and cooperative measures as he deems necessary or appropriate, to encourage and promote the efficient utilization, care, and preservation of food and feed, the elimination of practices which waste food and feed, the control and eradication of insects and rodents, the consumption of less of these foods and feeds which are in short supply and more of those foods and feeds which are in abundant supply, and other conservation practices. The authority herein conferred may be exercised by the President through such departments, agencies, independent establishments, and officials of the Federal Government and such State, local, and private agencies as he may determine.

(b) There is hereby authorized to be appropriated to the President such sums as may be necessary to carry out this section. To enable the President to carry out this section for the remainder of the fiscal year ending June 30, 1948, there is made available not to exceed \$1,000,000 from any funds made available by the Congress for carrying out Public Law 84, Eightieth Congress, or from any funds made available by the Congress for interim foreign aid. Funds made available for the purpose of this section may be used for necessary administrative expenses, including personal services in the District of Columbia and elsewhere, purchase or hire of motor vehicles, temporary or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, without regard to the civil service and classification laws (the compensation of any such individual not to exceed \$50 per day). Funds made available for the purposes of this section may be allotted for any of the purposes of this section to any department, agency, or independent establishment of the Government, or transferred to any other agency requested to assist in carrying out this section. Funds allotted to any department, agency, or independent establishment of the Government shall be available for obligation and expenditure in accordance with the laws governing obligations and expenditures of the department, agency, or independent establishment, or organizational unit thereof concerned, and without regard to [sections 3709 and 3648 of the Revised Statutes, as amended (U.S.C., title 41, sec. 5, and title 31, 529)] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code.*

**§ 714b(h) (Community Credit Corporation Charter Act, § 4(h))**

SEC. 4. GENERAL POWERS.—The Corporation—

\* \* \* \* \*

(h) May contract for the use, in accordance with the usual customs of trade and commerce, of plants and facilities for the physical handling, storage, processing, servicing, and transportation of the agricultural commodities subject to its control. The Corporation

shall not have power to acquire real property or any interest therein except that it may (a) rent or lease office space necessary for the conduct of its business and (b) acquire real property or any interest therein for the purpose of providing storage adequate to carry out effectively and efficiently any of the Corporation's programs, or of securing or discharging obligations owing to the Corporation, or of otherwise protecting the financial interests of the Corporation: *Provided*, That the authority contained in this subsection shall not be utilized by the Corporation for the purpose of acquiring real property, or any interest therein, in order to provide storage facilities for any commodity unless the Corporation determines that existing privately owned storage facilities for such commodity in the area concerned are not adequate: *Provided further*, That no refrigerated cold storage facilities shall be constructed or purchased except with funds specifically provided by Congress for that purpose: *And provided further*, That any contract entered into by the Corporation for the use of a storage facility shall provide at least that (1) the rental rate charged for an extended term in excess of one year shall be at an annual rate less than that which is charged for a one-year contract, (2) any obligation of the Corporation to pay for the use of any space in a facility shall be relieved to the extent that the Corporation does not use the space and payment is made by another person for the use of such space, and (3) if the Corporation determines that it no longer needs the space reserved in the facility, the Corporation may be relieved, for the remaining term of the contract, of its obligations to an extent and in a manner that will provide significant savings to the Corporation while permitting the owner of the facility reasonable time to lease such space to another person: *And provided further*, That nothing contained in this subsection shall limit the duty of the Corporation, to the maximum extent practicable consistent with the fulfillment of the Corporation's purposes and the effective and efficient conduct of its business, to utilize the usual and customary channels, facilities, and arrangements of trade and commerce in the warehousing of commodities: *And provided further*, That to encourage the storage of grain on farms, where it can be stored at the lowest cost, the Corporation may make loans to grain growers needing storage facilities when such growers shall apply to the Corporation for financing the construction or purchase of suitable storage, and these loans shall be deducted from the proceeds of price support loans or purchase agreements made between the Corporation and the growers, except that the Secretary shall make such loans in areas in which the Secretary determines that there is a deficiency of such storage. To encourage the alleviation of natural resource conservation problems that reduce the productive capacity of the Nation's land and water resources or that cause degradation of environmental quality, the Corporation may, beginning with enactment of the Agriculture and Food Act of 1981, make loans to any agricultural producer for those natural resource conservation and environmental enhancement measures that are recommended by the applicable county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act and are included in the producer's conservation plan approved by the local soil and water conservation district; such loans shall be for a period not to exceed ten years at a rate of interest based upon the rate of interest charged

the Corporation by the United States Treasury; the Corporation may make loans to any one producer in any fiscal year in an amount not to exceed \$25,000; loans up to \$10,000 in amount may be unsecured and loans in excess of \$10,000 shall be secured; and the total of such unsecured and secured loans made in each fiscal year shall not exceed \$200,000,000: *Provided*, That the authority provided by this sentence to make loans shall be effective only to the extent and in such amounts as may be provided for in prior appropriation Acts. Notwithstanding any other provision of law, the Commodity Credit Corporation shall, to the maximum extent practicable, in consultation with the Secretary of State, and upon terms and conditions prescribed or approved by the Secretary of Agriculture, accept strategic and critical materials produced abroad in exchange for agricultural commodities acquired by the Corporation. Insofar as practicable, in effecting such exchange of goods, the Secretary shall: (1) use normal commercial trade channels; (2) take action to avoid displacing usual marketings of United States agricultural commodities and the products thereof; (3) take reasonable precautions to prevent the resale or transshipment to other countries, or use for other than domestic use in the importing country, of agricultural commodities used for such exchange; and (4) give priority to commodities easily storable and those which serve as prime incentive goods to stimulate production of critical and strategic materials. The Corporation may solicit bids from, and utilize, private trading firms to effect such exchange of goods. The determination of the quantities and qualities of such materials which are desirable for stock piling and the determination of which materials are strategic and critical shall be made in the manner prescribed by section 3 of the Strategic and Critical Materials Stock Piling Act. Strategic and critical materials acquired by Commodity Credit Corporation in exchange for agricultural commodities shall, to the extent approved by the President, be transferred to the stock pile provided for by the Strategic and Critical Materials Stock Piling Act; and in the same fiscal year such materials are transferred to the stock pile the Commodity Credit Corporation shall be reimbursed for the strategic and critical materials so transferred to the stock pile from the funds made available for the purpose of the Strategic and Critical Materials Stock Piling Act, in an amount equal to the fair market value, as determined by the Secretary of the Treasury, of the material transferred to the stock pile. If the volume of petroleum products (including crude oil) stored in the Strategic Petroleum Reserve is less than the level prescribed under section 154 of the Energy Policy and Conservation Act (42 U.S.C. 6234), the Corporation shall, to the maximum extent practicable and with the approval of the Secretary of Agriculture, make available annually to the Secretary of Energy, upon the request of the Secretary of Energy, a quantity of agricultural products owned by the Corporation with a market value at the time of such request of at least \$300,000,000 for use by the Secretary of Energy in acquiring petroleum products (including crude oil) produced abroad for placement in the Strategic Petroleum Reserve through an exchange of such agricultural products. The terms and conditions of each such exchange, including provisions for full reimbursement to the Commodity Credit Corporation, shall be determined by the Secretary of Energy and the Secretary of Agriculture. Nothing con-

tained herein shall limit the authority of the Commodity Credit Corporation to acquire, hold, or dispose of such quantity of strategic and critical materials as it deems advisable in carrying out its functions and protecting its assets: *Provided*, That, notwithstanding any other provision of law, where a grain storage facility owned by the Corporation is not needed by the Corporation and, upon being offered for sale no person offers to pay the minimum price set by the Corporation for such facility for use in connection with storage or handling of agricultural commodities, then the Corporation may, without declaring such facility to be excess property, sell it by bids at not less than such minimum price to any public or private nonprofit agency or organization for use for the purposes of such agency or organization. This provision shall apply also to facilities which on the effective date of this Act have been declared excess to the needs of the Commodity Credit Corporation but have not been claimed by any other Government agency, or surplus to the needs of the Government but not disposed of pursuant to the provisions of [the Federal Property and Administrative Services act of 1949, as amended] *chapter 5 of title 40, United States Code*.

**§ 714I (Commodity Credit Corporation Charter Act, § 14)**

SEC. 14. INTEREST OF MEMBERS OF THE CONGRESS.—The provisions of [section 1 of the Act of February 27, 1877, as amended (41 U.S.C., 1940 edition, 22)] *section 6306(a) of title 41, United States Code*, shall apply to all contracts or agreements of the Corporation, except contracts or agreements of a kind which the Corporation may enter into with farmers participating in a program of the Corporation.

**§ 2218(b)(1) (Federal Fire Prevention and Control Act of 1974, § 21(b)(1))**

SEC. 21. (a) Each department, agency, and instrumentality of the executive branch of the Federal Government and each independent regulatory agency of the United States is authorized and directed to furnish to the Administrator, upon written request, on a reimbursable basis or otherwise, such assistance as the Administrator deems necessary to carry out his functions and duties pursuant to this Act, including, but not limited to, transfer of personnel with their consent and without prejudice to their position and ratings.

(b) POWERS.—With respect to this Act, the Administrator is authorized to—

(1) enter into, without regard to [section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, such contracts, grants, leases, cooperative agreements, or other transactions as may be necessary to carry out the provisions of this Act;

**§ 2507 (Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, § 8)**

**SEC. 8. CONTRACTS.**

\* \* \* \* \*

(c) Each contract under this section shall be entered into in accordance with such rules as the Secretary of Energy may prescribe in accordance with the provisions of this section. Each application

for funding shall be made in writing in such form and with such content and other submissions as the Secretary of Energy shall require. The Secretary of Energy may enter into contracts under this section without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code.*

\* \* \* \* \*

(e) When contracting and otherwise using Federal funds to conduct demonstrations under this chapter, the Secretary of Energy shall seek cost-sharing with others to the maximum extent practical. During the first 2 years of demonstration activities the Secretary of Energy may enter into procurement or lease contracts for purposes of carrying out demonstrations under this chapter without regard to the provisions of [title III of the Act of March 3, 1933 (47 Stat. 1520; 41 Stat. 10a–10c)] *chapter 83 of title 41, United States Code.*

#### **§ 2609 (Toxic Substances Control Act, § 10)**

##### **SEC. 10. RESEARCH, DEVELOPMENT, COLLECTION, DISSEMINATION, AND UTILIZATION OF DATA.**

(a) **AUTHORITY.**—The Administrator shall, in consultation and cooperation with the Secretary of Health and Human Services and with other heads of appropriate departments and agencies, conduct such research, development, and monitoring as is necessary to carry out the purposes of this chapter. The Administrator may enter into contracts and may make grants for research, development, and monitoring under this subsection. Contracts may be entered into under this subsection without regard to [sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529, 41 U.S.C. 5)] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code.*

(b) **DATA SYSTEMS.**—(1) The Administrator shall establish, administer, and be responsible for the continuing activities of an interagency committee which shall design, establish, and coordinate an efficient and effective system, within the Environmental Protection Agency, for the collection, dissemination to other Federal departments and agencies, and use of data submitted to the Administrator under this chapter.

(2)(A) The Administrator shall, in consultation and cooperation with the Secretary of Health and Human Services and other heads of appropriate departments and agencies design, establish, and coordinate an efficient and effective system for the retrieval of toxicological and other scientific data which could be useful to the Administrator in carrying out the purposes of this chapter. Systematized retrieval shall be developed for use by all Federal and other departments and agencies with responsibilities in the area of regulation or study of chemical substances and mixtures and their effect on health or the environment.

(B) The Administrator, in consultation and cooperation with the Secretary of Health and Human Services, may make grants and enter into contracts for the development of a data retrieval system described in subparagraph (A). Contracts may be entered into under this subparagraph without regard to [sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529, 41 U.S.C. 5)] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code.*



**§ 2626(b) (Toxic Substances Control Act, § 27(b))**

**SEC. 27. DEVELOPMENT AND EVALUATION OF TEST METHODS.**

\* \* \* \* \*

(b) APPROVAL BY SECRETARY.—No grant may be made or contract entered into under subsection (a) of this section unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be submitted in such form and manner and contain such information as the Secretary may require. The Secretary may apply such conditions to grants and contracts under subsection (a) of this section as the Secretary determines are necessary to carry out the purposes of such subsection. Contracts may be entered into under such subsection without regard to [sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529, 41 U.S.C. 5)] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code.*

**§ 5528 (High-Performance Computing Act of 1991, § 208)**

**SEC. 208. FOSTERING UNITED STATES COMPETITIVENESS IN HIGH-PERFORMANCE COMPUTING AND RELATED ACTIVITIES.**

\* \* \* \* \*

(b) ANNUAL REPORT.—

(1) REPORT.—The Director shall submit an annual report to Congress that identifies

\* \* \* \* \*

(B) any procurement exceeding \$1,000,000 by any Federal agency or department under the Program for—

(i) unmanufactured articles, materials, or supplies mined or produced outside the United States; or

(ii) manufactured articles, materials, or supplies other than those manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States,

under the meaning of [title III of the Act of March 3, 1933 (41 U.S.C. 10a–10d; popularly known as the Buy American Act) as amended by the Buy American Act of 1988] *chapter 83 of title 41, United States Code.*

\* \* \* \* \*

(c) APPLICATION OF [BUY AMERICAN ACT] *CHAPTER 83 OF TITLE 41, UNITED STATES CODE.*—This Act does not affect the applicability of [title III of the Act of March 3, 1933 (41 U.S.C. 10a–10d; popularly known as the Buy American Act), as amended by the Buy American Act of 1988,] *chapter 83 of title 41, United States Code*, to procurements by Federal agencies and departments undertaken as a part of the Program.

## **TITLE 16—CONSERVATION**

**§ 79c (Public Law 90–545, § 3)**

SEC. 3. (a) The Secretary is authorized to acquire lands and interests in land within the boundaries of the Redwood National Park and, in addition thereto, not more than ten acres outside of

those boundaries for an administrative site or sites. Such acquisition may be by donation, purchase with appropriated or donated funds, exchange, or otherwise, but lands and interests in land owned by the State of California may be acquired only by donation which donation of lands or interest in lands may be accepted in the discretion of the Secretary subject to such preexisting reverters and other conditions as may appear in the title to these lands held by the State of California, and such other reverters and conditions as may be consistent with the use and management of the donated lands as a portion of Redwood National Park. Notwithstanding any other provision of law, the Secretary may expend appropriated funds for the management of and for the construction, design, and maintenance of permanent improvements on such lands and interests in land as are donated by the State of California in a manner not inconsistent with such reverters and other conditions.

(b)(1) Effective on the date of enactment of this Act, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the park boundaries designated in maps NPS-RED-7114-A and NPS-RED-7114-B and effective on March 27, 1978, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the area indicated as "Proposed Additions" on the map entitled "Additional Lands, Redwood National Park, California," numbered 167-80005-D and dated March 1978, and all right, title, and interest in, and the right to immediate possession of the down tree personal property (trees severed from the ground by man) severed prior to January 1, 1975, or subsequent to January 31, 1978, within the area indicated as "Proposed Additions" on the map entitled "Additional Lands, Redwood National Park, California," numbered 167-80005-D and dated March 1978, except real property owned by the State of California or a political subdivision thereof and except as provided in paragraph (3) of this subsection. The Secretary shall allow for the orderly termination of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom.

\* \* \* \* \*

(2) The United States will pay just compensation to the owner of any real property taken by paragraph (1) of this subsection. Such compensation shall be paid either: (A) by the Secretary of the Treasury from money appropriated from the Land and Water Conservation Fund, including money appropriated to the Fund pursuant to section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended, subject to the appropriation limitation in section 10 of this Act, upon certification to him by the Secretary of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 per centum per annum from the date of taking the property to the date of payment therefor; or (B) by the Secretary, if the owner of the land concurs, with any federally owned property available to him for purposes of exchange pursuant to the provisions of section 79e of this title; or (C) by the Secretary using any combination of such money or federally owned property. Any action against the United States with regard to the provisions of this subchapter and for the recovery of just compensation for the lands and interests

therein taken by the United States, and for the down tree personal property taken, shall be brought in the United States district court for the district where the land is located without regard to the amount claimed. The United States may initiate proceedings at any time seeking a determination of just compensation in the district court in the manner provided by sections 1358 and 1403 of title 28, United States Code, and may deposit in the registry of the court the estimated just compensation, or a part thereof, in accordance with the procedure generally described by section 258aa of title 40, United States Code. Interest shall not be allowed on such amounts as shall have been paid into the court. In the event that the Secretary determines that the fee simple title to any property (real or personal) taken under this section is not necessary for the purposes of this Act, he may, with particular attention to minimizing the payment of severance damages and to allow for the orderly removal of down timber, revest title to such property subject to such reservations, terms, and conditions, if any, as he deems appropriate to carry out the purposes of this Act, and may compensate the former owner for no more than the fair market value of the rights so reserved, except that the Secretary may not revest title to any property for which just compensation has been paid; or, the Secretary may sell at fair market value without regard to the requirements of [the Federal Property and Administrative Services Act of 1949, as amended] *chapter 5 of title 40, United States Code*, such down timber as in his judgment may be removed without damage to the park, the proceeds from such sales being credited to the Treasury of the United States. If the State of California designates a right-of-way for a bypass highway around the eastern boundary of Prairie Creek Redwood State Park prior to October 1, 1984, the Secretary is authorized and directed to acquire such lands or interests in lands as may be necessary for such a highway and, subject to such conditions as the Secretary may determine are necessary to assure the adequate protection of Redwood National Park, shall thereupon donate the designated right-of-way to the State of California for a new bypass highway from a point south of Prairie Creek Redwood State Park through the drainage of May Creek and Boyes Creek to extend along the eastern boundary of Prairie Creek Redwood State Park within Humboldt County. Such acreage as may be necessary in the judgment of the Secretary for this conveyance, and for a buffer thereof, shall be deemed to be a publicly owned highway for purposes of section 101(a)(2) of this amendment effective on the date of enactment of this section.

\* \* \* \* \*

(c) If any individual tract or parcel of land acquired is partly inside and partly outside the boundaries of the park or the administrative site the Secretary may, in order to minimize the payment of severance damages, acquire the whole of the tract or parcel and exchange that part of it which is outside the boundaries for land or interests in land inside the boundaries or for other land or interests in land acquired pursuant to this Act, and dispose of so much thereof as is not so utilized in accordance with the provisions of [the Federal Property and Administrative Services Act of 1949 (63 Stat. 377)] *chapter 5 of title 40, United States Code*. The cost of any land so acquired and disposed of shall not be charged against the

limitation on authorized appropriations contained in section 10 of this Act.

**§ 160b(a)(2)(B)(ii) (Public Law 91-661, § 201(a)(2)(B)(ii))**

**SEC. 201. LAND ACQUISITIONS.**

(a) AUTHORIZATION.—

\* \* \* \* \*

(2) CERTAIN PORTIONS OF TRACTS.—

\* \* \* \* \*

(B) EXCHANGE.—

\* \* \* \* \*

(ii) PORTIONS NOT EXCHANGED.—Any portion of land acquired outside the park boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under [the Federal Property and Administrative Services Act of 1949 (63 Stat. 77), as amended] *chapter 5 of title 40, United States Code.*

**§ 343b (Act of December 22, 1944, ch. 674, § 2)**

SEC. 2. The Secretary of the Interior, for and on behalf of the United States of America, is authorized and directed to accept the conveyance and transfer of such property without regard to the provisions of [section 355, as amended, section 1136, as amended, and section 3709 of the Revised Statutes (except the last paragraph of said section 355, as amended)] *sections 3111 and 3112 of title 40, United States Code, and section 6101 of title 41, United States Code (except said section 3112, which shall be applicable hereto), or any other provision of law.* The Secretary of the Interior is further authorized and directed to pay all necessary fees, charges, and expenses in connection with such conveyance and transfer.

**§ 396f (Public Law 98-146, § 317)**

SEC. 317. Notwithstanding any other provision of law, the Secretary of the Interior is authorized and shall seek to acquire the private lands described in section 505(a) of the Act of November 10, 1978 (92 Stat. 3467), by crediting a surplus property account, to be established in the name of each landowner, in the amount of the acquisition price for such landowner's lands. The National Park Service shall update the existing appraisals for the parcels and, based on the approved appraised values, shall negotiate with the landowners for acquisition prices. Each owner may, using such credits in his surplus property account, bid, as any other bidder for surplus property, wherever located, in accordance with [the Federal Property and Administrative Services Act of 1949] *chapter 5 title 40, United States Code.* The Administrator of the General Services Administration shall establish each landowner's surplus property account and shall adjust the credits in such accounts to reflect successful bids under this section. Title to the lands described in this section shall pass to the Government at the time of establishment of the surplus property accounts. The credits in any of the surplus property accounts may be transferred or sold in whole or in part at any time by the landowner to any other party,

thereby vesting such party with all the rights of the landowner, and after such transfer, the landowner shall notify the Administrator of the transfer. At any time the Secretary may purchase the balance of any surplus property account subject to the availability of appropriated funds. The land owner may also use the credits in exchange for excess lands, wherever located, under the jurisdiction of the Secretary of the Interior.

**§ 396f note (Department of Defense Appropriations Act, 1990, § 9102(e))**

SEC. 9102. USE OF ACCOUNTS FOR SALE OF PROPERTIES BY AGENCIES.—(a) AVAILABILITY OF AMOUNTS IN ACCOUNTS.—

\* \* \* \* \*

(e) PROPERTY DEFINED.—Notwithstanding the definition of “property” found in [the Federal Property and Administrative Services Act of 1949, as amended] *section 102 of title 41, United States Code*, in this section the term “property” includes any property—real, personal (including intangible assets sold or offered by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, such as financial instruments, notes, loans, and bonds), or mixed—owned, held, or controlled by the United States (including that in a corporate capacity or as a receiver or conservator, or such other similar fiduciary relationship), and offered for sale by any agency or instrumentality of the United States, including but not limited to the General Services Administration, Department of Defense, Department of the Interior, Department of Agriculture, Department of Housing and Urban Development, the United States Courts and any Government corporation, agency or instrumentality subject to chapter 91 of title 31, United States Code; real property as used in this section means any land or interest in land or option to purchase land, any improvements on such lands, or rights to their use or exploitation.

**§ 410r-6(d) (Everglades National Park Protection and Expansion Act of 1989, § 102(d))**

SEC. 102. BOUNDARY MODIFICATION.

\* \* \* \* \*

(d) ACQUISITION OF TRACTS PARTIALLY OUTSIDE BOUNDARIES.—When any tract of land is only partly within boundaries referred to in subsection (a) of this section, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries, and any land so acquired and not utilized for exchange shall be reported to the General Services Administration for disposal under [the Federal Property and Administrative Services Act of 1949 (63 Stat. 377)] *chapter 5 of title 40, United States Code*.

**§ 430a-2 (Public Law 89-62, § 2)**

SEC. 2. The Secretary of the Interior is authorized to acquire lands and interests in lands within the revised boundary by purchase, donation, with donated funds, or by exchange, utilizing for such exchanges federally owned lands of approximately equal value

excluded from the park pursuant to this Act. Federally owned lands so excluded which the Secretary of the Interior determines are not needed for such exchanges shall be disposed of in accordance with the provisions of [the Federal Property and Administrative Services Act of 1949, as amended] *chapter 5 of title 40, United States Code*.

**§ 430h-7(c) (Public Law 101-422, § 102(c))**

**SEC. 102. EXCLUSION OF LAND FROM PARK.**

\* \* \* \* \*

(c) EXCESS PROPERTY.—Any lands not conveyed pursuant to subsection (b) of this section shall be reported to the Administrator of General Services as excess to the needs of the Department of the Interior and shall be subject to transfer or disposition in accordance with [the Federal Property and Administrative Services Act of 1949, as amended] *chapter 5 of title 40, United States Code*.

**§ 441l (Public Law 90-468, § 3, subpar. (D) of introductory provisions)**

SEC. 3. Inasmuch as (A) most of the lands added to the Badlands National Park by section 1 of this Act are inside the boundaries of the Pine Ridge Sioux Indian Reservation, (B) such lands are also within a tract of land forty-three miles long and twelve and one-half miles wide which is in the north-western part of such Indian reservation and has been used by the United States Air Force as a gunnery range since the early part of World War II, (C) the tribal lands within such gunnery range were leased by the Federal Government and the other lands within such gunnery range were purchased by the Federal Government from the individual owners (mostly Indians), (D) the Department of the Air Force has declared most of such gunnery range lands excess to its needs and such excess lands have been requested by the National Park Service under [the Federal Property and Administrative Services Act of 1949] *chapter 5 of title 40, United States Code*, (E) the leased tribal lands and the excess lands within the enlarged Badlands National Park are needed for the park, (F) the other excess lands in such gunnery range should be restored to the former Indian owners of such lands, and (G) the tribe is unwilling to sell its tribal lands for inclusion in the national park, but is willing to exchange them or interests therein for the excess gunnery range lands, which, insofar as the lands within the gunnery range formerly held by the tribe are concerned, should be returned to Indian ownership in any event, the Congress hereby finds that such exchange would be in the national interest and authorizes the following actions:

**§ 450jj-1(a) (Act of May 17, 1954, ch. 204, § 2(a))**

SEC. 2. (a) The memorial authorized herein shall be constructed in general, in accordance with the plan approved by the United States Territorial Expansion Memorial Commission on May 25, 1948. The Secretary of the Interior is authorized to enter into such contracts as may be necessary to carry out the purposes of this Act. The Secretary is also authorized to employ, in his discretion, by contract or otherwise, landscape architects, architects, engineers, sculptors, artists, other expert consultants, or firms, partnerships,

or associations thereof, and to include in any such contract provision for the utilization of the services and facilities, and the payment of the travel and other expenses, of their respective organizations, in accordance with the usual customs of the several professions and at the prevailing rates for such services and facilities, without regard to the civil-service laws or regulations, the Classification Act of 1929, [section 3709 of the Revised Statutes, as amended] *section 6101 of title 41, United States Code*, or any other law or regulation relating to either employment or compensation.

**§ 459a-4 note (Public Law 87-313)**

That the tract of Federal property comprising eight and one-tenth acres of land situated in Dare County, North Carolina, approximately two miles north of Kitty Hawk, which was transferred to the administrative jurisdiction of the Department of the Interior by the Act of June 3, 1948 (62 Stat. 301; 16 U.S.C. 459a), to be administered as a part of the Cape Hatteras National Seashore Recreational Area, may be disposed of by the Administrator of General Services in accordance with the provisions of [the Federal Property and Administrative Services Act of 1949, as amended] *chapter 5 of title 40, United States Code*.

**§ 460m-9(a) (Public Law 92-237, § 2(a))**

SEC. 2. (a) Within the boundaries of the Buffalo National River, the Secretary may acquire lands and waters or interests therein by donation, purchase or exchange, except that lands owned by the State of Arkansas or a political subdivision thereof may be acquired only by donation: *Provided*, That the Secretary may, with funds appropriated for development of the area, reimburse such State for its share of the cost of facilities developed on State park lands if such facilities were developed in a manner approved by the Secretary and if the development of such facilities commenced subsequent to the enactment of this Act: *Provided further*, That such reimbursement shall not exceed a total of \$375,000. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river may be exchanged by the Secretary for non-Federal lands within the national river boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of [the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended] *chapter 5 of title 40, United States Code*. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the national river may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the national river.

**§ 460x-7(a) (Public Law 91-479, § 8(a))**

SEC. 8. (a) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer funds, transfer from any Federal agency, or exchange lands and interests therein for the purposes of this Act. When an individual tract of land is only partly within the area designated, the Secretary may

acquire the entire tract by any of the above methods to avoid the payment of severance costs. Land so acquired outside the designated area may be exchanged by the Secretary for non-Federal lands within such area, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of [the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471 et seq.)] *chapter 5 of title 40, United States Code.*

**§ 460bb-2(a) (Public Law 92-589, § 3(a))**

SEC. 3. (a) Within the boundaries of the recreation area, the Secretary may acquire lands, improvements, waters, or interests therein, by donation, purchase, exchange or transfer. Any lands, or interests therein, owned by the State of California or any political subdivision thereof, may be acquired only by donation. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries. Any portion of land acquired outside the boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under [the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended] *chapter 5 of title 40, United States Code: Provided, That no disposal shall be for less than fair market value. Except as hereinafter provided, Federal property within the boundaries of the recreation area is hereby transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this Act, subject to the continuation of such existing uses as may be agreed upon between the Secretary and the head of the agency formerly having jurisdiction over the property. Notwithstanding any other provision of law, the Secretary may develop and administer for the purposes of this Act structures or other improvements and facilities on lands for which he receives a permit of use and occupancy from the Secretary of the Army.*

**§ 460ee(c)(1) (Water Resources Development Act of 1974, § 108(c)(1))**

SEC. 108. (a) As used in this section the term "Secretary" shall mean the Secretary of the Army, acting through the Chief of Engineers. The Secretary, in accordance with the national recreation area concept included in the interagency report prepared pursuant to section 218 of the Flood Control Act of 1968 (Public Law 90-483) by the Corps of Engineers, the Department of the Interior, and the Department of Agriculture, as modified by this section, is authorized and directed to establish on the Big South Fork of the Cumberland River in Kentucky and Tennessee the Big South Fork National River and Recreation Area (hereafter in this section referred to as the "National Area") for the purposes of conserving and interpreting an area containing unique cultural, historic, geologic, fish and wildlife, archeologic, scenic, and recreational values, preserving as a natural, free-flowing stream the Big South Fork of the Cumberland River, major portions of its Clear Fork and New River stems, and portions of their various tributaries for the benefit and



enjoyment of present and future generations, the preservation of the natural integrity of the scenic gorges and valleys, and the development of the area's potential for healthful outdoor recreation. The boundaries shall be as generally depicted on the drawing prepared by the Corps of Engineers and entitled "Big South Fork National River and Recreation Area" identified as map number BSF-NRRA(1)(A) and dated October 1972, which shall be on file and available for public inspection in the office of the District Engineer, U.S. Army Engineer District, Nashville, Tennessee. The Secretary may acquire sites at locations outside such boundaries, as he determines necessary, for administrative and visitor orientation facilities. The Secretary may also acquire a site outside such boundaries at or near the location of the historic Tabard Inn in Ruby, Tennessee, including such lands as he deems necessary, for the establishment of a lodge with recreational facilities as provided in subsection (e)(3) of this section.

\* \* \* \* \*

(c)(1) Within the boundaries of the National Area, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange or otherwise, except that lands (other than roads and rights-of-way for roads) owned by the States of Kentucky and Tennessee or any political subdivisions thereof which were in public ownership at the time of enactment of this section may be acquired only by donation. When an individual tract of land is only partly within the boundaries of the National Area, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the National Area may be exchanged by the Secretary for non-Federal lands within the National Area boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of [the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.)] *chapter 5 of title 40, United States Code*. Notwithstanding any other provision of law, any Federal property within the boundaries of the National Area shall be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this section.

**§ 460ff-1(d) (Public Law 93-555, § 2(d))**

SEC. 2. (a) The park shall comprise the lands and waters generally depicted on the map entitled "Boundary Map, Cuyahoga Valley National Park, Ohio", numbered 644-80,054 and dated July 1986, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and in the main public library of Akron, Ohio, and Cleveland, Ohio. After advising the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, in writing, the Secretary may make minor revisions of the boundaries of the park when necessary by publication of a revised drawing or other boundary description in the Federal Register: *Provided*, That with respect to the property known as the Hydraulic Brick Company located in Independence, Ohio, the Secretary shall have the first right of refusal to purchase such property for a purchase price not

exceeding the fair market value of such property on the date it is offered for sale. When acquired such property shall be administered as part of the park, subject to the laws and regulations applicable thereto. The park shall also comprise any lands designated as "City of Akron Lands" on the map referred to in the first sentence which are offered as donations to the Department of the Interior or which become privately owned. The Secretary shall revise such map to depict such lands as part of the park.

\* \* \* \* \*

(d) When any tract of land is only partly within the boundaries of the park, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries. Any portion of the land acquired outside the boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under [the Federal Property and Administrative Services Act of 1949, as amended] *chapter 5 of title 40, United States Code: Provided*, That no disposal shall be for less than the fair market value of the lands involved.

**§ 460hh-1(a) (Public Law 94-235, § 2(a))**

SEC. 2 (a) The Secretary may acquire land or interests in lands within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries, and any land so acquired and not utilized for exchange shall be reported to the General Services Administration for disposal under [the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended] *chapter 5 of title 40, United States Code*. Any Federal property located within the boundaries of the recreation area may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the recreation area. Lands within the boundaries of the recreation area owned by the State of Oklahoma, or any political subdivision thereof, may be acquired only by donation: *Provided*, That the Secretary may also acquire lands by exchange with the city of Sulphur, utilizing therefor only such lands as may be excluded from the recreation area which were formerly within the Platt National Park.

**§ 460ii-1(b) (Public Law 95-344, § 102(b))**

SEC. 102. (a) Within the recreation area the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase from willing sellers with donated or appropriated funds, or exchange. Property owned by the State of Georgia or any political subdivision thereof may be acquired only by donation.

(b) When a tract of land lies partly within and partly without the boundaries of the recreation area, the Secretary may acquire the entire tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries

of the recreation area may be exchanged by the Secretary for non-Federal land within such boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of [the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)] *chapter 5 of title 40, United States Code.*

**§ 460lll–45(d)(1)(B) (The Land Between the Lakes Protection Act of 1998, § 545(d)(1)(B))**

**SEC. 545. TRANSFER OF PERSONAL PROPERTY.**

\* \* \* \* \*

**(d) SURPLUS PROPERTY.—**

**(1) DISPOSITION.**—Any personal property, including structures and facilities, that the Secretary determines cannot be efficiently managed and maintained either by the Forest Service or by lease or permit to other persons may be declared excess by the Secretary and—

\* \* \* \* \*

(B) disposed of under [the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)] *chapter 5 of title 40, United States Code.*

**§ 504 (Act of June 30, 1914, ch. 131, 38 Stat. 429, proviso relating to open purchase, without advertising, of seeds, cones, and nursery stock under the heading “GENERAL EXPENSES, FOREST SERVICE” under the heading “FOREST SERVICE”)**

*Provided,* That the provisions of [section 3709, Revised Statutes (41, U.S.C. 5)] *section 6101 of title 41, United States Code,* shall not apply to any purchase by the Forest Service of forest-tree seed or cones or of forage plant seed when the amount involved does not exceed \$10,000, nor to any purchase of forest-tree nursery stock when the amount involved does not exceed \$500, whenever, in the discretion of the Secretary of Agriculture, such method is in the public interest.

**§ 505a (Act of July 26, 1956, ch. 736, first section)**

The Secretary of Agriculture with respect to National Forest System lands and the Secretary of a military department with respect to lands under the control of the military department which lie within or adjacent to the exterior boundaries of a unit of the National Forest System are authorized, subject to any applicable provisions of [the Federal Property and Administrative Services Act of 1949, as amended] *chapter 5 of title 40, United States Code,* to interchange such lands, or any part thereof, without reimbursement or transfer of funds whenever they shall determine that such interchange will facilitate land management and will provide maximum use thereof for authorized purposes: *Provided,* That no such interchange of lands shall become effective until forty-five days (counting only days occurring during any regular or special session of the Congress) after the submission to the Congress by the respective Secretaries of notice of intention to make the interchange.

**§ 580c (Act of April 24, 1950, ch. 97, § 3)**

SEC. 3. The provisions of [section 3709, Revised Statutes (41, U.S.C. 5)] *section 6101 of title 41, United States Code*, shall not apply to purchases by the Forest Service of (1) materials to be tested or upon which experiments are to be made or (2) special devices, test models, or parts thereof, to be used (a) for experimentation to determine their suitability for or adaptability to accomplishment of the work for which designed or (b) in the designing or developing of new equipment: *Provided*, That not to exceed \$50,000 may be expended in any one fiscal year pursuant to this authority and not to exceed \$10,000 on any one item or purchase.

**§ 590q-1 (Department of Agriculture Organic Act of 1944, § 302(b))**

SEC. 302. (a) Section 6 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590f), is amended by adding at the end thereof a new paragraph, to read as follows:

\* \* \* \* \*

(b) The Soil Conservation Service subject to applicable regulations under [the Federal Property and Administrative Services Act of 1949, as amended] *chapter 5 of title 40, United States Code*, may sell and distribute supplies, materials, and equipment to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured from the appropriations chargeable with the cost or value of such supplies, materials, or equipment.

**§ 590z-3(c) (Act of August 11, 1939, § 5(c))**

SEC. 5. (a) In connection with the construction or operation and maintenance of projects undertaken pursuant to the authority of this Act, and in order to further in the Great Plains and arid and semiarid areas of the United States an effective rehabilitation program, stabilization of the agricultural economy and maximum utilization of funds spent for relief purposes, the Secretary of Agriculture is authorized, pursuant to cooperative agreement with the Secretary of the Interior, (1) to arrange for the settlement of the projects on a sound agricultural basis, and insofar as practicable, the location thereon of persons in need; (2) to extend guidance and advice to settlers thereon in matters of farm practice, soil conservation, and efficient land use; (3) to acquire agricultural lands within the boundaries of such projects, with titles and at prices satisfactory to him; and (4) to arrange for the improvement of lands within the project boundaries, including clearing, leveling, and preparing them for distribution of irrigation water. Contracts between the United States and water users or water users' organizations for the lease or purchase of, or the improvement of, lands within such projects shall provide for annual or semiannual payments to the United States, of the number and amounts fixed by the Secretary of Agriculture. The lease, purchase, or improvement contracts for each tract of land shall provide in the aggregate for the return, in not to exceed fifty years from the date the land is first settled upon, of the costs incurred by the United States in acquiring and

improving such tract of land with funds appropriated under authority of section 12 (2), except administrative expenses incurred in the District of Columbia, together with interest on unpaid balances of said costs at not less than 3 per centum per annum. Such lease, purchase, or improvement contracts shall also provide for the fulfillment of such obligations related to reimbursable construction costs and operation and maintenance charges as may be applicable to such lands in accordance with the repayment contract or contracts required by section 4.

\* \* \* \* \*

(c) Where the aggregate amount involved does not exceed \$300, the provisions of [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, shall not apply to any purchase or service authorized for the Department of Agriculture under this Act or under the 1940 water conservation appropriation.

**§ 669h(d)(2)(A) (Pittman-Robertson Wildlife Restoration Act, § 9(d)(2)(A))**

**SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.**

\* \* \* \* \*

**(d) AUDIT REQUIREMENT.—**

\* \* \* \* \*

**(2) AUDITOR.—**

(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in [section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)] *section 132 of title 41, United States Code*) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit or other review).

**§ 670o(d) (Sikes Act, § 208(d))**

**SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

\* \* \* \* \*

(d) CONTRACT AUTHORITY.—The Secretary of the Interior and the Secretary of Agriculture may each make purchases and contracts for property and services from, or provide assistance to, the State agencies concerned, if such property, services or assistance is required to implement those projects and programs carried out on, or of benefit to, Federal lands and identified in the comprehensive plans or cooperative agreements developed under section 202, without regard to [title III (other than section 304) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251–260)] *the provisions referred to in section 171(c) (except sections 3901 and 3905) of title 41, United States Code*. Contract authority provided in this section is effective only to such extent or in such amounts as are provided in appropriation Acts.

**§ 757 (Act of May 11, 1938, ch. 193, § 3)**

In carrying out the authorizations and duties imposed by section 2 of this Act, the Secretary of Commerce is authorized to utilize the facilities and services of the agencies of the States of Oregon, Washington, and Idaho responsible for the conservation of the fish and wildlife resources in such States, under the terms of agreements entered into between the United States and these States, without regard to the provisions of [section 3709 of the Revised Statutes] *section 6101 of title 41, United States Code*, and funds appropriated to carry out the purposes of this Act may be expended for the construction of facilities on and the improvement of lands not owned or controlled by the United States: *Provided*, That the appropriate agency of the State wherein such construction or improvement is to be carried on first shall have obtained without cost to the United States the necessary title to, interest therein, rights-of-way over, or licenses covering the use of such lands.

**§ 777h(d)(2)(A) Dingell-Johnson Sport Fish Restoration Act, § 9(d)(2)(A))**

**SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.**

\*       \*       \*       \*       \*

(d) AUDIT REQUIREMENT.—

\*       \*       \*       \*       \*

(2) AUDITOR.—

(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in [section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)] *section 132 of title 41, United States Code*) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit or other review).

**§ 793 (Federal Power Act, § 2)**

SEC. 2. The commission shall have authority to appoint, prescribe the duties, and fix the salaries of, a secretary, a chief engineer, a general counsel, a solicitor, and a chief accountant; and may, subject to the civil service laws, appoint such other officers and employees as are necessary in the execution of its functions and fix their salaries in accordance with the Classification Act of 1949, as amended. The commission may request the President to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officer or officers, or in any other capacity, in field work outside the seat of government, their duties to be prescribed by the commission; and such detail is authorized. The President may also, at the request of the commission, detail, assign, or transfer to the commission, engineers in or under the Departments of the Interior or Agriculture for field work outside the seat of government under the direction of the commission.

The commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and

for printing and binding) as are necessary to execute its functions. Expenditures by the commission shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the commission or by such other member or officer as may be authorized by the commission for that purpose subject to applicable regulations under the [Federal Property and Administrative Services Act of 1949, as amended] *provisions referred to in section 171(b) and (c) of title 41, United States Code.*

**§ 916l (Whaling Convention Act of 1949, § 14)**

SEC. 14. There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of the convention and of this subchapter, including (1) contributions to the Commission for the United States share of any joint expenses of the Commission agreed by the United States and any of the other contracting governments, and (2) the expenses of the United States Commissioner and his staff, including (a) personal services in the District of Columbia and elsewhere, without regard to the Classification Act of 1923, as amended; (b) travel expenses without regard to the Travel Expense Act of 1949 and section 10 of the Act of March 3, 1933 (U.S.C., title 5, sec. 73(b); (c) transportation of things, communication services; (d) rent of offices; (e) printing and binding without regard to [section 11 of the Act of March 1, 1919 (U.S.C., title 44, sec. 111), and section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5)] *section 501 of title 44, United States Code, and section 6101 of title 41, United States Code*; (f) stenographic and other services by contract, if deemed necessary, without regard to [section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5)] *section 6101 of title 41, United States Code*; (g) supplies and materials; (h) equipment; (i) purchase, hire, operation, maintenance, and repair of aircraft, motor vehicles (including passenger-carrying vehicles), boats, and research vessels.

**§ 961 (Tuna Conventions Act of 1950, § 12)**

SEC. 12. There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of each convention and of this Act, including—

\*       \*       \*       \*       \*

(c) printing and binding without regard to [section 11 of the Act of March 1, 1919 (U.S.C., title 44, sec. 111), or section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5)] *section 501 of title 44, United States Code, or section 6101 of title 41, United States Code*;

(d) stenographic and other services by contract, if deemed necessary, without regard to [section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5)] *section 6101 of title 41, United States Code*; and

**§ 1052(b)(1) (Public Law 87-758, § 2(b)(1))**

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as the “Secretary”) shall operate the National Fisheries Center and Aquarium.

(b) The Secretary is further authorized to—

(1) construct, purchase or lease, and operate and maintain vessels for specimen collecting purposes and, without regard to [section 3709 of the Revised Statutes of the United States (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, to contract for such collection of specimens and to purchase or exchange specimens and exhibit materials;

**§ 1336 note (Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012, § 114(a))**

SEC. 114. (a) Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of [section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c)] *section 3903 of title 41, United States Code* (except that the [5-year term restriction in subsection (d)] *5-year term restriction in subsection (a)* shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

**§ 2104(f)(2) (Cooperative Forestry Assistance Act of 1978, § 8(f)(2))**

**SEC. 8. FOREST HEALTH PROTECTION.**

\* \* \* \* \*

(f) LIMITATION ON USE OF APPROPRIATIONS.—

\* \* \* \* \*

(2) INSECTS AND DISEASES AFFECTING TREES.—The Secretary may procure materials and equipment necessary to prevent, retard, control, or suppress insects and diseases affecting trees without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, under whatever procedures the Secretary may prescribe, if the Secretary determines that such action is necessary and in the public interest.

**§ 2106(c)(Cooperative Forestry Assistance Act of 1978, § 10(c))**

SEC. 10. (a) Congress finds that—

\* \* \* \* \*

(c) The Secretary, with the cooperation and assistance of the Administrator of General Services, shall encourage the use of excess personal property (within the meaning of [the Federal Property and Administrative Services Act of 1949] *chapter 5 of title 40, United States Code*) by State and local fire forces receiving assistance under this section.



**§ 3503(e)(1) (Coastal Barrier Resources Act, § 4(e)(1))**

**SEC. 4. ESTABLISHMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCE SYSTEM.**

\* \* \* \* \*

**(e) ADDITION OF EXCESS FEDERAL PROPERTY.—**

**(1) CONSULTATION AND DETERMINATION.**—Prior to transfer or disposal of excess property under [the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)] *chapter 5 of title 40, United States Code*, that may be an undeveloped coastal barrier, the Administrator of General Services shall consult with and obtain from the Secretary a determination as to whether and what portion of the property constitutes an undeveloped coastal barrier. Not later than 180 days after the initiation of such consultation, the Secretary shall make and publish notice of such determination. Immediately upon issuance of a positive determination, the Secretary shall—

## **TITLE 18—CRIMES AND CRIMINAL PROCEDURE**

**§ 443.**

**§ 443. War contracts**

\* \* \* \* \*

The definitions of terms in [section 103 of Title 41] *section 3 of the Contract Settlement Act of 1944 (ch. 358, 58 Stat. 650)* shall apply to similar terms used in this section.

**§ 1761 note (Omnibus Crime Control and Safe Streets Act of 1968, § 819(c))**

SEC. 819. (a) Section 1761 of title 18, United States Code, is amended by adding thereto a new subsection (c) as follows—

\* \* \* \* \*

(c) The provisions of section 1761 of title 18, United States Code, and of [the first section of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35), commonly known as the Walsh-Healey Act] *section 6502 of title 41, United States Code*, creating exemptions to Federal restrictions on marketability of prison-made goods, as amended from time to time, shall not apply unless—

**§ 3287**

**§ 3287. Wartime suspension of limitations**

\* \* \* \* \*

Definitions of terms in [section 103 of title 41] *section 3 of the Contract Settlement Act of 1944 (ch. 358, 58 Stat. 650)* shall apply to similar terms used in this section. For purposes of applying such definitions in this section, the term “war” includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).

§ 3672

§ 3672. Duties of Director of Administrative Office of the United States Courts

\* \* \* \* \*

He shall have the authority to contract with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an alcohol-dependent person, an addict or a drug-dependent person, or a person suffering from a psychiatric disorder within the meaning of section 2 of the Public Health Service Act. This authority shall include the authority to provide equipment and supplies; testing; medical, educational, social, psychological and vocational services; corrective and preventative guidance and training; and other rehabilitative services designed to protect the public and benefit the alcohol-dependent person, addict or drug-dependent person, or a person suffering from a psychiatric disorder by eliminating his dependence on alcohol or addicting drugs, by controlling his dependence and his susceptibility to addiction, or by treating his psychiatric disorder. He may negotiate and award contracts identified in this paragraph without regard to [section 6101(b) to (d)] *section 6101* of title 41. He also shall have the authority to expend funds or to contract with any appropriate public or private agency or person to monitor and provide services to any offender in the community authorized by this Act, including treatment, equipment and emergency housing, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public and promote the successful reentry of the offender into the community.

§ 4013 note (Department of Justice Appropriations Act, 2001, § 1(a)(2) [title I, § 118])

SEC. 118. Notwithstanding any other provision of law, including [section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d))] *section 6707(d) of title 41, United States Code*, the Attorney General hereafter may enter into contracts and other agreements, of any reasonable duration, for detention or incarceration space or facilities, including related services, on any reasonable basis.

§ 4124 note (Consolidated Appropriations Act, 2005, division H, § 637)

SEC. 637. None of the funds made available under this or any other Act for fiscal year 2005 and each fiscal year thereafter shall be expended for the purchase of a product or service offered by Federal Prison Industries, Inc., unless the agency making such purchase determines that such offered product or service provides the best value to the buying agency pursuant to governmentwide procurement regulations, issued pursuant to [section 25(c)(1) of the Office of Federal Procurement Act (41 U.S.C. 421(c)(1))] *section 1303(a)(1) of title 41, United States Code*, that impose procedures, standards, and limitations of section 2410n of title 10, United States Code.

## TITLE 19—CUSTOMS DUTIES

### § 2081(a)(1) (Anti-Drug Abuse Act of 1986, § 3131(a)(1))

#### SEC. 3131. UNDERCOVER INVESTIGATIVE OPERATIONS OF CUSTOMS SERVICE.

(a) CERTIFICATION REQUIRED FOR EXEMPTION OF UNDERCOVER OPERATIONS FROM CERTAIN LAWS.—With respect to any undercover investigative operation of the United States Customs Service (hereinafter in this section referred to as the “Service”) which is necessary for the detection and prosecution of offenses against the United States which are within the jurisdiction of the Secretary of the Treasury—

(1) sums authorized to be appropriated for the Service may be used—

(A) to purchase property, buildings, and other facilities, and to lease space, within the United States, the District of Columbia, and the territories and possessions of the United States without regard to—

(i) sections 1341 and 3324 of title 31,

[(ii) sections 3732(a) and 3741 of the Revised Statutes of the United States (41 U.S.C. 11(a) and 22),

(iii) section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255),

(iv) the third undesignated paragraph under the heading “Miscellaneous” of the Act of March 3, 1877 (19 Stat. 370; 40 Stat. 34), and

(v) section 304(a) and (c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a) and (c)), and]

(ii) sections 6301(a) and (b)(1) through (3) and 6306 of title 41, United States Code,

(iii) chapter 45 of title 41, United States Code,

(iv) section 8141 of title 40, United States Code, and

(v) section 3901 of title 41, United States Code, and

### § 2512(c)(2)(B) (Trade Agreements Act of 1979, 1A302(c)(2)(B))

#### SEC. 302. AUTHORITY TO ENCOURAGE RECIPROCAL COMPETITIVE PROCUREMENT PRACTICES.

\* \* \* \* \*

(c) REPORT ON IMPACT OF RESTRICTIONS.—

\* \* \* \* \*

(2) RECOMMENDATIONS FOR ATTAINING RECIPROCITY.—The report required by paragraph (1) shall include an evaluation of alternative means to obtain equity and reciprocity in such product sectors, including (A) prohibiting the procurement of products of such countries by United States entities not covered by the Agreement, and (B) modifying the application of [title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.), commonly referred to as the Buy American Act] *chapter 83 of title 41, United States Code*. The report shall include an analysis of the effect of such alternative means on the United States economy (including effects on employment, production,

competition, costs and prices, technological development, export trade, balance of payments, inflation, and the Federal budget), and on successful negotiations on the expansion of the coverage of the Agreement pursuant to section 2514(a) and (b) of this title, other trade negotiating objectives, the relationship of the Federal Government to State and local governments, and such other factors as the President deems appropriate.

**§ 2513 (Trade Agreements Act of 1979, § 303)**

**SEC. 303. WAIVER OF DISCRIMINATORY PURCHASING REQUIREMENTS WITH RESPECT TO PURCHASE OF CIVIL AIRCRAFT.**

The President may waive the application of the provisions of [title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.), popularly referred to as the Buy American Act] *chapter 83 of title 41, United States Code*, in the case of any procurement of civil aircraft and related articles of a country or instrumentality which is a party to the Agreement on Trade in Civil Aircraft referred to in section 2503(c) of this title and approved under section 2503(a) of this title. The President may modify or withdraw any waiver granted pursuant to this section.

**§ 3105(b)(1) (Telecommunications Trade Act of 1988, § 1376(b)(1))**

**SEC. 1376. ACTIONS TO BE TAKEN IF NO AGREEMENT OBTAINED.**

\* \* \* \* \*

(b) ACTIONS AUTHORIZED.—

(1) The President is authorized to take any of the following actions under subsection (a) of this section with respect to any priority foreign country:

\* \* \* \* \*

(D) increases in domestic preferences under [title III of the Act of March 3, 1933 (41 U.S.C. 10a, et seq.)] *chapter 83 of title 41, United States Code*, for purchases by the Federal Government of telecommunications products of such country;

(E) suspension of any waiver of domestic preferences under [title III of the Act of March 3, 1933 (41 U.S.C. 10a, et seq.)] *chapter 83 of title 41, United States Code*, which may have been extended to such country pursuant to the Trade Agreements Act of 1979 with respect to telecommunications products or any other products;

## TITLE 20—EDUCATION

**§ 196(a) (Act of March 4, 1927, ch. 505, § 6(a))**

**SEC. 6. CONCESSIONS, FEES, AND VOLUNTARY SERVICES.**

(a) IN GENERAL.—Notwithstanding [the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)] *section 1302 of title 40, United States Code, and the provisions referred to in section 171(b) and (c) of title 41, United States Code*, the Secretary of Agriculture, in furtherance of the mission of the National Arboretum, may—

**§ 1018a (Higher Education Act of 1965, § 142)**

**SEC. 142. PROCUREMENT FLEXIBILITY.**

\* \* \* \* \*

(d) TWO PHASE SOURCE SELECTION PROCEDURES.—

\* \* \* \* \*

(2) FIRST PHASE.—The procedures for the first phase of the process for a procurement are as follows:

(A) PUBLICATION OF NOTICE.—The contracting officer for the procurement shall publish a notice of the procurement in accordance with [section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416)] *section 1708 of title 41, United States Code*, and subsections (e), (f), and (g) of section 8 of the Small Business Act (15 U.S.C. 637), except that the notice shall include only the following:

\* \* \* \* \*

(3) SECOND PHASE.—

(A) IN GENERAL.—The contracting officer shall conduct the second phase of the source selection process in accordance with [sections 303A and 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a and 253b)] *sections 3306(a) through (e) and 3308, chapter 37, and section 4702 of title 41, United States Code*.

\* \* \* \* \*

(f) FLEXIBLE WAIT PERIODS AND DEADLINES FOR SUBMISSION OF OFFERS OF NONCOMMERCIAL ITEMS.—

(1) AUTHORITY.—In carrying out a procurement, the PBO may—

(A) apply a shorter waiting period for the issuance of a solicitation after the publication of a notice under [section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416)] *section 1708 of title 41, United States Code*, than is required under subsection (a)(3)(A) of such section; and

\* \* \* \* \*

(g) MODULAR CONTRACTING.—

\* \* \* \* \*

(5) NOTICE REQUIREMENT.—

\* \* \* \* \*

(C) CONTENT OF NOTICE.—A notice published under subparagraph (A) with respect to a use of procedures described in paragraph (4) shall contain the information required under [section 18(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(b))] *section 1708(c) of title 41, United States Code*, other than paragraph (4) of such section, and shall invite the submission of any assertion that the use of the procedures for the procurement involved is not in the best interest of the Federal Government together with information supporting the assertion.

(6) DOCUMENTATION.—The basis for an award of a contract under this subsection shall be documented. However, a jus-

tification pursuant to [section 303(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)) *section 3304(e) of title 41, United States Code*, or section 8(h) of the Small Business Act (15 U.S.C. 637(h)) is not required.

\* \* \* \* \*

(1) DEFINITIONS.—In this section:

(1) COMMERCIAL ITEM.—The term “commercial item” has the meaning given the term in [section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 401(12))] *section 103 of title 41, United States Code*.

(2) COMPETITIVE PROCEDURES.—The term “competitive procedures” has the meaning given the term in [section 309(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b))] *section 152 of title 41, United States Code*.

\* \* \* \* \*

(4) SPECIAL RULES FOR COMMERCIAL ITEMS.—The term “special rules for commercial items” means the regulations set forth in the Federal Acquisition Regulation pursuant to [section 303(g)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)) and section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427)] *sections 1901 and 3305(a) of title 41, United States Code*.

(5) SPECIAL SIMPLIFIED PROCEDURES.—The term “special simplified procedures” means the procedures applicable to purchases of property and services for amounts not greater than the simplified acquisition threshold that are set forth in the Federal Acquisition Regulation pursuant to [section 303(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and section 31(a)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(1))] *sections 1901(a)(1) and 3305(a)(1) of title 41, United States Code*.

**§ 1070a(i) (Higher Education Act of 1965, § 401(i))**

SEC. 401. (a) PROGRAM AUTHORITY AND METHOD OF DISTRIBUTION.—(1) For each fiscal year through fiscal year 2017, the Secretary shall pay to each eligible institution such sums as may be necessary to pay to each eligible student (defined in accordance with section 484) for each academic year during which that student is in attendance at an institution of higher education, as an undergraduate, a Federal Pell Grant in the amount for which that student is eligible, as determined pursuant to subsection (b). Not less than 85 percent of such sums shall be advanced to eligible institutions prior to the start of each payment period and shall be based upon an amount requested by the institution as needed to pay eligible students until such time as the Secretary determines and publishes in the Federal Register with an opportunity for comment, an alternative payment system that provides payments to institutions in an accurate and timely manner, except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment.

\* \* \* \* \*

(i) TREATMENT OF INSTITUTIONS AND STUDENTS UNDER OTHER LAWS.—Any institution of higher education which enters into an agreement with the Secretary to disburse to students attending that institution the amounts those students are eligible to receive under this subpart shall not be deemed, by virtue of such agreement, a contractor maintaining a system of records to accomplish a function of the Secretary. Recipients of Pell Grants shall not be considered to be individual grantees for purposes of [subtitle D of title V of Public Law 100–690] *chapter 81 of title 41, United States Code*.

**§ 1070a–11(b)(1) (Higher Education Act of 1965, § 402A(b)(1))**

**SEC. 402A. PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.**

\* \* \* \* \*

(b) RECIPIENTS, DURATION, AND SIZE.—

(1) RECIPIENTS.—For the purposes described in subsection (a) of this section, the Secretary is authorized, without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, to make grants to, and contracts with, institutions of higher education, public and private agencies and organizations, including community-based organizations with experience in serving disadvantaged youth, combinations of such institutions, agencies and organizations, and, as appropriate to the purposes of the program, secondary schools, for planning, developing, or carrying out one or more of the services assisted under this division.

**§ 2012(a)(6) (Harry S. Truman Memorial Scholarship Act, § 13(a)(6))**

SEC. 13. (a) In order to carry out the provisions of this Act, the Foundation is authorized to—

\* \* \* \* \*

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to [section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)] *section 6101 of title 41, United States Code*;

**§ 2106(a)(7) American Folklife Preservation Act, § 7(a)(7))**

SEC. 7. (a) In addition to any authority vested in it by other provisions of this Act, the Librarian of Congress, in carrying out the Center's functions, is authorized to—

\* \* \* \* \*

(7) enter into contracts to carry out the provisions of this Act, and such contracts may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds and in conformity with [section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)] *section 6101 of title 41, United States Code*; and

**§ 3475(a) (Department of Education Organization Act, § 415(a))**

SEC. 415. (a) Subject to the provisions [of the Federal Property and Administrative Services Act of 1949] *referred to in section 171(b) and (c) of title 41, United States Code*, the Secretary is authorized to make, enter into, and perform such contracts, grants, leases, cooperative agreements, or other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and to make such payments, by way of advance or reimbursement, as the Secretary may determine necessary or appropriate to carry out functions of the Secretary or the Department.

**§ 4513(a)(6) (James Madison Memorial Fellowship Act, § 814(a)(6))**

SEC. 814. (a) The Foundation is authorized—

\* \* \* \* \*

(6) to enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to [section 5 of title 41] *section 6101 of title 41, United States Code*;

**§ 4710(a)(6) (Barry Goldwater Scholarship and Excellence in Education Act, § 1411(a)(6))**

**SEC. 1411. ADMINISTRATIVE PROVISIONS.**

(a) IN GENERAL.—In order to carry out this title, the Foundation may—

\* \* \* \* \*

(6) enter into contracts or other arrangements, or make grants, to carry out the provisions of this title, and enter into such contracts or other arrangements, or make such grants, with the concurrence of two-thirds of the members of the Board, without performance or other bonds and without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*;

**§ 5608(a)(6) (Morris K. Udall and Stewart L. Udall Foundation Act, § 12(a)(6))**

**SEC. 12. ADMINISTRATIVE PROVISIONS.**

(a) IN GENERAL.—In order to carry out the provisions of this Act, the Foundation may—

\* \* \* \* \*

(6) enter into contracts, grants, or other arrangements or modifications thereof, to carry out the provisions of this Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board of Trustees, be entered into without performance or other bonds, and without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*;



**§ 6067(1) (Goals 2000: Educate America Act, § 1022(1))**

**SEC. 1022. SENSE OF THE CONGRESS.**

It is the sense of the Congress that—

(1) no funds appropriated pursuant to this Act should be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with [sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a—10c, popularly known as the “Buy American Act”)] *chapter 83 of title 41, United States Code*;

**§ 9275(a) (Workforce Investment Act of 1998, § 505(a))**

**SEC. 505. BUY AMERICAN REQUIREMENTS.**

(a) COMPLIANCE WITH [BUY AMERICAN ACT] *CHAPTER 83 OF TITLE 41, UNITED STATES CODE*.—None of the funds made available under title I, II, or III or this title may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with [the Buy American Act (41 U.S.C. 10a et seq.)] *chapter 83 of title 41, United States Code*.

## **TITLE 21—FOOD AND DRUGS**

**§ 355(k)(4)(H) (Federal Food, Drug, and Cosmetic Act, § 505(k)(4)(H))**

SEC. 505. (a) No person shall introduce or deliver for introduction into interstate commerce any new drug, unless an approval of an application filed pursuant to subsection (b) or (j) of this section is effective with respect to such drug.

\* \* \* \* \*

(k)(1) In the case of any drug for which an approval of an application filed under subsection (b) or (j) of this section is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, of data relating to clinical experience and other data or information, received or otherwise obtained by such applicant with respect to such drug, as the Secretary may by general regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination, whether there is or may be ground for invoking subsection (e) of this section. Regulations and orders issued under this subsection and under subsection (i) of this section shall have due regard for the professional ethics of the medical profession and the interests of patients and shall provide, where the Secretary deems it to be appropriate, for the examination, upon request, by the persons to whom such regulations or orders are applicable, of similar information received or otherwise obtained by the Secretary.

\* \* \* \* \*

**(4) ADVANCED ANALYSIS OF DRUG SAFETY DATA.—**

\* \* \* \* \*

(H) COMPETITIVE PROCEDURES.—The Secretary shall use competitive procedures (as defined in [section 4(5) of the Fed-

eral Procurement Policy Act] *section 132 of title 41, United States Code*) to enter into contracts under subparagraph (G).

**§ 360j(k) (Federal Food, Drug, and Cosmetic Act, § 520(k))**

SEC. 520. (a) Any requirement authorized by or under section 501, 502, 510, or 519 applicable to a device intended for human use shall apply to such device until the applicability of the requirement to the device has been changed by action taken under section 513, 514, or 515 or under subsection (g) of this section, and any requirement established by or under section 501, 502, 510, or 519 which is inconsistent with a requirement imposed on such device under section 514 or 515 or under subsection (g) of this section shall not apply to such device.

\* \* \* \* \*

(k) The Secretary may enter into contracts for research, testing, and demonstrations respecting devices and may obtain devices for research, testing, and demonstration purposes without regard to [sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529, 41 U.S.C. 5)] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code.*

**§ 360ii(b)(3) (Federal Food, Drug, and Cosmetic Act, § 532(b)(3))**

SEC. 532. (a) The Secretary shall establish and carry out an electronic product radiation control program designed to protect the public health and safety from electronic product radiation. As a part of such program, he shall—

\* \* \* \* \*

(b) In carrying out the purposes of subsection (a) of this section, the Secretary is authorized to—

\* \* \* \* \*

(3) contract with public or private agencies, institutions, and organizations, and with individuals, without regard to section 3324 of title 31, United States Code, and [section 3709 of the Revised Statutes of the United States (41 U.S.C. 5)] *section 6101 of title 41, United States Code; and*

**§ 872(b) (Controlled Substances Act, § 502(b))**

SEC. 502. (a) The Attorney General is authorized to carry out educational and research programs directly related to enforcement of the laws under his jurisdiction concerning drugs or other substances which are or may be subject to control under this title. Such programs may include—

\* \* \* \* \*

(b) The Attorney General may enter into contracts for such educational and research activities without performance bonds and without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code.*

## TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

### § 272a(b)(1) (Joint Resolution of June 30, 1948, ch. 756, § 2(b)(1))

SEC. 2. There is hereby authorized to be appropriated annually to the Department of State—

\* \* \* \* \*

(b) such additional sums as may be necessary to pay the expenses incident to participation by the United States in the activities of the Organization, including—

(1) salaries of the representative or representatives and alternates and appropriate staff, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and the Classification Act of 1949, as amended; services as authorized by section 15 of Public Law 600, Seventy-ninth Congress; under such rules and regulations as the Secretary of State may prescribe, allowances for living quarters, including heat, fuel, and light and cost-of-living allowances to persons temporarily stationed abroad; printing and binding without regard to [section 11 of the Act of March 1, 1919 (44 U.S.C. 111), and section 3709 of the Revised Statutes, as amended] *section 501 of title 44, United States Code, and section 6101 of title 41, United States Code*; and

### § 277d-3 (American-Mexican Treat Act of 1950, § 103)

SEC. 103. There are authorized to be appropriated to the Department of State for the use of the Commission, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of the Treaty of February 3, 1944, and other treaties and conventions between the United States of America and the United Mexican States, under which the United States Section operates, and to discharge the statutory functions and duties of the United States Section. Such sums shall be available for construction, operation and maintenance of stream gaging stations, and their equipment and sites therefor; personal services and rent in the District of Columbia and elsewhere; services, including those of attorneys and appraisers, in accordance with the provisions of Section 15 of the Act of August 2, 1946 (5 U.S.C. sec. 55a), at rates for individuals not in excess of the maximum daily rate for grade GS-15 of the General Schedule and the United States Commissioner is authorized, notwithstanding the provisions of any other Act, to employ as consultants by contract or otherwise without regard to the Classification Act of 1949, as amended, and the civil-service laws and regulations, retired personnel of the Armed Forces of the United States, who shall not be required to revert to an active status; travel expense, including, in the discretion of the Commissioner, expenses of attendance at meetings of organizations concerned with the activities of the Commission which may be necessary for the efficient discharge of the responsibilities of the Commission; hire, with or without personal services, of work animals, and animal-drawn, and motor-propelled (including passenger) vehicles and aircraft and equipment; acqui-

tion by donation, purchase, or condemnation, of real and personal property, including expenses of abstracts, certificates of title, and recording fees; purchase of ice and drinking water; inspection of equipment, supplies and materials by contract or otherwise; drilling and testing of foundations and dam sites, by contract if deemed necessary; payment for official telephone service in the field in case of official telephones installed in private houses when authorized under regulations established by the Commissioner; purchase of firearms and ammunition for guard purposes; official entertainment and other representation expenses within the United States for the United States section; and such other objects and purposes as may be permitted by laws applicable, in whole or in part, to the United States Section: *Provided*, That, when appropriations have been made for the commencement or continuation of construction or operation and maintenance of any such project, the United States Commissioner, notwithstanding the provisions of [sections 3679, 3732, and 3733 of the Revised Statutes] *sections 1341, 1342, and 1349 through 1351 and subchapter II of chapter 15 of title 31, United States Code, and sections 6301(a) and (b) and 6303 of title 41, United States Code, or any other law, may enter into contracts beyond the amount actually appropriated for so much of the work on any such authorized project as the physical and orderly sequence of construction makes necessary, such contracts to be subject to and dependent upon future appropriations by Congress: Provided further*, That the United States Commissioner shall prepare, within 30 days after the end of each fiscal year, a report of all expenditures during that year for official entertainment and other representation expenses, which shall be available for public inspection.

**§ 277d-36 (American-Mexican Boundary Treaty Act of 1972, § 103)**

SEC. 103. Notwithstanding any other provision of law, the Commissioner is authorized to dispose of by warranty deed, or otherwise, any land acquired by him on behalf of the United States, or obtained by the United States pursuant to treaty between the United States and Mexico, and not required for project purposes, under procedures to be formulated by the Commissioner, to adjoining landowners at such price as he considers fair and equitable, and, if not so disposed of, to turn such land over to the General Services Administration for disposal under the provisions of [the Federal Property and Administrative Services Act of 1949] *chapter 5 of title 40, United States Code.*

**§ 277d-44(c)(2)(N) (Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000, § 804(c)(2)(N))**

**SEC. 804. ACTIONS TO BE TAKEN BY THE COMMISSIONER AND THE ADMINISTRATOR.**

\* \* \* \* \*

(c) CONTRACT.—

\* \* \* \* \*

(2) TERMS.—Any contract under this subsection shall provide, at a minimum, for the following:

\* \* \* \* \*

(N) The use of competitive procedures under applicable law, consistent with [title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)] *the provisions referred to in section 171(c) of title 41, United States Code*, by the owner of the Mexican facility in the procurement of property or services for the engineering, construction, and operation and maintenance of the Mexican facility.

**§ 277e (Act of August 27, 1935, ch. 763)**

The Secretary of State is authorized to lease any land heretofore or hereafter acquired under any Act, Executive order, or treaty in connection with projects, in whole or in part, constructed or administered by the Secretary of State through the said American Commissioner, or to dispose of such lands when no longer needed, subject to applicable regulations under [the Federal Property and Administrative Services Act of 1949, as amended] *chapter 5 of title 40, United States Code*, by sale at public auction, after thirty days' advertisement, at a price not less than that which may be fixed by three disinterested appraisers, to be designated by the Secretary of State, or by private sale, or otherwise, at not less than such appraised value: *Provided*, That any of such land as shall have been donated to the United States and which is no longer needed may be reconveyed, without cost, to the grantor or his heirs: *Provided*, further, That the lease or disposal of any land pursuant hereto may, in the discretion of the Secretary of State, be subject to reservations in favor of the United States for rights-of-way for irrigation, drainage, river work, and other purposes, and any such disposal may be conditioned upon and made subject to inclusion of such lands in any existing irrigation district in the vicinity of such lands, the proceeds of any such lease or sale to be covered into the Treasury of the United States: *And provided further*, That in the discretion of the Secretary of State, and subject to such conditions as he may deem appropriate, conveyances of any other of such lands not needed by the United States may be made to the State to which they lie adjacent or to any similarly situated county, city, or other governmental subdivision of such State, without cost, for use for public purposes.

**§ 280b(b) (Joint Resolution of January 28, 1948, ch. 38, § 3(b))**

SEC. 3. There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

\* \* \* \* \*

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities of the Commission, including salaries of the United States Commissioners, their alternates, and appropriate staff, without regard to the civil-service laws and the Classification Act of 1949, as amended; personal services in the District of Columbia; services as authorized by section 15 of Public Law 600, Seventy-ninth Congress; under such rules and regulations as the Secretary of State may prescribe, allowances for living quarters, including heat, fuel, and light and cost-of-living allowances to persons

temporarily stationed abroad; hire of passenger motor vehicles and other local transportation; printing and binding without regard to [section 11 of the Act of March 1, 1919 (44 U.S.C. 111), and section 3709 of the Revised Statutes, as amended] *section 501 of title 44, United States Code, and section 6101 of title 41, United States Code*; and such other expenses as the Secretary of State finds necessary to participation by the United States in the activities of the Commission: *Provided*, That the provisions of section 6 of the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress), and regulations thereunder, applicable to expenses incurred pursuant to that Act shall be applicable to any expenses incurred pursuant to this paragraph (b).

**§ 280i(b) (Joint Resolution of March 4, 1948, ch. 97, § 2(b))**

SEC. 2. There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

\* \* \* \* \*

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities of the Commission, including salaries of the United States Commissioners, their alternates, and appropriate staff, without regard to the civil-service laws and the Classification Act of 1949, as amended; personal services in the District of Columbia; services as authorized by section 15 of Public Law 600, Seventy-ninth Congress; hire of passenger motor vehicles and other local transportation; printing and binding without regard to [section 11 of the Act of March 1, 1919 (44 U.S.C. 111), and section 3709 of the Revised Statutes, as amended] *section 501 of title 44, United States Code, and section 6101 of title 41, United States Code*; and such other expenses as the Secretary of State finds necessary to participation by the United States in the activities of the Commission: *Provided*, That the provisions of section 6 of the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress), and regulations thereunder, applicable to expenses incurred pursuant to that Act shall be applicable to any expenses incurred pursuant to this paragraph (b).

**§ 280k(b) (Joint Resolution of June 28, 1948, ch. 686, § 2(b))**

SEC. 2. There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

\* \* \* \* \*

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities of the Commission, including salaries of the 90 United States Commissioners, their alternates, and appropriate staff, without regard to the civil-service laws and the Classification Act of 1949, as amended; personal services in the District of Columbia; services as authorized by section 15 of Public Law 600, Seventy-ninth Congress; hire of passenger motor vehicles and other local transportation; printing and binding without regard to [section 11 of the Act of March 1, 1919 (44 U.S.C. 111), and section 3709 of the Revised Statutes, as amended] *section 501 of title 44,*

*United States Code, and section 6101 of title 41, United States Code; and such other expenses as the Secretary of State finds necessary to participation by the United States in the activities of the organization: Provided, That the provisions of section 6 of the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress), and regulations thereunder, applicable to expenses incurred pursuant to that Act shall be applicable to any expenses incurred pursuant to this paragraph (b).*

**§ 287e (United Nations Participation Act of 1945, § 8)**

SEC. 8. There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment by the United States of its share of the expenses of the United Nations as apportioned by the General Assembly in accordance with article 17 of the Charter, and for all necessary salaries and expenses of the representatives provided for in section 2 of this Act, and of their appropriate staffs, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and the Classification Act of 1949, as amended; travel expenses without regard to the Standardized Government Travel Regulations, as amended, the Travel Expense Act of 1949 and, under such rules and regulations as the Secretary of State may prescribe, travel expenses of families and transportation of effects of United States representatives and other personnel in going to and returning from their post of duty; allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U.S.C. 118a); cost-of-living allowances for personnel stationed abroad under such rules and regulations as the Secretary of State may prescribe; communications services; stenographic reporting, translating, and other services, by contract; hire of passenger motor vehicles and other local transportation; rent of offices; printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111); allowances and expenses as provided in section 6 of the Act of the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress), and allowances and expenses equivalent to those provided in section 905 of the Foreign Service Act of 1980; the lease or rental (for periods not exceeding ten years) of living quarters for the use of the representatives provided for in section 2 of this Act serving abroad and of their appropriate staffs the cost of installation and use of telephones in the same manner as telephone service is provided for use of the Foreign Service pursuant to the Act of August 23, 1912, as amended (31 U.S.C. 679), and unusual expenses similar to those authorized by section 22 of the Administrative Expenses Act of 1946, as amended by section 311 of the Overseas Differentials and Allowances Act, incident to the operation and maintenance of such living quarters abroad; and such other expenses as may be authorized by the Secretary of State; all without regard to [section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)] *section 6101 of title 41, United States Code.*

**§ 287r (Joint Resolution of July 30, 1946, ch. 700, § 6)**

SEC. 6. There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not

otherwise appropriated such sums as may be necessary for the payment by the United States of its share of the expenses of the Organization as apportioned by the General Conference of the Organization in accordance with article IX of the constitution of the Organization, and such additional sums as may be necessary to pay the expenses of participation by the United States in the activities of the Organization, including: (a) salaries of the representatives provided for in section 2 hereof, of their appropriate staffs, and of members of the secretariat of the National Commission provided for in section 3 hereof, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and the Classification Act of 1949, as amended; (b) travel expenses without regard to the Standardized Government Travel Regulations, as amended, the Subsistence Expense Act of 1926, as amended, and section 10 of the Act of March 3, 1933 (U.S.C., title 5, sec. 73b), and, under such rules and regulations as the Secretary of State may prescribe, travel expenses of families and transportation of effects of United States representatives and other personnel in going to and returning from their post of duty; (c) allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U.S.C., title 5, sec. 118a); (d) cost of living allowances under such rules and regulations as the Secretary of State may prescribe, including allowances to persons temporarily stationed abroad; (e) communication services; (f) stenographic reporting, translating, and other services, by contract, if deemed necessary, without regard to [section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5)] *section 6101 of title 41, United States Code*; (g) local transportation; (h) equipment; (i) transportation of things; (j) rent of offices; (k) printing and binding without regard to [section 11 of the Act of March 1, 1919 (U.S.C., title 44, sec. 111), and section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5)] *section 501 of title 44, United States Code, and section 6101 of title 41, United States Code*; (l) official entertainment; (m) stationery; (n) purchase of newspapers, periodicals, books, and documents; and (o) such other expenses as may be authorized by the Secretary of State.

**§ 289c(a) (Joint Resolution of July 1, 1947, ch. 185, § 4(a))**

SEC. 4. (a) Sums from the appropriations made pursuant to paragraph (a) of section 3 may be transferred to any department, agency, or independent establishment of the Government to carry out the purposes of such subsection, and such sums shall be available for obligation and expenditure in accordance with the laws governing obligations and expenditures of the department, agency, independent establishment, or organizational unit thereof concerned, and without regard to [sections 3709 and 3648 of the Revised Statutes, as amended (U.S.C., 1940 edition, title 41, sec. 5, and title 31, sec. 529)] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code*.

**§ 290b(b)(1) (Joint Resolution of June 14, 1948, ch. 469, § 3(b)(1))**

SEC. 3. There are hereby authorized to be appropriated to the Department of State for contribution to the working capital fund of



the organization the sum of \$560,000 and as annual appropriations the following:

\* \* \* \* \*

(b) such additional sums, not to exceed \$83,000 for the fiscal year beginning July 1, 1947, as may be necessary to pay the expenses incident to participation by the United States in the activities of the Organization, including—

(1) salaries of the representative and alternate provided for in section 2 hereof, and appropriate staff, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and the Classification Act of 1949, as amended; services as authorized by section 15 of Public Law 600, Seventy-ninth Congress; under such rules and regulations as the Secretary of State may prescribe, allowances for living quarters, including heat, fuel, and light and cost of living allowances to persons temporarily stationed abroad; printing and binding without regard to [section 11 of the Act of March 1, 1919 (44 U.S.C. 111), and section 3709 of the Revised Statutes, as amended] *section 501 of title 44, United States Code, and section 6101 of title 41, United States Code*; and

**§ 1472(a)(2) (United States Information and Educational Exchange Act of 1948, § 802(a)(2))**

SEC. 802. (a) In carrying on activities which further the purposes of this Act, subject to approval of such activities by the Secretary, the Department and the other Government agencies are authorized—

\* \* \* \* \*

(2) to make contracts, including contracts with governmental agencies, foreign or domestic, including subdivisions thereof, and intergovernmental organizations of which the United States is a member, and, with respect to contracts entered into in foreign countries, without regard to [section 3741 of the Revised Statutes (41 U.S.C. 22)] *section 6306 of title 41, United States Code*;

**§ 2103(c)(2) (International Health Research Act of 1960, § 5(c)(2))**

SEC. 5. (a) It is the sense of Congress that the President should use his authority under the Constitution and laws of the United States to accomplish the purposes of section 2 of this joint resolution and in accomplishing such purposes (1) use to the fullest extent practicable foreign currencies or credits available for utilization by the United States, (2) enter into agreements to use foreign currencies and credits available to other nations for use with the agreement of the United States, and (3) use any other foreign currencies and credits which may be made available by participating foreign countries.

\* \* \* \* \*

(c) To carry out his responsibilities under this joint resolution the President may—

\* \* \* \* \*

(2) make financial grants to establish and maintain fellowships, and for other purposes, to public institutions and agencies and to nonprofit private institutions and agencies, and to individuals in participating foreign countries, or contract with such institutions, agencies, or individuals without regard to [sections 3648 and 3709 of the Revised Statutes of the United States] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code;*

**§ 2179(c) (Foreign Assistance Act of 1961, § 219(c))**

SEC. 219. PROTOTYPE DESALTING PLANT.—(a) In furtherance of the purposes of this part and for the purpose of improving existing, and developing and advancing new, technology and experience in the design, construction, and operation of large-scale desalting plants of advanced concepts which will contribute materially to low-cost desalination in all countries, including the United States, the President, if he determines it to be feasible, is authorized to participate in the development of a large-scale water treatment and desalting prototype plant and necessary appurtenances to be constructed in Israel as an integral part of a dual-purpose power generating and desalting project. Such participation shall include financial, technical, and such other assistance as the President deems appropriate to provide for the study, design, construction, and, for a limited demonstration period of not to exceed five years, operation and maintenance of the water treatment and desalting facilities of the dual-purpose project.

\* \* \* \* \*

(c) In carrying out the provisions of this section, the President may enter into contracts with public or private agencies and with any person without regard to [sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529 and 41 U.S.C. 5)] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code.*

**§ 2358 (Foreign Assistance Act of 1961, § 608)**

SEC. 608. ADVANCE ACQUISITION OF PROPERTY.—(a) It is the sense of the Congress that in furnishing assistance under chapter 1 of part I excess personal property, or (if a substantial savings would occur) other property already owned by an agency of the United States Government, shall be utilized wherever practicable in lieu of or supplementary to the procurement of new items for United States-assisted projects and programs. The President is authorized to maintain in a separate account, which shall, notwithstanding section 1210 of the General Appropriation Act, 1951 (64 Stat. 765), be free from fiscal year limitation, \$5,000,000 of funds made available under chapter 1 of part I, which may be used to pay costs (including personnel costs) of acquisition, storage, renovation and rehabilitation, packing, crating, handling, transportation, and related costs of property classified as domestic or foreign excess property pursuant to [the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.)] *chapter 5 of title 40, United States Code*, any property available from an agency of the United States Government, or other property, in advance of known requirements therefor for use in further-

ance of the purposes of part I: *Provided*, That the amount of property classified as domestic excess property pursuant to [the Federal Property and Administrative Services Act of 1949, as amended,] *chapter 5 of title 40, United States Code*, held at any one time pursuant to this section shall not exceed \$15,000,000 in total original acquisition cost. Property acquired pursuant to the preceding sentence may be furnished (1) pursuant to any provision of part I for which funds are authorized for the furnishing of assistance, in which case the separate account established pursuant to this section shall be repaid from funds made available for such provision for all costs incurred, or (2) pursuant to section 607, in which case such separate account shall be repaid in accordance with the provisions of that section for all costs incurred.

(b) Property classified as domestic excess property under [the Federal Property and Administrative Services Act of 1949, as amended,] *chapter 5 of title 40, United States Code*, shall not be transferred to the agency primarily responsible for administering part I for use pursuant to the provisions of part I or section 607 unless (1) such property is transferred for use exclusively by an agency of the United States Government, or (2) it has been determined in the same manner as provided for surplus property in section 549(a) to (e) of title 40, that such property is not needed for donation pursuant to those subsections. The foregoing restrictions shall not apply to the transfer in any fiscal year for use pursuant to the provisions of part I of amounts of such property with a total original acquisition cost to the United States Government not exceeding \$45,000,000.

**§ 2392(e)(1) (Foreign Assistance Act of 1961, § 632(e)(1))**

SEC. 632. ALLOCATION AND REIMBURSEMENT AMONG AGENCIES.—

(a) The President may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out the purposes of this Act, including any advance to the United States Government by any country or international organization for the procurement of commodities, defense articles, military education and training, or services (including defense services). Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this Act or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

\* \* \* \* \*

(e) In furnishing assistance under this Act, accounts may be established on the books of any agency of the United States Government or, on terms and conditions approved by the Secretary of the Treasury, in banking institutions in the United States, (1) against which letters of commitment may be issued which shall constitute recordable obligations of the United States Government, and moneys due or to become due under such letters of commitment shall be assignable under [the Assignment of Claims Act of 1940, as amended (second and third paragraphs of 31 U.S.C. 203 and 41, U.S.C. 15)] *section 3727(b) (last sentence (and (c) of title 31, United States Code, and section 6305(b)(1) through (7) of title 41, United States Code*, and (2) from which disbursements may be made to, or withdrawals may be made by, recipient countries or agencies, orga-

nizations, or persons upon presentation of contracts, invoices, or other appropriate documentation. Expenditure of funds which have been made available through accounts so established shall be accounted for on standard documentation required for expenditure of funds of the United States Government: *Provided*, That such expenditures for commodities, defense articles, military education and training, services (including defense services), or facilities procured outside the United States may be accounted for exclusively on such certification as may be prescribed in regulations approved by the Comptroller General of the United States.

**§ 2396(g)(3) (Foreign Assistance Act of 1961, § 636(g)(3))**

SEC. 636. PROVISIONS ON USES OF FUNDS.—(a) Appropriations for the purposes of or pursuant to this Act (except for part II), allocations to any agency of the United States Government, from other appropriations, for functions directly related to the purposes of this Act, and funds made available for other purposes to the agency primarily responsible for administering part I, shall be available for:

\* \* \* \* \*

(g) Funds made available for the purposes of part II or the Arms Export Control Act shall be available for—

\* \* \* \* \*

(3) maintenance, repair, alteration and furnishing of United States-owned facilities in the District of Columbia or elsewhere for the training of foreign military and related civilian personnel, without regard to the provisions of [section 3733 of the Revised Statutes (41 U.S.C. 12)] *section 6303 of title 41, United States Code*, or other provision of law requiring a specific authorization or specific appropriation for such public contracts.

**§ 2509(d) (Peace Corps Act, § 10(d))**

SEC. 10. (a) In furtherance of the purposes of this chapter, the President may—

\* \* \* \* \*

(d) Whenever the President determines it to be in furtherance of the purposes of this Act, functions authorized by this chapter may be performed without regard to such provisions of law (other than [section 3709 of the Revised Statutes of the United States, as amended, section 302 of the Federal Property and Administrative Services Act of 1949] *sections 3101(a) and (c), 3104, 3106, 3301(b)(2), and 6101 of title 41, United States Code*, and the Renegotiation Act of 1951, as amended) regulating the making, performance, amendment, or modification of contracts and the expenditure of Government funds as the President may specify.

**§ 2581(a) (Arms Control and Disarmament Act, § 401(a))**

SEC. 401. In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this Act is authorized to—

(a) utilize or employ the services, personnel, equipment, or facilities of any other Government agency, with the consent of the agency concerned, to perform such functions on behalf of

the Department of State as may appear desirable. Any Government agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Secretary of State, without reimbursement, supplies and equipment other than administrative supplies or equipment. Transfer or receipt of excess property shall be in accordance with the provisions of **the Federal Property and Administrative Services Act of 1949, as amended** *chapters 1 through 11 of title 40, United States Code*;

**§ 2669(h) (State Department Basic Authorities Act of 1956, § 2(h))**

SEC. 2. The Secretary of State may use funds appropriated or otherwise available to the Secretary to—

\* \* \* \* \*

(h) directly procure goods and services in the United States or abroad, solely for use by United States Foreign Service posts abroad when the Secretary of State, in accordance with guidelines established in consultation with the Administrator of General Services, determines that use of the Federal Supply Service or otherwise applicable Federal goods and services acquisition authority would not meet emergency overseas security requirements determined necessary by the Secretary, taking into account overseas delivery, installation, maintenance, or replacement requirements, except that the authority granted by this paragraph shall cease to be effective when the amendment made by section 2711 of the Competition in Contracting Act of 1984 takes effect and thereafter procurement by the Secretary of State for the purposes described in this paragraph shall be in accordance with **section 303(c)(2) of the Federal Property and Administrative Services Act of 1949** *section 3304(a)(2) of title 41, United States Code*;

**§ 2676 (State Department Basic Authorities Act of 1956, § 9)**

SEC. 9. The Secretary of State is authorized to enter into contracts in foreign countries involving expenditures from funds appropriated or otherwise made available to the Department of State, without regard to the provisions of **section 3741 of the Revised Statutes (41 U.S.C. 22)** *section 6306 of title 41, United States Code*: *Provided*, That nothing in this section shall be construed to waive the provisions of section 431 of title 18 of the United States Code.

**§ 2679c(a)(1) (Anti-Economic Discrimination Act of 1994, § 565(a)(1))**

**SEC. 565. PROHIBITION ON DISCRIMINATORY CONTRACTS.**

(a) PROHIBITION.—

(1) Except for real estate leases and as provided in subsection (b), the Department of State may not enter into any contract that expends funds appropriated to the Department of State for an amount in excess of the small purchase threshold (as defined in **section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))** *section 134 of title 41, United States Code*)—

**§ 2713(b)(2) (State Department Basic Authorities Act of 1956, § 41(b)(2))**

**SEC. 41. PROTECTION OF HISTORIC AND ARTISTIC FURNISHINGS OF RECEPTION AREAS OF THE HARRY S. TRUMAN FEDERAL BUILDING.**

(a) **IN GENERAL.**—The Secretary of State shall administer the historic and artistic articles of furniture, fixtures, and decorative objects of the reception areas of the Department of State by such means and measures as conform to the purposes of the reception areas, which include conserving those articles, fixtures, and objects and providing for their enjoyment in such manner and by such means as will leave them for the use of the American people. Nothing shall be done under this subsection which conflicts with the administration of the Department of State or with the use of the reception areas for official purposes of the United States Government.

(b) **DISPOSITION OF HISTORIC AND ARTISTIC ITEMS.**—

\* \* \* \* \*

(2) **SALE OR TRADE.**—Whenever the Secretary of State determines that—

(A) any item covered by paragraph (1) is no longer needed for use or display in the reception areas, or

(B) in order to upgrade the reception areas, a better use of that article would be its sale or exchange, the Secretary may, with the advice and concurrence of the Director of the National Gallery of Art, sell the item at fair market value or trade it, without regard to the requirements of [the Federal Property and Administrative Services Act of 1949] *chapter 5 of title 40, United States Code*. The proceeds of any such sale may be credited to the unconditional gift account of the Department of State, and items obtained in trade shall be the property of the Secretary of State under this subsection.

**§ 3861(c)(2) (Panama Canal Act of 1979, § 3101(c)(2))**

**SEC. 3101. (a) PANAMA CANAL ACQUISITION REGULATION.**—(1) The Commission shall establish by regulation a comprehensive procurement system. The regulation shall be known as the “Panama Canal Acquisition Regulation” (in this section referred to as the “Regulation”) and shall provide for the procurement of goods and services by the Commission in a manner that—

\* \* \* \* \*

(c) **WAIVER AUTHORITY.**—(1) Subject to paragraph (2), the Commission shall determine which provisions of Federal law should not apply to procurement by the Commission and may waive those laws for purposes of the Regulation and Supplement.

(2) For purposes of paragraph (1), the Commission may not waive—

(A) [section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423)] *chapter 21 of title 41, United States Code*;

(B) [the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), other than section 10(a) of such Act (41 U.S.C. 609(a))] *chapter 71 (other than section 7104(b)) of title 41, United States Code*; or

**§ 3862 (Panama Canal Act of 1979, § 3102)**

SEC. 3102. (a) ESTABLISHMENT.—(1) The Secretary of Defense, in consultation with the Commission, may establish a board of contract appeals, to be known as the Panama Canal Board of Contract Appeals, in accordance with [section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607)] *sections 7105(a), (c) through (e), and (g), 7106(a), and 7107(a) of title 41, United States Code*. Except as otherwise provided by this section, the Panama Canal Board of Contract Appeals (in this section referred to as the “Board”) shall be subject to [the Contracts Disputes Act of 1978 (41 U.S.C. 601 et seq.)] *chapter 71 of title 41, United States Code*, in the same manner as any other agency board of contract appeals established under [that Act] *that chapter*.

\* \* \* \* \*

(b) EXCLUSIVE JURISDICTION TO DECIDE APPEALS.—Notwithstanding [section 10(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)(1))] *section 7104(b)(1) of title 41, United States Code*, or any other provision of law, the Board shall have exclusive jurisdiction to decide an appeal from a decision of a contracting officer under [section 8(d) of such Act (41 U.S.C. 607(d))] *section 7105(e) of title 41, United States Code*.

**§ 4024(a)(5) (Foreign Service Act of 1980, § 704(a)(5))**

SEC. 704. TRAINING AUTHORITIES.—(a) In the exercise of functions under this chapter, the Secretary of State may—

\* \* \* \* \*

(5) acquire such real and personal property and equipment as may be necessary for the establishment, maintenance, and operation of the facilities necessary to carry out the provisions of this chapter without regard to [section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) and section 302 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252)] *sections 3101(a) and (c), 3104, 3106, 3301(b)(2), and 6101 of title 41, United States Code*.

**§ 5422(c)(1) (Support for East European Democracy (SEED) Act of 1989, § 202(c)(1))**

SEC. 202. LABOR MARKET TRANSITION IN POLAND AND HUNGARY.

(a) TECHNICAL ASSISTANCE.—The Secretary of Labor (hereinafter in this section referred to as the “Secretary”), in consultation with representatives of labor and business in the United States, shall—

\* \* \* \* \*

(c) ADMINISTRATIVE AUTHORITIES.—In carrying out subsection (a) of this section, the Secretary is authorized to do the following:

(1) Solicit and accept in the name of the Department of Labor, and employ or dispose of in furtherance of the purposes of this section, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise. Gifts and donations of property which are no longer required for the discharge of the purposes of this section shall be reported to the Administrator of General Services for transfer, donation, or other disposal in accordance with [the Federal Property and Administrative Services Act of 1949 (40 U.S.C.

471 and following)] *chapters 1 through 11 of title 40, United States Code.*

## TITLE 23—HIGHWAYS

### § 140(b) and (c)

#### § 140. Nondiscrimination

\* \* \* \* \*

(b) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, Indian tribal government, corporation (profit or non-profit), or any other organization or person, is authorized to develop, conduct, and administer surface transportation and technology training, including skill improvement programs, and to develop and fund summer transportation institutes. Whenever apportionments are made under section 104(b)(3) of this title, the Secretary shall deduct such sums as necessary, not to exceed \$10,000,000 per fiscal year, for the administration of this subsection. Such sums so deducted shall remain available until expended. The provisions of [section 6101(b) to (d)] *section 6101* of title 41 shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary. Notwithstanding any other provision of law, not to exceed 1/2 of 1 percent of funds apportioned to a State for the surface transportation program under section 104(b) and the bridge program under section 144 may be available to carry out this subsection upon request of the State transportation department to the Secretary.

(c) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, Indian tribal government, corporation (profit or non-profit), or any other organization or person, is authorized to develop, conduct, and administer training programs and assistance programs in connection with any program under this title in order that minority businesses may achieve proficiency to compete, on an equal basis, for contracts and subcontracts. Whenever apportionments are made under section 104(b)(3), the Secretary shall deduct such sums as necessary, not to exceed \$10,000,000 per fiscal year, for the administration of this subsection. The provisions of [section 6101(b) to (d)] *section 6101 of title 41* shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary notwithstanding the provisions of section 3106 of title 41.

### § 502(c)(5)

#### § 502. Surface transportation research

\* \* \* \* \*

(c) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

\* \* \* \* \*

(5) WAIVER OF ADVERTISING REQUIREMENTS.—[Section 6101(b) to (d)] *Section 6101* of title 41 shall not apply to a contract or agreement entered into under this chapter.



## TITLE 24—HOSPITALS AND ASYLUMS

### § 225h (Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, § 11)

#### SEC. 11. BUY AMERICAN PROVISIONS.

(a) The Mayor shall insure that the requirements of [the Buy American Act of 1933, as amended] *chapter 83 of title 41, United States Code*, apply to all procurements made under this subchapter.

(b) DETERMINATION BY THE MAYOR.—(1) If the Mayor, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the United States Trade Representative shall rescind the waiver of [the Buy American Act] *chapter 83 of title 41, United States Code*, with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any agreement, between the United States and a foreign country pursuant to which the head of an agency of the United States Government has waived the requirements of [the Buy American Act] *chapter 83 of title 41, United States Code*, with respect to certain products produced in the foreign country.

(c) REPORT TO CONGRESS.—The Mayor shall submit to Congress a report on the amount of purchases from foreign entities under this subchapter from foreign entities in fiscal years 1992 and 1993. Such report shall separately indicate the dollar value of items for which [the Buy American Act] *chapter 83 of title 41, United States Code*, was waived pursuant to any agreement described in subsection (a)(2) of this section, the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

[(d) BUY AMERICAN ACT DEFINED.—For purposes of this section, the term “Buy American Act” means 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 March 3, 1933 (41 U.S.C. 10a et seq.).]

[(e)] (d) RESTRICTIONS ON CONTRACT AWARDS.—No contract or subcontract made with funds authorized under this title may be awarded for the procurement of an article, material, or supply produced or manufactured in a foreign country whose government unfairly maintains in government procurement a significant and persistent pattern or practice of discrimination against United States products or services which results in identifiable harm to United States businesses, as identified by the President pursuant to (g)(1)(A) of section 305 of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)(1)(A)). Any such determination shall be made in accordance with section 305.

[(f)] (e) PROHIBITION AGAINST FRAUDULENT USE OF “MADE IN AMERICA” LABELS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United

States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract under this Act, pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

**§ 322(a) (Public Law 86–571, § 2(a))**

SEC. 2. (a) Upon request of the Secretary of State, the Secretary of Health and Human Services is authorized (directly or through arrangements under this subsection) to receive any eligible person at any port of entry or debarkation upon arrival from a foreign country and, to the extent he finds it necessary, to temporarily care for and treat at suitable facilities (including a hospital), and otherwise render assistance to, such person pending his transfer or hospitalization pursuant to other sections of this Act. For the purpose of providing such care and treatment and assistance, the Secretary is authorized to enter into suitable arrangements with appropriate State or other public or nonprofit agencies. Such arrangements shall be made without regard to [section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, and may provide for payment by the Secretary either in advance or by way of reimbursement.

**§ 324(a) (Public Law 86–571, § 4(a))**

SEC. 4. (a) Until the transfer and release of an eligible person pursuant to section 3, the Secretary is authorized to provide care and treatment for such person at any Federal hospital within or (pursuant to agreement) outside of the Department, or (under contract or other arrangements made without regard to [section 3709 of the Revised Statutes, as amended] *section 6101 of title 41, United States Code*) at any other public or private hospital in any State and, for such purposes, to transfer such person to any such hospital from a place of temporary care provided pursuant to section 2. In determining the place of such hospitalization, the Secretary shall give due weight to the best interests of the patient.

## TITLE 25—INDIANS

**§ 190 (Act of April 12, 1924, ch. 93)**

Subject to applicable regulations under [the Federal Property and Administrative Services Act of 1949, as amended] *chapter 5 of title 40, United States Code*, the Secretary of the Interior is authorized in his discretion to sell and convey by deed or patent, under such terms and conditions as he may prescribe, at not less than their appraised value, nonreservation Government tracts or plants or tribal administrative plants or reserves, or parts thereof, not exceeding forty acres in area and not exceeding \$2,000 in value, not longer needed for Indian administrative or allotment purposes, and small unallotted tracts not exceeding forty acres, where a sale will serve the tribal interests. All sales made under this section shall be at public auction, to the highest and best bidder.

**§ 293 (Act of March 2, 1917, ch. 146, first section, 4th paragraph, 39 Stat. 973)**

Subject to applicable regulations under [the Federal Property and Administrative Services Act, as amended] *chapter 5 of title 40, United States Code*, the Secretary of the Interior is authorized to cause to be sold, to the highest bidder, under such rules and regulations as he may prescribe any tract or part of a tract of land purchased by the United States for day school or other Indian administrative uses, not exceeding one hundred and sixty acres in any one tract, when said land or a part thereof is no longer needed for the original purpose; the proceeds therefrom in all cases to be paid into the Treasury of the United States; title to be evidenced by a patent in fee simple for such lands as can be described in terms of the legal survey, or by deed duly executed by the Secretary of the Interior containing such metes-and-bounds description as will identify the land so conveyed as the land which had been purchased: Provided, That where the purchase price was paid from tribal funds, the net proceeds shall be placed in the Treasury of the United States to the credit of the respective tribes of Indians.

**§ 1638b (Indian Health Care Improvement Act, § 310)**

SEC. 310. (a) The Secretary shall ensure that the requirements of [the Buy American Act] chapter 83 of title 41, United States Code, apply to all procurements made with funds made available to carry out this title.

(b) The Secretary shall submit to the Congress a report on the amount of procurements from foreign entities made in fiscal years 1993 and 1994 with funds made available to carry out this title. Such report shall separately indicate the dollar value of items procured with such funds for which [the Buy American Act] *chapter 83 of title 41, United States Code*, was waived pursuant to the Trade Agreement Act of 1979 or any international agreement to which the United States is a party.

\* \* \* \* \*

[(d) For purposes of this section, the term "Buy American Act" means 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 March 3, 1933 (41 U.S.C. 10a et seq.).]

**§ 5324(a)(3) (Indian Self-Determination Act, § 105(a)(3))**

SEC. 105. (a)(1) Notwithstanding any other provision of law, subject to paragraph (3), the contracts and cooperative agreements entered into with tribal organizations pursuant to section 102 shall not be subject to Federal contracting or cooperative agreement laws (including any regulations), except to the extent that such laws expressly apply to Indian tribes.

\* \* \* \* \*

(3)(A) With respect to a construction contract (or a subcontract of such a construction contract), the provisions [of the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.)] *referred to in section 172(b) of title 41, United States Code*, and the regulations relating to acquisitions promulgated under [such Act] *such provi-*

sions shall apply only to the extent that the application of such provision to the construction contract (or subcontract) is—

\* \* \* \* \*

(C)(i) Except as provided in subparagraph (B), no Federal law listed in clause (ii) or any other provision of Federal law (including an Executive order) relating to acquisition by the Federal Government shall apply to a construction contract that a tribe or tribal organization enters into under this Act, unless expressly provided in such law.

(ii) The laws listed in this paragraph are as follows:

(I) The [Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)] *provisions referred to in section 171(b) and (c) of title 41, United States Code.*

(II) [Section 3709 of the Revised Statutes] *Section 6101 of title 41, United States Code.*

\* \* \* \* \*

(VIII) [Sections 1 through 12 of the Act of June 30, 1936 (49 Stat. 2036 et seq.) chapter 881] *Chapter 65 of title 41, United States Code.*

(IX) [The Service Control Act of 1965 (41 U.S.C. 351 et seq.)] *Chapter 67 of title 41, United States Code.*

**§ 5328(a)(1) (Indian Self-Determination Act, § 107(a)(1))**

SEC. 107. (a)(1) Except as may be specifically authorized in this subsection, or in any other provision of this Act, the Secretary of the Interior and the Secretary of Health and Human Services may not promulgate any regulation, nor impose any nonregulatory requirement, relating to self-determination contracts or the approval, award, or declination of such contracts, except that the Secretary of the Interior and the Secretary of Health and Human Services may promulgate regulations under this Act relating to chapter 171 of title 28, commonly known as the “Federal Tort Claims Act”, [the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.)] *chapter 71 of title 41, United States Code*, declination and waiver procedures, appeal procedures, reassumption procedures, discretionary grant procedures for grants awarded under section 103, property donation procedures arising under section 105(f), internal agency procedures relating to the implementation of this Act, retrocession and tribal organization relinquishment procedures, contract proposal contents, conflicts of interest, construction, programmatic reports and data requirements, procurement standards, property management standards, and financial management standards.

**§ 5331(d) (Indian Self-Determination Act, § 110(d))**

SEC. 110. (a) The United States district courts shall have original jurisdiction over any civil action or claim against the appropriate Secretary arising under this Act and, subject to the provisions of subsection (d) of this section and concurrent with the United States Court of Claims, over any civil action or claim against the Secretary for money damages arising under contracts authorized by this Act. In an action brought under this paragraph, the district courts may order appropriate relief including money damages, injunctive relief against any action by an officer of the United States or any agency thereof contrary to this Act or regulations promul-

gated thereunder, or mandamus to compel an officer or employee of the United States, or any agency thereof, to perform a duty provided under this Act or regulations promulgated hereunder (including immediate injunctive relief to reverse a declination finding under section 102(a)(2) or to compel the Secretary to award and fund an approved self-determination contract).

\* \* \* \* \*

(d) **【The Contract Disputes Act (Public Law 95–563, Act of November 1, 1978; 92 Stat. 2383, as amended)】** *Chapter 71 of title 41, United States Code*, shall apply to self-determination contracts, except that all administrative appeals relating to such contracts shall be heard by the **【Interior Board of Contract Appeals established pursuant to section 8 of such Act (41 U.S.C. 607)】** *Civilian Board of Contract Appeals established pursuant to section 7105(b) of title 41, United States Code*.

**§ 5363(e)(1) (Indian Self-Determination and Education Assistance Act, § 403(e)(1))**

**SEC. 403. FUNDING AGREEMENTS.**

\* \* \* \* \*

(e) **CONSTRUCTION PROJECTS.**—(1) Regarding construction programs or projects, the Secretary and Indian tribes may negotiate for the inclusion of specific provisions **【of the Office of Federal Procurement and Policy Act】** *referred to in section 172(b) of title 41, United States Code* and Federal acquisition regulations in any funding agreement entered into under this Act. Absent a negotiated agreement, such provisions and regulatory requirements shall not apply.

**§ 5389(h) (Indian Self-Determination and Education Assistance Act, § 509(h))**

**SEC. 509. CONSTRUCTION PROJECTS.**

\* \* \* \* \*

(h) **APPLICATION OF OTHER LAWS.**—Unless otherwise agreed to by the Indian tribe, no provision **【of the Office of Federal Procurement Policy Act】** *referred to in section 172(b) of title 41, United States Code*, the Federal Acquisition Regulations issued pursuant thereto, or any other law or regulation pertaining to Federal procurement (including Executive orders) shall apply to any construction project conducted under this title.

**§ 5390 (Indian Self-Determination and Education Assistance Act, § 510)**

**SEC. 510. FEDERAL PROCUREMENT LAWS AND REGULATIONS.**

Regarding construction programs or projects, the Secretary and Indian tribes may negotiate for the inclusion of specific provisions **【of the Office of Federal Procurement and Policy Act (41 U.S.C. 401 et seq.)】** *referred to in section 172(b) of title 41, United States Code*, and Federal acquisition regulations in any funding agreement entered into under this part. Absent a negotiated agreement, such provisions and regulatory requirements shall not apply.

## TITLE 26—INTERNAL REVENUE CODE

**§ 5000C note (James Zadroga 9/11 Health and Compensation Act of 2010, § 301(b)(3))**

### SEC. 301. EXCISE TAX ON CERTAIN FOREIGN PROCUREMENT.

\* \* \* \* \*

#### (b) PROHIBITION ON REIMBURSEMENT OF FEES.—

\* \* \* \* \*

(3) EXECUTIVE AGENCY.—For purposes of this subsection, the term “executive agency” has the meaning given the term in [section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)] *section 133 of title 41, United States Code.*

## TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

**§ 524(c)(1) (last sentence)**

### **§ 524. Availability of appropriations**

\* \* \* \* \*

(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereafter in this subsection referred to as the “Fund”) which shall be available to the Attorney General without fiscal year limitation for the following law enforcement purposes—

\* \* \* \* \*

Amounts for paying the expenses authorized by subparagraphs (B), (F), and (G) shall be specified in appropriations Acts and may be used under authorities available to the organization receiving the funds. Amounts for other authorized expenditures and payments from the Fund, including equitable sharing payments, are not required to be specified in appropriations acts. The Attorney General may exempt the procurement of contract services under subparagraph (A) under the Fund from [division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, section 6101(b) to (d) of title 41] *the provisions referred to in section 171(c) of title 41, section 6101 of title 41*, and other provisions of law as may be necessary to maintain the security and confidentiality of related criminal investigations.

**§ 524 note (Department of Justice Appropriations Act, 1999, div. A, § 101(b) [title I, § 115(a)(2)])**

SEC. 115. (a)(1) Notwithstanding any other provision of law, for fiscal year 1999, the Attorney General may obligate any funds appropriated for or reimbursed to the Counterterrorism programs, projects or activities of the Department of Justice to purchase or lease equipment or any related items, or to acquire interim services, without regard to any otherwise applicable Federal acquisition rule, if the Attorney General determines that—

\* \* \* \* \*

(2) In this subsection, the term “Federal acquisition rule” means any provision of [title II or IX of the Federal Property and Administrative Services Act of 1949, the Office of Federal Procurement Policy Act] *chapter 5 or 11 of title 40, United States Code, the provisions referred to in section 172(b) of title 41, United States Code*, the Small Business Act, the Federal Acquisition Regulation, or any other provision of law or regulation that establishes policies, procedures, requirements, conditions, or restrictions for procurements by the head of a department or agency or the Federal Government.

**§ 533 note (Department of Justice and Related Agencies Appropriations Act, 1993, § 102(b)(1)(A))**

SEC. 102. Subject to subsection (b) of this section, authorities contained in Public Law 96–132, “The Department of Justice Appropriation Authorization Act, Fiscal Year 1980”, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

(b)(1) During fiscal year 1996, with respect to any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(A) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, [section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading of “Miscellaneous” of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34] *chapter 45 and section 6301(a) and (b)(1) through (3) of title 41 of the United States Code, section 8141 of title 40 of the United States Code, section 3324 of title 31 of the United States Code, [section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Service Act of 1949 (63 Stat. 395; 41 U.S.C. 254(a) and (c))] and sections 3901 and 6306(a) of title 41 of the United States Code,*

**§ 581 note (Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986, § 310(a)(2))**

**SEC. 310. ELECTRONIC CASE MANAGEMENT DEMONSTRATION PROJECT.**

(a) ESTABLISHMENT OF PROJECT.—Not later than 1 year after the effective date of this Act, the Director of the Executive Office for United States Trustees, in consultation with the Director of the Administrative Office of the United States Courts, shall establish an electronic case management demonstration project to be carried out in 3 Federal judicial districts that have a sufficiently large and varied bankruptcy caseload so as to provide a meaningful evaluation of the cost and effectiveness of such system. A contract for such project shall be awarded—

\* \* \* \* \*

(2) in accordance with [the Federal Property and Administrative Services Act of 1949, the Office of Federal Procurement Policy Act, and title 31 of the United States Code] *title 31 of the United States Code and the provisions referred to in sections 171(b) and (c) and 172(b) of title 41 of the United States Code.*

## § 604

### § 604. Duties of Director generally

(a) The Director shall be the administrative officer of the courts, and under the supervision and direction of the Judicial Conference of the United States, shall:

\* \* \* \* \*

(10)(A) Purchase, exchange, transfer, distribute, and assign the custody of lawbooks, equipment, supplies, and other personal property for the judicial branch of Government (except the Supreme Court unless otherwise provided pursuant to paragraph (17)); (B) provide or make available readily to each court appropriate equipment for the interpretation of proceedings in accordance with section 1828 of this title; and (C) enter into and perform contracts and other transactions upon such terms as the Director may deem appropriate as may be necessary to the conduct of the work of the judicial branch of Government (except the Supreme Court unless otherwise provided pursuant to paragraph (17)), and contracts for nonpersonal services providing pretrial services, agencies, for the interpretation of proceedings, and for the provision of special interpretation services pursuant to section 1828 of this title may be awarded without regard to [section 6101(b) to (d)] *section 6101 of title 41;*

\* \* \* \* \*

(g)(1) When authorized to exchange personal property, the Director may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in such cases in whole or in part payment for the property acquired, but any transaction carried out under the authority of this subsection shall be evidenced in writing.

\* \* \* \* \*

(4) The Director is hereby authorized:

(A) to enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of [section 2531 of title 41, United States Code] *section 3902 of title 41;*

(B) to enter into contracts for multiple years for the acquisition of property and services to the same extent as executive agencies under the authority of [section 254c of title 41, United States Code] *section 3903 of title 41;* and

(C) to make advance, partial, progress or other payments under contracts for property or services to the same extent as executive agencies under the authority of [section 255 of title 41, United States Code] *chapter 45 of title 41.*



§ 624(3)

§ 624. Powers of the Board

The Board is authorized—

\* \* \* \* \*

(3) to contract with and compensate government and private agencies or persons for research projects and other services, without regard to [section 6101(b) to (d)] *section 6101* of title 41, and to delegate such contract authority to the Director of the Federal Judicial Center, who is hereby empowered to exercise such delegated authority.

§ 753(g)

§ 753. Reporters

\* \* \* \* \*

(g) If, upon the advice of the chief judge of any district court within the circuit, the judicial council of any circuit determines that the number of court reporters provided such district court pursuant to subsection (a) of this section is insufficient to meet temporary demands and needs and that the services of additional court reporters for such district court should be provided the judges of such district court (including the senior judges thereof when such senior judges are performing substantial judicial services for such court) on a contract basis, rather than by appointment of court reporters as otherwise provided in this section, and such judicial council notifies the Director of the Administrative Office, in writing, of such determination, the Director of the Administrative Office is authorized to and shall contract, without regard to [section 6101(b) to (d)] *section 6101* of title 41, with any suitable person, firm, association, or corporation for the providing of court reporters to serve such district court under such terms and conditions as the Director of the Administrative Office finds, after consultation with the chief judge of the district court, will best serve the needs of such district court.

The analysis for chapter 91

CHAPTER 91—UNITED STATES COURT OF FEDERAL CLAIMS

\* \* \* \* \*

1510. *Third party proceedings.*

§ 1491(a)(2)

§ 1491. Claims against United States generally; actions involving Tennessee Valley Authority

(a)(1) The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort. For the purpose of this paragraph, an express or implied contract with the Army and Air Force Exchange Service, Navy Exchanges, Ma-

rine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration shall be considered an express or implied contract with the United States.

(2) To provide an entire remedy and to complete the relief afforded by the judgment, the court may, as an incident of and collateral to any such judgment, issue orders directing restoration to office or position, placement in appropriate duty or retirement status, and correction of applicable records, and such orders may be issued to any appropriate official of the United States. In any case within its jurisdiction, the court shall have the power to remand appropriate matters to any administrative or executive body or official with such direction as it may deem proper and just. The Court of Federal Claims shall have jurisdiction to render judgment upon any claim by or against, or dispute with, a contractor arising under section 7104(b)(1) of title 41, including a dispute concerning termination of a contract, rights in tangible or intangible property, compliance with cost accounting standards, and other nonmonetary disputes on which a decision of the contracting officer has been issued under [section 6 of that Act] *section 7103 (except subsection (c)(2)) of title 41.*

## **§ 1510**

### **§ 1510. Third party proceedings**

*(a) The United States Court of Federal Claims, on motion of either of the parties, or on its own motion, may summon any and all persons with legal capacity to be sued to appear as a party or parties in any suit or proceeding of any nature whatsoever pending in said court to assert and defend their interests, if any, in such suits or proceedings, within such period of time prior to judgment as the United States Court of Federal Claims shall prescribe. If the name and address of any such person is known or can be ascertained by reasonable diligence, and if he resides within the jurisdiction of the United States, he shall be summoned to appear by personal service; but if any such person resides outside of the jurisdiction of the United States, or is unknown, or if for any other good and sufficient reason appearing to the court personal service cannot be had, he may be summoned by publication, under such rules as the court may adopt, together with a copy of the summons mailed by registered mail to such person's last known address. The United States Court of Federal Claims may, upon motion of the Attorney General, in any suit or proceeding where there may be any number of persons having possible interests therein, notify such persons to appear to assert and defend such interests. Upon failure so to appear, any and all claims or interests in claims of any such person against the United States, in respect of the subject matter of such suit or proceeding, shall forever be barred and the court shall have jurisdiction to enter judgment pro confesso upon any claim or contingent claim asserted on behalf of the United States against any person who, having been duly served with summons, fails to respond thereto, to the same extent and with like effect as if such person had appeared and had admitted the truth of all allegations made on behalf of the United States. Upon appearance by any person pursuant to any such summons or notice, the case as to such person shall, for all purposes, be treated as if an independent proceeding has been*

*instituted by such person pursuant to sections 1491, 1496, 1501, 1503, and 2501 of this title, and as if such independent proceeding had then been consolidated, for purposes of trial and determination, with the case in respect of which the summons or notice was issued, except that the United States shall not be heard upon any counter-claims, claims for damages or other demands whatsoever against such person, other than claims and contingent claims for the recovery of money hereafter paid by the United States in respect of the transaction or matter which constitutes the subject matter of such case, unless and until such person shall assert therein a claim, or an interest in a claim, against the United States, and the United States Court of Federal Claims shall have jurisdiction to adjudicate, as between any and all adverse claimants, their respective several interests in any matter in suit and to award several judgments in accordance therewith.*

*(b) The jurisdiction of the United States Court of Federal Claims shall not be affected by this section except to the extent necessary to give effect to this section, and no person shall recover judgment on any claim, or on any interest in any claim, in said court which such person would not have had a right to assert in said court if this section had not been enacted.*

## TITLE 29—LABOR

### § 206(e) (Fair Labor Standards Act of 1938, § 6(e))

SEC. 6. (a) Every employer shall pay to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages at the following rates:

\* \* \* \* \*

(e)(1) Notwithstanding the provisions of section 13 of this Act (except subsections (a)(1) and (f) thereof), every employer providing any contract services (other than linen supply services) under a contract with the United States or any subcontract thereunder shall pay to each of his employees whose rate of pay is not governed by [the Service Contract Act of 1965 (41 U.S.C. 351–357)] *chapter 67 of title 41, United States Code*, or to whom subsection (a)(1) of this section is not applicable, wages at rates not less than the rates provided for in subsection (b) of this section.

(2) Notwithstanding the provisions of section 13 of this Act (except subsections (a)(1) and (f) thereof) and the provisions of [the Service Contract Act of 1965] *chapter 67 of title 41, United States Code*, every employer in an establishment providing linen supply services to the United States under a contract with the United States or any subcontract thereunder shall pay to each of his employees in such establishment wages at rates not less than those prescribed in subsection (b) of this section, except that if more than 50 per centum of the gross annual dollar volume of sales made or business done by such establishment is derived from providing such linen supply services under any such contracts or subcontracts, such employer shall pay to each of his employees in such

establishment wages at rates not less than those prescribed in subsection (a)(1) of this section.

**§ 262(d) (Portal-to-Portal Act of 1947, § 13(d))**

SEC. 13. DEFINITIONS.—

\* \* \* \* \*

(d) **¶**The term “Wash-Healey Act” means the Act entitled “An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes”, approved June 30, 1936 (49 Stat. 2036), as amended **¶** *The term “Walsh-Healy Act” means chapter 65 of title 41, United States Code;* and the term “Bacon-Davis Act” means **¶**the Act entitled “An Act to amend the Act approved March 3, 1931, relating to the rate of wages for laborers and mechanics employed by contractors and subcontractors on public buildings”, approved August 30, 1935 (49 Stat. 1011), as amended **¶** *sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.*

**§ 653(b)(2) (Occupational Safety and Health Act of 1970, § 4(b)(2))**

SEC. 4. (a) This Act shall apply with respect to employment performed in a workplace in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, Lake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, and the Canal Zone. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no United States district courts having jurisdiction.

(b)(1) Nothing in this Act shall apply to working conditions of employees with respect to which other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(2) The safety and health standards promulgated under **¶**the Act of June 30, 1936, commonly known as the Walsh-Healey Act (41 U.S.C. 35 et seq.), the Service Contract Act of 1965 (41 U.S.C. 351 et seq.) **¶** *chapter 65 of title 41, United States Code, chapter 67 of title 41, United States Code, Public Law 91–54, Act of August 9, 1969 (40 U.S.C. 333), Public Law 85–742, Act of August 23, 1958 (33 U.S.C. 941), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.)* are superseded on the effective date of corresponding standards, promulgated under this Act, which are determined by the Secretary to be more effective. Standards issued under the laws listed in this paragraph and in effect on or after the effective date of this Act shall be deemed to be occupational safety and health standards issued under this Act, as well as under such other chapters or Acts.

**§ 671(e)(7) (Occupational Safety and Health Act of 1970, § 22(e)(7))**

SEC. 22. (a) It is the purpose of this section to establish a National Institute for Occupational Safety and Health in the Depart-

ment of Health and Human Services in order to carry out the policy set forth in section 2 of this Act and to perform the functions of the Secretary of Health and Human Services under sections 20 and 21 of this Act.

\* \* \* \* \*

(e) In addition to any authority vested in the Institute by other provisions of this section, the Director, in carrying out the functions of the Institute, is authorized to—

\* \* \* \* \*

(7) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this section, and such contracts or modifications thereof may be entered into without performance or other bonds, and without regard to [section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, or any other provision of law relating to competitive bidding;

**§ 2887(a)(2)(A) (Workforce Investment Act of 1998, § 147(a)(2)(A))**

**SEC. 147. JOB CORPS CENTERS.**

(a) OPERATORS AND SERVICE PROVIDERS.—

\* \* \* \* \*

(2) SELECTION PROCESS.—

(A) COMPETITIVE BASIS.—Except as provided in [subsections (c) and (d) of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253)] *section 3304(a) through (c) of title 41, United States Code*, the Secretary shall select on a competitive basis an entity to operate a Job Corps center and entities to provide activities described in this subchapter to the Job Corps center. In developing a solicitation for an operator or service provider, the Secretary shall consult with the Governor of the State in which the center is located, the industry council for the Job Corps center (if established), and the applicable local board regarding the contents of such solicitation, including elements that will promote the consistency of the activities carried out through the center with the objectives set forth in the State plan or in a local plan.

## **TITLE 30—MINERAL LANDS AND MINING**

**§ 4 (Act of February 25, 1919, ch. 23, § 2)**

SEC. 2. The Secretary of the Interior is authorized and directed to make experiments and investigations, through the United States Bureau of Mines, of lignite coals and peat, to determine the commercial and economic practicability of their utilization in producing fuel oil, gasoline substitutes, ammonia, tar, solid fuels, gas for power, and other purposes. The Secretary of the Interior is authorized and directed subject to applicable regulations under [the Federal Property and Administrative Services Act of 1949, as amended] *chapter 5 of title 40, United States Code*, to sell or otherwise

dispose of any property, plant, or machinery purchased or acquired under the provisions of this section, as soon as the experiments and investigations authorized have been concluded, and report the results of such experiments and investigations to Congress.

**§ 556(b) (Act of August 31, 1954, ch. 1156, § 6(b))**

SEC. 6. In carrying out the provisions of section 3 of this Act the Secretary of the Interior is authorized—

\* \* \* \* \*

(b) to hire, with or without personal services, work animals and animal-drawn and motor-propelled vehicles and equipment, at rates to be approved by the Secretary of the Interior and without regard to the provisions of [section 3709, Revised Statutes (41 U.S.C., sec. 5)] *section 6101 of title 41, United States Code*;

**§ 846 (Federal Mine Safety and Health Act of 1977, § 206)**

SEC. 206. On and after the operative date of this title, the standards on noise prescribed under [the Walsh-Healey Public Contracts Act, as amended] *chapter 65 of title 41, United States Code*, in effect October 1, 1969, shall be applicable to each coal mine and each operator of such mine shall comply with them. Within six months after the date of enactment of this Act, the Secretary of Health, Education, and Welfare shall establish, and the Secretary shall publish, as provided in section 101 of this Act, proposed mandatory health standards establishing maximum noise exposure levels for all underground coal mines. Beginning six months after the operative date of this title, and at intervals of at least every six months thereafter, the operator of each coal mine shall conduct, in a manner prescribed by the Secretary of Health, Education, and Welfare, tests by a qualified person of the noise level at the mine and report and certify the results to the Secretary and the Secretary of Health, Education, and Welfare. In meeting such standard under this section, the operator shall not require the use of any protective device or system, including personal devices, which the Secretary or his authorized representative finds to be hazardous or cause a hazard to the miners in such mine.

**§ 1711(c)(2) (Federal Oil and Gas Royalty Management Act of 1982, § 101(c)(2))**

SEC. 101. (a) The Secretary shall establish a comprehensive inspection, collection and fiscal and production accounting and auditing system to provide the capability to accurately determine oil and gas royalties, interest, fines, penalties, fees, deposits, and other payments owed, and to collect and account for such amounts in a timely manner.

\* \* \* \* \*

(c)(1) The Secretary shall audit and reconcile, to the extent practicable, all current and past lease accounts for leases of oil or gas and take appropriate actions to make additional collections or refunds as warranted. The Secretary shall conduct audits and reconciliations of lease accounts in conformity with the business practices and recordkeeping systems which were required of the lessee by the Secretary for the period covered by the audit. The Secretary shall give priority to auditing those lease accounts identified by a

State or Indian tribe as having significant potential for underpayment. The Secretary may also audit accounts and records of selected lessees and operators.

(2) The Secretary may enter into contracts or other appropriate arrangements with independent certified public accountants to undertake audits of accounts and records of any lessee or operator relating to the lease of oil or gas. Selection of such independent certified public accountants shall be by competitive bidding in accordance with the [Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252)] *provisions referred to in section 171(b) and (c) of title 41, United States Code*, except that the Secretary may not enter into a contract or other arrangement with any independent certified public accountant to audit any lessee or operator where such lessee or operator is a primary audit client of such certified public accountant.

## **TITLE 31—MONEY AND FINANCE**

### **§ 501 note (Financial Services and General Government Appropriations Act, 2010, § 743(i))**

SEC. 743. (a) SERVICE CONTRACT INVENTORY REQUIREMENT.—

\* \* \* \* \*

(i) EXECUTIVE AGENCY DEFINED.—In this section, the term “executive agency” has the meaning given the term in [section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)] *section 133 of title 41, United States Code*.

### **§ 501 note (National Defense Authorization Act for Fiscal Year 2010, § 326)**

#### **SEC. 326. REQUIREMENT FOR DEBRIEFING RELATED TO CONVERSION OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.**

The Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation to allow for debriefings of Federal employee representatives designated pursuant to 3551(2)(B) of title 31, United States Code, to the same extent and under the same circumstances as any offeror, in the case of a conversion of any function from performance by Federal employees to performance by a contractor. Such debriefings will conform to the requirements of section 2305(b)(6)(A) of title 10, United States Code, [section 303B(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(f))] *section 3705 of title 41, United States Code*, and subparts 15.505 and 15.506 (as in effect on the date of the enactment of this Act) of the Federal Acquisition Regulation.

### **§ 501 note (Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, § 321(a))**

#### **SEC. 321. COMPREHENSIVE ANALYSIS AND DEVELOPMENT OF SINGLE GOVERNMENT WIDE DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION AND CRITERIA FOR CRITICAL FUNCTIONS.**

(a) DEVELOPMENT AND IMPLEMENTATION.—The Director of the Office of Management and Budget, in consultation with appropriate

representatives of the Chief Acquisition Officers Council under [section 16A of the Office of Federal Procurement Policy Act (41 U.S.C. 414b)] *subchapter II of chapter 13 of title 41, United States Code*, and the Chief Human Capital Officers Council under section 1401 of title 5, United States Code, shall—

**§ 501 note (Financial Services and General Government Appropriations Act, 2008, § 739(a)(2)(C))**

SEC. 739. (a) REQUIREMENT FOR PUBLIC PRIVATE COMPETITION.—

\* \* \* \* \*

(2) This paragraph shall not apply to—

\* \* \* \* \*

(C) a commercial or industrial type function that—

(i) is included on the procurement list established pursuant to [section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47)] *section 8503 of title 41, United States Code*; or

(ii) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with [that Act] *chapter 85 of title 41 United States Code*;

**§ 501 note (Transportation, Treasury, and Independent Agencies Appropriations Act, 2004, § 647(f))**

SEC. 647. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of an executive agency, that on or after the date of enactment of this Act, is performed by more than 10 Federal employees unless—

\* \* \* \* \*

(f) In this section, the term “executive agency” has the meaning given such term in [section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)] *section 133 of title 41, United States Code*.

**§ 702 note (Legislative Branch Appropriations Act, 2008, § 1501(d))**

SEC. 1501. CONTRACTS APPEAL BOARD.

(a) DEFINITIONS.—In this section—

\* \* \* \* \*

(d) PROVISIONS APPLICABLE TO APPEALS.—[The Contract Disputes Act of 1978 (Public Law 95–563, 41 U.S.C. 601 et seq.), as amended] *Chapter 71 of title 41, United States Code*, shall apply to appeals to the Board, except that [section 4, subsections 8(a), (b), and (c), and subsection 10(a)] *sections 7102(d), 7104(b), and 7105(a), (c), (d), and (e)(1)(C) of title 41, United States Code*, shall not apply to such appeals and the amount of any claim referenced in [subsection 6(c)] *subsections (b) and (f) of section 7103 of title 41, United States Code*, shall be \$50,000. The Comptroller General shall prescribe regulations for procedures for appeals to the Board



that are consistent with procedures under [the Contract Disputes Act of 1978] *chapter 71 of title 41, United States Code.*

**§ 781(c)(1)**

**§ 781. Authority over the General Accounting Office Building**

\* \* \* \* \*

(c)(1) The Comptroller General is authorized to enter into agreements or contracts to acquire property or services on such terms and conditions and in such a manner as he deems necessary and without regard to [section 6101(b) to (d)] *section 6101* of title 41; except that the Comptroller General may not acquire real property unless specifically authorized by law. In exercising the authority granted by this section, the Comptroller General shall obtain full and open competition in accordance with the principles and purposes of the Competition in Contracting Act of 1984.

**§ 1113 note (Public Law 107–74, § 1(17))**

**SEC. 1. REPORTS.**

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

\* \* \* \* \*

(17) [Section 303(c)(7) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(7))] *Section 3304(a)(7) of title 41, United States Code.*

**§ 1113 note (National Defense Authorization Act for Fiscal Year 2000, § 1031(13))**

**SEC. 1031. PRESERVATION OF CERTAIN DEFENSE REPORTING REQUIREMENTS.**

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

\* \* \* \* \*

(13) [Section 3732 of the Revised Statutes, popularly known as the “Food and Forage Act” (41 U.S.C. 11)] *Section 6301(a) and (b) of title 41, United States Code.*

**§ 1535 note (Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, § 865(d)(1))**

**SEC. 865. PREVENTING ABUSE OF INTERAGENCY CONTRACTS.**

\* \* \* \* \*

(d) DEFINITIONS.—In this section:

(1) The term “executive agency” has the meaning given such term in [section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1))] *section 133 of title 41, United States Code*, except that, in the case of a military department, it means the Department of Defense.

**§ 3718(b)(1)(A)**

**§ 3718. Contracts for collection services**

\* \* \* \* \*

(b)(1)(A) The Attorney General may make contracts retaining private counsel to furnish legal services, including representation in negotiation, compromise, settlement, and litigation, in the case of any claim of indebtedness owed the United States. Each such contract shall include such terms and conditions as the Attorney General considers necessary and appropriate, including a provision specifying the amount of the fee to be paid to the private counsel under such contract or the method for calculating that fee. The amount of the fee payable for legal services furnished under any such contract may not exceed the fee that counsel engaged in the private practice of law in the area or areas where the legal services are furnished typically charge clients for furnishing legal services in the collection of claims of indebtedness, as determined by the Attorney General, considering the amount, age, and nature of the indebtedness and whether the debtor is an individual or a business entity. Nothing in this subparagraph shall relieve the Attorney General of the competition requirements set forth in [division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of sub-title I] *the provisions referred to in section 171(c) of title 41.*

**§ 3903 note (Prompt Payment Act Amendments of 1988, §1A 11)**

SEC. 11. (a) The Federal Acquisition Regulation shall be modified to provide appropriate solicitation provisions and contract clauses that implement chapter 39 of title 31, United States Code, as amended by this Act, and the regulations prescribed under section 3903 of such title (as amended).

(b) The solicitation provisions and contract clauses required by subsection (a) of this section shall include (but not be limited to) the following matters:

(1) Authority for a contracting officer to specify for a contract or class of contracts a specific payment period, which—

\* \* \* \* \*

(C) in the case of payments for items of property or services in an amount less than the amount specified as a small purchase in [section 303(g)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(2))] *section 3305(b) of title 41, United States Code*, does not exceed 15 days after the date of receipt of the invoice, if—

\* \* \* \* \*

(c) The regulations required by subsection (a) of this section shall be published as proposed regulations for public comment as provided in [section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b)] *section 1707 of title 41, United States Code*, within 120 days after the date of the enactment of this Act.

**§ 5114(a)(3)**

**§ 5114. Engraving and printing currency and security documents**

(a) AUTHORITY TO ENGRAVE AND PRINT.—

\* \* \* \* \*

(3) **PROCUREMENT GUIDELINES.**—Articles, material, and supplies procured for use in the production of currency, postage stamps, and other security documents for foreign governments pursuant to paragraph (2) shall be treated in the same manner as articles, material, and supplies procured for public use within the United States for purposes of [title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.; commonly referred to as the Buy American Act)] *chapter 83 of title 41*.

**§ 6101 note (Federal Funding Accountability and Transparency Act of 2006, § 2(b)(1))**

**SEC. 2. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.**

\* \* \* \* \*

(b) **IN GENERAL.**—

(1) **WEBSITE.**—Not later than January 1, 2008, the Office of Management and Budget shall, in accordance with this section, section 204 of the E Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note), and the [Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.)] *provisions referred to in section 172(b) of title 41, United States Code*, ensure the existence and operation of a single searchable website, accessible by the public at no cost to access, that includes for each Federal award—

**§ 6101 note (Federal Acquisition Streamlining Act of 1994, § 2455(c)(1))**

**SEC. 2455. UNIFORM SUSPENSION AND DEBARMENT.**

\* \* \* \* \*

(c) **DEFINITIONS.**—In this section:

(1) The term “procurement activities” means all acquisition programs and activities of the Federal Government, as defined in the Federal Acquisition Regulation. Such term includes subcontracts at any tier, other than subcontracts for commercially available off-the-shelf items (as defined in [section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))] *section 104 of title 41, United States Code*), except that in the case of a contract for commercial items, such term includes only first-tier subcontracts.

**§ 9705(b)(3)**

**§ 9705. Department of the Treasury Forfeiture Fund**

\* \* \* \* \*

(b) **LIMITATIONS.**—

\* \* \* \* \*

(3) The Secretary may exempt the procurement of contract services under the Fund from [division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(c) of title 41, [section 6101(b) to (d)] section 6101 of title 41*, and other provisions of law as may be necessary to maintain the security and confidentiality of related criminal investigations.

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### § 578(a) (River and Harbor Act of 1960, § 108(a))

SEC. 108. (a) Whenever the Secretary of the Army, upon the recommendation of the Chief of Engineers, determines that notwithstanding [the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended] *chapter 5 of title 40, United States Code* with respect to disposal of surplus real property, (1) the development of public port or industrial facilities on land which is part of a water resource development project under his jurisdiction will be in the public interest; (2) that such development will not interfere with the operation and maintenance of the project; and (3) that disposition of the property for these purposes under this section will serve the objectives of the project within which the land is located, he may convey the land by quitclaim deed to a State, political subdivision thereof, port district, port authority, or other body created by the State or through a compact between two or more States for the purpose of developing or encouraging the development of such facilities. In any case, where two or more political subdivisions thereof, or bodies created by, a State or group of States, seek to obtain the same land, the Secretary of the Army shall give preference to that political subdivision or body whose intended use of land will, in his opinion, best promote the purposes for which the project involved was authorized.

### § 702m (Act of May 15, 1928, ch. 569, § 14)

SEC. 14. In every contract or agreement to be made or entered into for the acquisition of land either by private sale or condemnation as in this Act provided the provisions contained in [section 3741 of the Revised Statutes being section 22 of title 41 of the United States Code] *section 6306(a) of title 41, United States Code*, shall be applicable.

### § 891d(a)(1) (NOAA Fleet Modernization Act, § 606(a)(1))

#### SEC. 606. CONTRACT AUTHORITY.

##### (a) MULTIYEAR CONTRACTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), and notwithstanding section 1341 of title 31, [United States Code and section 3732 of the Revised Statutes of the United States (41 U.S.C. 11)] *United States Code*, and *section 6301(a) and (b) of title 41, United States Code*, the Secretary may acquire vessels for the NOAA fleet by purchase, lease, lease-purchase, or otherwise, under one or more multiyear contracts.

### § 941(b)(5) (Longshore and Harbor Workers' Compensation Act, § 41(b)(5))

SEC. 41. (a) Every employer shall furnish and maintain employment and places of employment which shall be reasonably safe for his employees in all employments covered by this Act and shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment used by and working conditions

established by such employers as the Secretary may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees. However, the Secretary may not make determinations by regulation or order under this section as to matters within the scope of title 52 of the Revised Statutes and Acts supplementary or amendatory thereto, the Act of June 15, 1917 (ch. 30, 40 Stat. 220), as amended, or section 4(e) of the Act of August 7, 1953 (ch. 345, 67 Stat. 462), as amended.

(b) The Secretary, in enforcing and administering the provisions of this section, is authorized in addition to such other powers and duties as are conferred upon him—

\* \* \* \* \*

(5) to hold such hearings, issue such orders, and make such decisions, based upon findings of fact, as are deemed to be necessary to enforce the provisions of this section, and for such purposes the Secretary and the district courts shall have the authority and jurisdiction provided by [section 5 of the Act of June 30, 1936 (ch. 881, 49 Stat. 2036), as amended] *section 6507(b) through (f) of title 41, United States Code*, and the Secretary shall be represented in any court proceedings as provided in the Act of May 4, 1928 (ch. 502, 45 Stat. 390), as amended.

**§ 1123(c)(4)(D) (National Sea Grant College Program Act, § 204(c)(4)(D))**

**SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.**

\* \* \* \* \*

(c) RESPONSIBILITIES OF THE SECRETARY.—

\* \* \* \* \*

(4) To carry out the provisions of this title, the Secretary may—

\* \* \* \* \*

(D) enter into contracts, cooperative agreements, and other transactions without regard to [section 5 of title 41] *section 6101 of title 41, United States Code*;

**§ 1254 (Federal Water Pollution Control Act, § 104)**

SEC. 104. (a) The Administrator shall establish national programs for the prevention, reduction, and elimination of pollution and as part of such programs shall—

\* \* \* \* \*

(b) In carrying out the provisions of subsection (a) of this section the Administrator is authorized to—

\* \* \* \* \*

(4) contract with public or private agencies, institutions, organizations, and individuals, without regard to [sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5)] *section 3324(a) and (b) of title 31, United States Code, and sec-*

*tion 6101 of title 41, United States Code, referred to in paragraph (1) of subsection (a);*

\* \* \* \* \*

(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Administrator shall finance pilot programs, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, on entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Administrator is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

\* \* \* \* \*

(3) In furtherance of the purposes of this Act, the Administrator is authorized to—

(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to [sections 3648 and 3709 of the Revised Statutes] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code;*

**§ 1368(f)(2) (Federal Water Pollution Control Act, § 508(f)(2))**

SEC. 508. (a) No Federal agency may enter into any contract with any person, who has been convicted of any offense under section 309(c) of this Act, for the procurement of goods, materials, and services if such contract is to be performed at any facility at which the violation which gave rise to such conviction occurred, and if such facility is owned, leased, or supervised by such person. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to such conviction has been corrected.

\* \* \* \* \*

(f)(1) No certification by a contractor, and no contract clause, may be required in the case of a contract for the acquisition of commercial items in order to implement a prohibition or requirement of this section or a prohibition or requirement issued in the implementation of this section.

(2) In paragraph (1), the term “commercial item” has the meaning given such term in [section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))] *section 103 of title 41, United States Code.*

## TITLE 35—PATENTS

### § 1 note (Omnibus Budget Reconciliation Act of 1990, § 10102)

#### SEC. 10102. FEDERAL AGENCY STATUS.

For the purposes of Federal law, the Patent and Trademark Office shall be considered a Federal agency. In particular, the Patent and Trademark Office shall be subject to all Federal laws pertaining to the procurement of goods and services that would apply to a Federal agency using appropriated funds, including the [Federal Property and Administrative Services Act of 1949 and the Office of Federal Procurement Policy Act] *provisions referred to in sections 171(b) and (c) and 172(b) of title 41, United States Code.*

#### § 2(b)(4)(A)

#### § 2. Powers and duties

\* \* \* \* \*

(b) SPECIFIC POWERS.—The Office—

\* \* \* \* \*

(4)(A) may make such purchases, contracts for the construction, maintenance, or management and operation of facilities, and contracts for supplies or services, without regard to the provisions of subtitle I and chapter 33 of title 40, [division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(c) of title 41, and the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); and*

## TITLE 38—VETERANS' BENEFITS

### § 1966(a)

#### § 1966. Eligible insurance companies

(a) The Secretary is authorized, without regard to [section 6101(b) to (d)] *section 6101* of title 41, to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits specified in this subchapter. Each such life insurance company must (1) be licensed to issue life insurance in each of the fifty States of the United States and in the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Secretary, have in effect at least 1 percent of the total amount of group life insurance which all life insurance companies have in effect in the United States.

#### § 2412(c)(1)

#### § 2412. Lease of land and buildings

\* \* \* \* \*

(c) LEASE TO PUBLIC OR NONPROFIT ORGANIZATIONS.—(1) A lease under subsection (a) to any public or nonprofit organization may be made without regard to the provisions of [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41.*

**§ 3720(b)**

**§ 3720. Powers of Secretary**

\* \* \* \* \*

(b) The powers granted by this section may be exercised by the Secretary without regard to any other provision of law not enacted expressly in limitation of this section, which otherwise would govern the expenditure of public funds, except that **division C** (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle **I** *the provisions referred to in section 171(c)* of title 41 shall apply to any contract for services or supplies on account of any property acquired pursuant to this section.

**§ 7317(f)**

**§ 7317. Hazardous research projects: indemnification of contractors**

\* \* \* \* \*

(f) In administering the provisions of this section, the Secretary may use the facilities and services of private insurance organizations and may contract to pay a reasonable compensation therefor. Any contract made under the provisions of this section may be made without regard to the provisions of **section 6101(b) to (d)** *section 6101* of title 41, upon a showing by the Secretary that advertising is not reasonably practicable, and advance payments may be made under any such contract.

**§ 7802(f)**

**§ 7802. Duties of Secretary with respect to Service**

\* \* \* \* \*

(f) **CONTRACTS AND AGREEMENTS.**—The Secretary shall make all necessary contracts or agreements to purchase or sell merchandise, fixtures, equipment, supplies, and services, without regard to **section 6101(b) to (d)** *section 6101* of title 41 and to do all things necessary to carry out such contracts or agreements, including the making of necessary adjustments and compromising of claims in connection therewith.

**§ 8122(a)(1)**

**§ 8122. Authority to procure and dispose of property and to negotiate for common services**

(a)(1) The Secretary may lease for a term not exceeding three years lands or buildings, or parts or parcels thereof, belonging to the United States and under the Secretary's control. Any lease made pursuant to this subsection to any public or nonprofit organization may be made without regard to the provisions of **section 6101(b) to (d)** *section 6101* of title 41. Notwithstanding section 1302 of title 40, or any other provision of law, a lease made pursuant to this subsection to any public or nonprofit organization may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease. Prior to the execution of any such lease, the Secretary shall give appropriate public notice of the Secretary's intention to do so in the newspaper of the community in which the lands or



buildings to be leased are located. The proceeds from such leases, less expenses for maintenance, operation, and repair of buildings leased for living quarters, shall be covered into the Treasury of the United States as miscellaneous receipts.

**§ 8201(e)**

**§ 8201. Coordination with public health programs; administration**

\* \* \* \* \*

(e) In carrying out the purposes of this chapter, the Secretary may lease to any eligible institution for such consideration and under such terms and conditions as the Secretary deems appropriate, such land, buildings, and structures (including equipment therein) under the control and jurisdiction of the Department as may be necessary. The three-year limitation on the term of a lease prescribed in section 8122(a) of this title shall not apply with respect to any lease entered into pursuant to this chapter, but no such lease may be for a period of more than 50 years. Any lease entered into pursuant to this chapter may be entered into without regard to the provisions of [section 6101(b) to (d)] *section 6101* of title 41. Notwithstanding section 1302 of title 40, or any other provision of law, a lease entered into pursuant to this chapter may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration of the lease.

## TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS

**Public Law 111–350, § 5(l)(23)**

**SEC. 5. CONFORMING CROSS REFERENCES.**

\* \* \* \* \*

(l) TITLE 40.—Title 40, United States Code, is amended as follows:

\* \* \* \* \*

(23) In section 8711(d), strike “section 3709 of the Revised [Statutes] *Statues* (41 U.S.C. 5)” and substitute “section 6101(b) to (d) of title 41”.

**The analysis for chapter 1 of subtitle I**

### CHAPTER 1—GENERAL

\* \* \* \* \*

#### SUBCHAPTER II—SCOPE

111. Application to [division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(c) of title 41.*

**§ 102 (matter before (1))**

**§ 102. Definitions**

The following definitions apply in chapters 1 through 7 of this title [and in division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41]:

**§ 111. Application to [division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(c) of title 41***

In the following provisions, the words “this subtitle” are deemed to refer also to [division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(c) of title 41*:

**§ 113(b)**

**§ 113. Limitations**

\* \* \* \* \*

(b) LIMITATION REGARDING [DIVISION B (EXCEPT SECTIONS 1704 AND 2303) OF SUBTITLE I] *THE PROVISIONS REFERRED TO IN SECTION 172(b) OF TITLE 41*.—The authority conferred by this subtitle is subject to [division B (Except Sections 1704 and 2303) of subtitle I] *the provisions referred to in section 172(b) of title 41*.

**§ 311**

**§ 311. Personnel**

(a) APPOINTMENT AND COMPENSATION.—The Administrator of General Services, subject to chapters 33 and 51 and subchapter III of chapter 53 of title 5, may appoint and fix the compensation of personnel necessary to carry out chapters 1, 3, and 5 of this title and [division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(c) of title 41*.

(b) TEMPORARY EMPLOYMENT.—The Administrator may procure the temporary or intermittent services of experts or consultants under section 3109 of title 5 to the extent the Administrator finds necessary to carry out chapters 1, 3, and 5 of this title and [division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(c) of title 41*.

**§ 501(b)(2)(B)**

**§ 501. Services for executive agencies**

\* \* \* \* \*

(b) PROCUREMENT AND SUPPLY.—

\* \* \* \* \*

(2) POLICIES AND METHODS.—

\* \* \* \* \*

(B) CONTROLLING REGULATION.—Policies and methods prescribed by the Administrator of General Services under this paragraph are subject to regulations prescribed by the Administrator for Federal Procurement Policy under [divi-

sion B (except sections 1704 and 2303) of subtitle I] *the provisions referred to in section 172(b)* of title 41.

**§ 503(b)(3)**

**§ 503. Exchange or sale of similar items**

\* \* \* \* \*

(b) APPLICABLE REGULATION AND LAW.—

(1) REGULATIONS PRESCRIBED BY ADMINISTRATOR OF GENERAL SERVICES.—A transaction under subsection (a) must be carried out in accordance with regulations the Administrator of General Services prescribes, subject to regulations prescribed by the Administrator for Federal Procurement Policy under [division B (except sections 1704 and 2303) of subtitle I] *the provisions referred to in section 172(b)* of title 41.

\* \* \* \* \*

(3) [SECTION 6101(b) TO (d)] *SECTION 6101* OF TITLE 41.—[Section 6101(b) to (d)] *Section 6101* of title 41 applies to a sale of property under subsection (a), except that fixed price sales may be conducted in the same manner and subject to the same conditions as are applicable to the sale of property under section 545(d) of this title.

**§ 506(a)(1)(D)**

**§ 506. Inventory controls and systems**

(a) ACTIVITIES OF THE ADMINISTRATOR OF GENERAL SERVICES.—

(1) IN GENERAL.—Subject to paragraph (2), and after adequate advance notice to affected executive agencies, the Administrator of General Services may undertake the following activities as necessary to carry out functions under this chapter:

\* \* \* \* \*

(D) STANDARD PURCHASE SPECIFICATIONS AND STANDARD FORMS AND PROCEDURES.—Prescribe standard purchase specifications and standard forms and procedures (except forms and procedures that the Comptroller General prescribes by law) subject to regulations the Administrator for Federal Procurement Policy prescribes under [division B (except sections 1704 and 2303) of subtitle I] *the provisions referred to in section 172(b)* of title 41.

**§ 545(f)**

**§ 545. Procedure for disposal**

\* \* \* \* \*

(f) APPLICABILITY OF OTHER LAW.—[Section 6101(b)–(d)] *Section 6101* of title 41 does not apply to a disposal or contract for disposal made under this section.

**§ 1103 note (Services Acquisition Reform Act of 2003, div. A, title XIV, § 1427(b))**

**SEC. 1427. IMPROVEMENTS IN CONTRACTING FOR ARCHITECTURAL AND ENGINEERING SERVICES.**

\* \* \* \* \*

(b) ARCHITECTURAL AND ENGINEERING SERVICES.—Architectural and engineering services (as defined in section 1102 of title 40, United States Code) shall not be offered under multiple-award schedule contracts entered into by the Administrator of General Services or under Governmentwide task and delivery order contracts entered into under sections 2304a and 2304b of title 10, United States Code, or [sections 303H and 303I of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h and 253i)] *sections 4103 and 4105 of title 41, United States Code*, unless such services—

### **§ 1305**

#### **§ 1305. Disposition of land acquired by devise**

The General Services Administration may take custody, for disposal as excess property under [this subtitle and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41] *chapter 5 of this title*, of land acquired by the Federal Government by devise.

### **§ 1308**

#### **§ 1308. Disposition of unfit horses and mules**

Subject to applicable regulations under this subtitle and [division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(c) of title 41*, horses and mules belonging to the Federal Government that have become unfit for service may be destroyed or put out to pasture, either on pastures belonging to the Government or those belonging to financially sound and reputable humane organizations whose facilities permit them to care for the horses and mules during the remainder of their natural lives, at no cost to the Government.

### **§ 3148**

#### **§ 3148. Application of this subchapter to certain contracts**

This subchapter applies to a contract authorized by law that is made without regard to [section 6101(b) to (d)] *section 6101* of title 41, or on a cost-plus-a-fixed-fee basis or otherwise without advertising for proposals, if this subchapter otherwise would apply to the contract.

### **§ 3304(d)(2)**

#### **§ 3304. Acquisition of buildings and sites**

\* \* \* \* \*

(d) SOLICITATION OF PROPOSALS FOR SALE, DONATION, OR EXCHANGE OF REAL PROPERTY.—When the Administrator is to acquire a site under subsection (b), the Administrator, if the Administrator considers it necessary, by public advertisement may solicit proposals for the sale, donation, or exchange of real property to the Federal Government to be used as the site. In selecting a site under subsection (b) the Administrator (with the concurrence of the United States Postal Service if any part of the public building to

be constructed on the site is to be used for post office purposes) may—

\* \* \* \* \*

(2) acquire the site without regard to [division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(c) of title 41.*

#### **§ 3305(a)**

#### **§ 3305. Construction and alteration of buildings**

(a) CONSTRUCTION.—

(1) REPLACEMENT OF EXISTING BUILDINGS.—When the Administrator of General Services considers it to be in the best interest of the Federal Government to construct a new public building to take the place of an existing public building, the Administrator may demolish the existing building and use the site on which it is located for the site of the proposed public building. If the Administrator believes that it is more advantageous to construct the public building on a different site in the same city, the Administrator may exchange the building and site, or the site, for another site, or may sell the building and site in accordance with [subtitle I of this title and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41] *chapter 5 of this title.*

(2) SALE OR EXCHANGE OF SITES.—When the Administrator decides that a site acquired for the construction of a public building is not suitable for that purpose, the Administrator may exchange the site for another site, or may sell it in accordance with [subtitle I of this title and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41] *chapter 5 of this title.*

#### **§ 3308(a)**

#### **§ 3308. Architectural or engineering services**

(a) EMPLOYMENT BY ADMINISTRATOR.—When the Administrator of General Services decides it to be necessary, the Administrator may employ, by contract or otherwise, without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5, civil service rules and regulations, or [section 6101(b) to (d)] *section 6101* of title 41, the services of established architectural or engineering corporations, firms, or individuals, to the extent the Administrator may require those services for any public building authorized to be constructed or altered under this chapter.

#### **§ 3313(g)**

#### **§ 3313. Use of energy efficient lighting fixtures and bulbs**

\* \* \* \* \*

(g) APPLICABILITY OF [BUY AMERICAN ACT] *CHAPTER 83 OF TITLE 41.*—Acquisitions carried out pursuant to this section shall be subject to the requirements of [the Buy American Act (41 U.S.C. 10c et seq.)] *chapter 83 of title 41.*

§ 6111(b)(2)(D)

§ 6111. Supreme Court Building

\* \* \* \* \*

(b) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated under—

\* \* \* \* \*

(2) the heading “Supreme Court of the United States” and “care of the building and grounds” are available for—

\* \* \* \* \*

(D) without compliance with [section 6101(b) to (d)] *section 6101* of title 41—

§ 8711(d)

§ 8711. National Capital Planning Commission

\* \* \* \* \*

(d) PERSONNEL.—The National Capital Planning Commission may employ a Director, an executive officer, and other technical and administrative personnel as it considers necessary. Without regard to [section 6101(b) to (d)] *section 6101* of title 41 and section 3109, chapters 33 and 51, and subchapter III of chapter 53, of title 5, the Commission may employ, by contract or otherwise, the temporary or intermittent (not more than one year) services of city planners, architects, engineers, appraisers, and other experts or organizations of experts, as may be necessary to carry out its functions. The Commission shall fix the rate of compensation so as not to exceed the rate usual for similar services.

§ 11302 note (Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, § 1 [div. A], title VIII, § 813)

SEC. 813. APPROPRIATE USE OF REQUIREMENTS REGARDING EXPERIENCE AND EDUCATION OF CONTRACTOR PERSONNEL IN THE PROCUREMENT OF INFORMATION TECHNOLOGY SERVICES.

(a) AMENDMENT OF THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with [sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421)] *sections 1121 and 1303 of title 41, United States Code*, shall be amended to address the use, in the procurement of information technology services, of requirements regarding the experience and education of contractor personnel.

\* \* \* \* \*

(d) DEFINITIONS.—In this section:

(1) The term “executive agency” has the meaning given that term in [section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1))] *section 133 of title 41, United States Code*.

## TITLE 41—PUBLIC CONTRACTS

**Public Law 111–350, § 7(b)**

### SEC. 7. REPEALS.

The following provisions of law are repealed, except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act.

#### Schedule of Laws Repealed

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 41 unless otherwise specified)	
			Volume	Page	Existing	Proposed
* * *						
1933						
Mar. 3 .....	212 .....	title III, § 1 .....	47	1520 .....	10c	8301
* * *						
		title III, § 4 .....			【10b–1】 10c note	
* * *						
1978						
* * *						
Nov. 1 .....	95–563 .....	【1 .....	92	2383 .....	601 note	】
* * *						
		【16 .....	92	2391 .....	601 note	】

### The analysis for chapter 1

#### CHAPTER 1—DEFINITIONS

\* \* \* \* \*

##### SUBCHAPTER III—DIVISION C DEFINITIONS

\* \* \* \* \*

153. Simplified acquisition threshold for contract in support of humanitarian or peacekeeping operation.

154. *Additional definitions.*

##### SUBCHAPTER IV—REFERENCES TO PROVISIONS FORMERLY CONTAINED IN OTHER LAWS

171. *References to provisions formerly contained in the Federal Property and Administrative Services Act of 1949.*

172. *References to provisions formerly contained in the Office of Federal Procurement Policy Act.*

### §§ 154, 171, 172

#### § 154. *Additional definitions*

*In the provisions referred to in section 171(c), the terms “executive agency”, “Federal agency”, and “property” have the same meanings given in section 102 of title 40.*

##### SUBCHAPTER IV—REFERENCES TO PROVISIONS FORMERLY CONTAINED IN OTHER LAWS

#### § 171. *References to provisions formerly contained in Federal Property and Administrative Services Act of 1949*

(a) *TRANSLATION OF OBSOLETE REFERENCES.—This section provides a convenient form for references to provisions formerly con-*

*tained in the Federal Property and Administrative Services Act of 1949.*

(b) *PROVISIONS FORMERLY CONTAINED IN FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 (OTHER THAN TITLE III).—Provisions formerly contained in the Federal Property and Administrative Services Act of 1949 (other than title III) are restated in chapters 1 through 11 of title 40.*

(c) *PROVISIONS FORMERLY CONTAINED IN TITLE III OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Provisions formerly contained in title III of the Federal Property and Administrative Services Act of 1949 are restated in the following provisions of this title:*

- (1) *Sections 102, 103, 105 through 116, and 151 through 153.*
- (2) *Chapter 31.*
- (3) *Sections 3301, 3303 through 3305, 3306(a) through (e), 3307(a) through (d), and 3308 through 3311.*
- (4) *Sections 3501(a) and 3502 through 3508.*
- (5) *Chapter 37.*
- (6) *Sections 3901 through 3903 and 3905.*
- (7) *Sections 4101, 4103, 4105, and 4106.*
- (8) *Chapter 43.*
- (9) *Chapter 45.*
- (10) *Sections 4701 through 4706 and 4709.*

**§ 172. References to provisions formerly contained in the Office of Federal Procurement Policy Act**

(a) *TRANSLATION OF OBSOLETE REFERENCES.—This section provides a convenient form for references to provisions formerly contained in the Office of Federal Procurement Policy Act.*

(b) *PROVISIONS FORMERLY CONTAINED IN OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Provisions formerly contained in the Office of Federal Procurement Policy Act are restated in the following provisions of this title:*

- (1) *Sections 102 through 105, 107 through 116, and 131 through 134.*
- (2) *Sections 1101, 1102, 1121(a) through (c)(1) and (c)(3) through (f), 1122, 1124 through 1127, 1130, and 1131.*
- (3) *Chapter 13.*
- (4) *Chapter 15.*
- (5) *Sections 1701, 1702, 1703(a) through (h), (i)(2) through (8), and (k), 1705, and 1707 through 1712.*
- (6) *Sections 1901 through 1903, 1905 through 1907, and 1908(b)(1) and (2), (c)(1) and (2), and (d) through (f).*
- (7) *Chapter 21.*
- (8) *Sections 2301, 2302, 2305 through 2310, and 2312.*

**§ 1101 note (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1993, § 502)**

SEC. 502. No part of any appropriation contained in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts shall be expended by an executive agency, [as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.)] *as defined in section 133 of title 41, United States Code, pursuant to any obli-*



gation for services by contract, unless such executive agency has awarded and entered into such contract in full compliance with **§ 1122 note (Small Business Reauthorization Act of 1997, § 414(a))** *the provisions referred to in section 172(b) of title 41, United States Code*, and regulations promulgated thereunder.

**§ 1122 note (Small Business Reauthorization Act of 1997, § 414(a))**

**SEC. 414. REPORTING OF BUNDLED CONTRACT OPPORTUNITIES.**

(a) DATA COLLECTION REQUIRED.—The Federal Procurement Data System described in **§ 1122(a)(4)(A) of title 41, United States Code** [section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A))] shall be modified to collect data regarding bundling of contract requirements when the contracting officer anticipates that the resulting contract price, including all options, is expected to exceed \$5,000,000. The data shall reflect a determination made by the contracting officer regarding whether a particular solicitation constitutes a contract bundling.

**§ 1122 note (Federal Acquisition Streamlining Act of 1994, § 10004)**

**SEC. 10004. DATA COLLECTION THROUGH FEDERAL PROCUREMENT DATA SYSTEM.**

(a) DATA COLLECTION REQUIRED.—The Federal Procurement Data System described in **§ 1122(a)(4)(A) of title 41, United States Code** [section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A))] shall be modified to collect from contracts in excess of the simplified acquisition threshold data identifying the following matters:

\* \* \* \* \*

(b) DEFINITION.—In this section, the term “simplified acquisition threshold” has the meaning given such term in **§ 1127 note (National Defense Authorization Act for Fiscal Year 1998, § 808(g))** [section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))] *section 134 of title 41, United States Code*.

**§ 1127 note (National Defense Authorization Act for Fiscal Year 1998, § 808(g))**

**SEC. 808. LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL.**

\* \* \* \* \*

(g) DEFINITIONS.—In this section:

(1) The term “covered contract” has the meaning given such term in section 2324(l) of title 10, United States Code, and **§ 1127 note (National Defense Authorization Act for Fiscal Year 1998, § 808(g))** [section 306(l) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(l))] *section 4301(2) of title 41, United States Code*.

(2) The terms “compensation” and “senior executives” have the meanings given such terms in section 2324(l) of title 10, United States Code, and **§ 1127 note (National Defense Authorization Act for Fiscal Year 1998, § 808(g))** [section 306(m) of the Federal Property and Administrative Services Act of 1949] *section 4301 of title 41, United States Code*.

§ 1302(b)(1)(C)

§ 1302. Establishment and membership

\* \* \* \* \*

(b) MEMBERSHIP.—

(1) MAKEUP OF COUNCIL.—The council consists of—

\* \* \* \* \*

(C) [The Administrator of National Aeronautics and Space] *the Administrator of the National Aeronautics and Space Administration*; and

§ 1303(a)(1)

§ 1303. Functions and authority

(a) FUNCTIONS.—

(1) ISSUE AND MAINTAIN FEDERAL ACQUISITION REGULATION.—Subject to sections 1121, 1122(a) to (c)(1), 1125, 1126, 1130, 1131, and 2305 of this title, the Administrator of General Services, the Secretary of Defense, and [the Administrator of National Aeronautics and Space] *the Administrator of the National Aeronautics and Space Administration*, pursuant to their respective authorities under division C of this subtitle, chapters 4 and 137 of title 10, and [the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.)] *chapter 201 of title 51, shall jointly issue and maintain in accordance with subsection (d) a single Government-wide procurement regulation, to be known as the Federal Acquisition Regulation.*

§ 1502 note (National Defense Authorization Act for Fiscal Year 2000, § 802)

SEC. 802. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.

\* \* \* \* \*

(c) REGULATION ON TYPES OF CAS COVERAGE.—(1) The Administrator for Federal Procurement Policy shall revise the rules and procedures prescribed pursuant to [section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f))] *section 1502(a) and (b) of title 41, United States Code*, to the extent necessary to increase the thresholds established in section 9903.201–2 of title 48 of the Code of Federal Regulations from \$25,000,000 to \$50,000,000.

(2) Paragraph (1) requires only a change of the statement of a threshold condition in the regulation referred to by section number in that paragraph, and shall not be construed as—

(A) a ratification or expression of approval of—

\* \* \* \* \*

(ii) the manner in which [section 26 of the Office of Federal Procurement Policy Act] *chapter 15 of title 41, United States Code*, is administered through the regulation; or

\* \* \* \* \*

[(g) INAPPLICABILITY OF STANDARDS TO CERTAIN CONTRACTS.—The cost accounting standards issued pursuant to section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)), as

amended by this section, shall not apply during fiscal year 2000 with respect to a contract entered into under the authority provided in chapter 89 of title 5, United States Code (relating to health benefits for Federal employees).】

(h) CONSTRUCTION REGARDING CERTAIN NOT-FOR-PROFIT ENTITIES.—The amendments made by subsections (a) and (b) shall not be construed as modifying or superseding, nor as intended to impair or restrict, the applicability of the cost accounting standards described in 【section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f))】 *section 1502(a) and (b) of title 41, United States Code*, to—

\* \* \* \* \*

(i) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 180 days after the date of enactment of this Act, and shall apply with respect to—

\* \* \* \* \*

(2) determinations made on or after such effective date regarding whether a segment of a contractor or subcontractor is subject to the cost accounting standards under 【section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f))】 *section 1502(a) and (b) of title 41, United States Code*, regardless of whether the contracts on which such determinations are made were entered into before, on, or after such date.

#### § 1703(i)

#### § 1703. Acquisition workforce

\* \* \* \* \*

(i) TRAINING FUND.—

\* \* \* \* \*

(5) TRANSFER AND USE OF FEES COLLECTED FROM DEPARTMENT OF DEFENSE.—The Administrator of General Services shall transfer to the Secretary of Defense fees collected from the Department of Defense pursuant to paragraph (3). The Defense Acquisition University shall use the fees for acquisition workforce training. *Amounts transferred under this paragraph shall be in addition to other amounts authorized for the Defense Acquisition University.*

(6) AMOUNTS NOT TO BE USED FOR OTHER PURPOSES.—The Administrator of General Services, through the Office of Federal 【Procurement】 *Procurement* Policy, shall ensure that amounts collected under this section are not used for a purpose other than the activities set forth in section 1201(a) of this title.

#### § 1703 note (Federal Acquisition Streamlining Act of 1994, § 5051(c)(2)(A))

#### SEC. 5051. PERFORMANCE BASED MANAGEMENT.

\* \* \* \* \*

(c) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—Within one year after the date of the enactment of this Act, the Deputy Director for Management of the Office of Management and Budget, in consultation with appropriate officials in other departments and

agencies of the Federal Government, shall, to the maximum extent consistent with applicable law—

\* \* \* \* \*

(2) review the incentives and personnel actions available to the heads of departments and agencies of the Federal Government for encouraging excellence in the acquisition workforce of the Federal Government and provide an enhanced system of incentives for the encouragement of excellence in such workforce which—

(A) relates pay to performance (including the extent to which the performance of personnel in such workforce contributes to achieving the cost goals, schedule goals, and performance goals established for acquisition programs pursuant to [section 313(b) of the Federal Property and Administrative Services Act of 1949, as added by subsection (a)] *section 3103(b) of title 41, United States Code*; and

**§ 1709 note (Federal Acquisition Streamlining Act of 1994, § 6002(b))**

**SEC. 6002. CONTRACTING FUNCTIONS BY FEDERAL PERSONNEL.**

\* \* \* \* \*

(b) REQUIREMENT FOR GUIDANCE AND REGULATIONS.—The Federal Acquisition Regulatory Council established by [section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a))] *section 1302(a) of title 41, United States Code*, shall—

**§ 1902 note (Small Business Jobs Act of 2010, § 1332)**

**SEC. 1332. MICRO-PURCHASE GUIDELINES.**

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Administrator of General Services, shall issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in purchases in an amount not in excess of the micro-purchase threshold, as defined in [section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428)] *section 1902 of title 41, United States Code* (in this section referred to as “micro-purchases”), consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

**§ 2313**

**§ 2313. Database for Federal agency contract and grant officers and suspension and debarment officials**

\* \* \* \* \*

(e) USE OF DATABASE.—

[(1) AVAILABILITY TO GOVERNMENT OFFICIALS.—The Administrator of General Services shall ensure that the information in the database is available to appropriate acquisition officials of Federal agencies, other government officials as the Adminis-

trator of General Services determines appropriate, and, on request, the Chairman and Ranking Member of the committees of Congress having jurisdiction.】

(1) AVAILABILITY.—

(A) *TO GOVERNMENT OFFICIALS.*—The Administrator of General Services shall ensure that the information in the database is available to appropriate acquisition officials of Federal agencies, other government officials as the Administrator of General Services determines appropriate, and, on request, the Chairman and Ranking Member of the committees of Congress having jurisdiction.

(B) *TO THE PUBLIC.*—The Administrator of General Services shall post the information in the database, excluding past performance reviews, on a publicly available website.

## The analysis for chapter 31

### CHAPTER 31—GENERAL

Sec.

\* \* \* \* \*

#### § 3103

#### § 3103. [Acquisition programs] Goals for major acquisition programs.

**note prec. 3901 (Federal Property and Administrative Services Act of 1949, § 317(b)(3)(B))**

#### SEC. 317. SHARE IN SAVINGS CONTRACTS.

\* \* \* \* \*

(b) CANCELLATION AND TERMINATION.—(1) If funds are not made available for the continuation of a share-in-savings contract entered into under this section in a subsequent fiscal year, the contract shall be canceled or terminated. The costs of cancellation or termination may be paid out of—

\* \* \* \* \*

(3)(A) Subject to subparagraph (B), the head of an executive agency may enter into share-in-savings contracts under this section in any given fiscal year even if funds are not made specifically available for the full costs of cancellation or termination of the contract if funds are available and sufficient to make payments with respect to the first fiscal year of the contract and the following conditions are met regarding the funding of cancellation and termination liability:

\* \* \* \* \*

(B) The aggregate number of share-in-savings contracts that may be entered into under subparagraph (A) by all executive agencies to which **【this chapter applies】** *the provisions referred to in section 171(c) of title 41, United States Code, apply* in a fiscal year may not exceed 5 in each of fiscal years 2003, 2004, and 2005.

**§ 4304 note (Federal Acquisition Streamlining Act of 1994,  
§ 2192(b)(2))**

**SEC. 2192. REVISION OF COST PRINCIPLE RELATING TO ENTERTAINMENT, GIFT, AND RECREATION COST FOR CONTRACTOR EMPLOYEES.**

\* \* \* \* \*

(b) DEFINITIONS.—In this section:

\* \* \* \* \*

(2) The term “covered contract” has the meaning given such term in section 2324(l) of title 10, United States Code (as amended by section 2101(c)), and [section 306(l) of the Federal Property and Administrative Services Act of 1949 (as added by section 2151)] *section 4301(2) of title 41, United States Code.*

**§ 6503(b)**

**§ 6503. Breach or violation of required contract terms**

\* \* \* \* \*

[(b) LIQUIDATED DAMAGES.—In addition to damages for any other breach of the contract, the party responsible for a breach or violation described in subsection (a) is liable to the Federal Government for the following liquidated damages:

(1) An amount equal to the sum of \$10 per day for each individual under 16 years of age and each incarcerated individual knowingly employed in the performance of the contract.

(2) An amount equal to the sum of each underpayment of wages due an employee engaged in the performance of the contract, including any underpayments arising from deductions, rebates, or refunds.]

(b) *LIQUIDATED DAMAGES.—In addition to damages for any other breach of the contract, the party responsible for a breach or violation described in subsection (a) is liable to the Federal Government for the following liquidated damages:*

*(1) An amount equal to the sum of \$10 per day for each individual under 16 years of age knowingly employed in the performance of the contract.*

*(2) An amount equal to the sum of \$10 per day for each incarcerated individual knowingly employed in the performance of the contract.*

*(3) An amount equal to the sum of wage underpayments due employees engaged in the performance of the contract, including any underpayments arising from deductions, rebates, or refunds.*

**§ 6504**

**§ 6504. Three-year prohibition on new contracts in case of breach or violation**

(a) DISTRIBUTION OF LIST.—The Comptroller General shall distribute to [each agency] *all agencies* of the United States a list containing the names of persons or firms found by the Secretary to have breached or violated a representation or stipulation included in a contract under section 6502 of this title.

(b) THREE YEAR PROHIBITION.—Unless the Secretary recommends otherwise, a contract [described in section 6502 of this

title] may not be awarded to a person named on the list under subsection (a), or to a firm, corporation, partnership, or association in which the person has a controlling interest, until 3 years have elapsed from the date of the determination by the Secretary that a breach or violation occurred.

#### § 6506(b)

#### § 6506. Administrative provisions

\* \* \* \* \*

(b) REGULATIONS.—The Secretary may make, amend, and rescind rules and regulations as may be necessary to carry out this chapter.

#### § 6507

#### § 6507. Hearing authority and procedures

\* \* \* \* \*

(b) AUTHORITY TO HOLD HEARINGS.—The Secretary or an impartial representative designated by the Secretary may hold hearings when there is a complaint of breach or violation of a representation or stipulation [included in a contract] *included in a proposal or contract* under section 6502 of this title. The Secretary may initiate hearings on the Secretary's own motion or on the application of a person affected by the ruling of an agency of the United States relating to a proposal or contract under this chapter.

\* \* \* \* \*

(d) ENFORCEMENT OF ORDERS.—If a person refuses or fails to obey an order issued under subsection (c), the Secretary or [an impartial] a representative designated by the Secretary may bring an action to enforce the order in a district court of the United States or in the district court of a territory or possession of the United States. A court has jurisdiction to enforce the order if the inquiry is being carried out within the court's judicial district or if the person is found or resides or transacts business within the court's judicial district. The court may issue an order requiring the person to obey the order issued under subsection (c), and the court may punish any further refusal or failure as contempt of court.

#### § 6508

#### § 6508. Authority to make exceptions

(a) DUTY OF THE SECRETARY TO MAKE EXCEPTIONS.—When the head of [an agency] *the contracting agency* of the United States makes a written finding that the inclusion of representations or stipulations under section 6502 of this title in a proposal or contract will seriously impair the conduct of Federal Government business, the Secretary shall make exceptions, in specific cases or otherwise, when justice or the public interest will be served.

(b) AUTHORITY OF THE SECRETARY TO MODIFY EXISTING CONTRACTS.—When [an agency] *the contracting agency* of the United States and a contractor jointly recommend, the Secretary may modify the terms of an existing contract with respect to minimum wages and maximum hours of labor as the Secretary finds nec-

essary and proper in the public interest or to prevent injustice and undue hardship.

(c) **AUTHORITY OF THE SECRETARY TO ALLOW LIMITATIONS, VARIATIONS, TOLERANCES, AND EXEMPTIONS.**—The Secretary may provide reasonable limitations and may prescribe *rules and* regulations to allow reasonable variations, tolerances, and exemptions in the application of this chapter to contractors, including with respect to minimum wages and maximum hours of labor.

#### **§ 6701(3)(A)**

#### **§ 6701. Definitions**

In this chapter:

\* \* \* \* \*

(3) **SERVICE EMPLOYEE.**—The term “service employee”—

(A) means an individual engaged in the performance of a contract made by the Federal Government or the District of Columbia and not exempted under section 6702(b) of this title, whether negotiated or advertised, the principal purpose of which is to furnish services in the United States;

#### **§ 6702(a)**

#### **§ 6702. Contracts to which this chapter applies**

(a) **IN GENERAL.**—Except as provided in subsection (b), this chapter applies to any contract or bid specification for a contract, whether negotiated or advertised, that—

(1) is made by the Federal Government or the District of Columbia; and

[(2) involves an amount exceeding \$2,500; and]

[(3)] (2) has as its principal purpose the furnishing of services in the United States through the use of service employees.

#### **§ 6703**

#### **§ 6703. Required contract terms**

[A contract, and bid specification for a contract, to which this chapter applies under section 6702 of this title shall contain the following terms:]

*A contract, and bid specification for a contract, that involves an amount exceeding \$2,500 and that is subject to this chapter under section 6702 of this title, shall contain the following terms:*

(1) **MINIMUM WAGE.**—The contract and bid specification shall contain a provision specifying the minimum wage to be paid to [each class of service employee] *the various classes of service employees* engaged in the performance of the contract or any subcontract, as determined by the Secretary or the Secretary’s authorized representative, in accordance with prevailing rates in the locality, or, where a collective-bargaining agreement covers the service employees, in accordance with the rates provided for in the agreement, including prospective wage increases provided for in the agreement as a result of arm’s length negotiations. In any case the minimum wage may not be less than the minimum wage specified in section 6704 of this title.



(2) FRINGE BENEFITS.—The contract and bid specification shall contain a provision specifying the fringe benefits to be provided to **[each class of service employee]** *the various classes of service employees* engaged in the performance of the contract or any subcontract, as determined by the Secretary or the Secretary's authorized representative to be prevailing in the locality, or, where a collective-bargaining agreement covers the service employees, to be provided for under the agreement, including prospective fringe benefit increases provided for in the agreement as a result of arm's-length negotiations. The fringe benefits shall include medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, unemployment benefits, life insurance, disability and sickness insurance, accident insurance, vacation and holiday pay, costs of apprenticeship or other similar programs and other bona fide fringe benefits not otherwise required by Federal, State, or local law to be provided by the contractor or subcontractor. The obligation under this paragraph may be discharged by furnishing any equivalent combinations of fringe benefits or by making equivalent or differential payments in cash under *rules and* regulations established by the Secretary.

\* \* \* \* \*

(5) GENERAL SCHEDULE PAY RATES AND PREVAILING RATE SYSTEMS.—The contract and bid specification shall contain a statement of the rates that would be paid by the Federal agency to **[each class of service employee]** *the various classes of service employees* if section 5332 or 5341 of title 5 were applicable to them. The Secretary shall give due consideration to these rates in making the wage and fringe benefit determinations specified in this section.

## § 6705

### § 6705. Violations

\* \* \* \* \*

#### (b) RECOVERY OF AMOUNTS UNDERPAID TO EMPLOYEES.—

##### (1) WITHHOLDING ACCRUED PAYMENTS DUE ON CONTRACTS.—

**[The total amount]** *An amount* determined under subsection (a) to be due any employee engaged in the performance of a contract may be withheld from accrued payments due on the contract or on any other contract between the same contractor and the Federal Government. The amount withheld shall be held in a deposit fund. On order of the Secretary, the compensation found by the Secretary or the head of a Federal agency to be due an underpaid employee pursuant to this chapter shall be paid from the deposit fund directly to the underpaid employee.

(2) BRINGING ACTIONS AGAINST CONTRACTORS.—If the accrued payments withheld under the terms of the contract are insufficient to reimburse **[a service employee]** *all service employees* with respect to whom there has been a failure to pay the compensation required pursuant to this chapter, the Federal Government may bring action against the contractor, subcontractor, or any sureties in any court of competent jurisdiction

to recover the remaining amount of underpayment. Any amount recovered shall be held in the deposit fund and shall be paid, on order of the Secretary, directly to the [underpaid employee] *underpaid employees*. Any amount not paid to an employee because of inability to do so within 3 years shall be covered into the Treasury as miscellaneous receipts.

\* \* \* \* \*

(d) ENFORCEMENT OF SECTION.—In accordance with *rules and regulations* prescribed pursuant to section 6707(a)–(d) of this title, the Secretary or the head of [a Federal agency] *the Federal agency* may carry out this section.

#### **§ 6706(b)**

#### **§ 6706. Three-year prohibition on new contracts in case of violation**

\* \* \* \* \*

(b) THREE YEAR PROHIBITION.—Unless the Secretary recommends otherwise because of unusual circumstances, a Federal Government contract may not be awarded to a person or firm named on the list under subsection (a), or to an entity in which the person or firm has a substantial interest, until 3 years have elapsed from the date of publication of the list. If the Secretary does not recommend otherwise because of unusual circumstances, the Secretary shall, not later than 90 days after [a hearing examiner] *an administrative law judge* has made a finding of a violation of this chapter, forward to the Comptroller General the name of the person or firm found to have violated this chapter.

#### **§ 6707**

#### **§ 6707. Enforcement and administration of chapter**

(a) ENFORCEMENT OF CHAPTER.—Sections 6506 and [6507] *6507(b) through (f)* of this title govern the Secretary's authority to enforce this chapter, including the Secretary's authority to prescribe rules and regulations, issue orders, hold hearings, make decisions based on findings of fact, and take other appropriate action under this chapter.

(b) LIMITATIONS AND REGULATIONS FOR VARIATIONS, TOLERANCES, AND EXEMPTIONS.—The Secretary may provide reasonable limitations and may prescribe *rules and* regulations allowing reasonable variation, tolerances, and exemptions with respect to this chapter (other than subsection (f)), but only in special circumstances where the Secretary determines that the limitation, variation, tolerance, or exemption is necessary and proper in the public interest or to avoid the serious impairment of Federal Government business, and is in accord with the remedial purpose of this chapter to protect prevailing labor standards.

(c) PRESERVATION OF WAGES AND BENEFITS DUE UNDER PREDECESSOR CONTRACTS.—

(1) IN GENERAL.—Under a contract which succeeds a contract subject to this chapter, and under which substantially the same services are furnished, a contractor or subcontractor may not pay a service employee less than [the wages and fringe benefits the service employee would have received under the

predecessor contract, including accrued wages and fringe benefits and any prospective increases in wages and fringe benefits provided for in a collective-bargaining agreement as a result of arm's-length negotiations] *the wages and fringe benefits provided for in a collective-bargaining agreement as a result of arm's-length negotiations to which the service employees would have been entitled if they were employed under the predecessor contract, including accrued wages and fringe benefits and any prospective increases in wages and fringe benefits provided for in the collective-bargaining agreement.*

(2) EXCEPTION.—This subsection does not apply if the Secretary finds after a hearing in accordance with regulations adopted by the Secretary that wages and fringe benefits [under the predecessor contract] *established under the predecessor contract through collective bargaining* are substantially at variance with wages and fringe benefits prevailing in the same locality for services of a similar character.

(d) DURATION OF CONTRACTS.—Subject to limitations in annual appropriation acts but notwithstanding any other law, a contract to which this chapter applies may, if authorized by the Secretary, be for any term of years not exceeding 5, if the contract provides for periodic adjustment of wages and fringe benefits pursuant to future determinations, issued in the manner prescribed in section 6703 of this title at least once every 2 years during the term of the contract, covering [each class of service employee] *the various classes of service employees.*

\* \* \* \* \*

### The analysis for subtitle III

## Subtitle III—Contract Disputes

Chapter	Sec.
71. Contract Disputes .....	7101
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### § 7105

#### § 7105. Agency boards

\* \* \* \* \*

##### (b) CIVILIAN BOARD.—

\* \* \* \* \*

##### (4) FUNCTIONS.—

(A) IN GENERAL.—The Civilian Board has jurisdiction as provided by [subsection (e)(1)(B)] *subparagraphs (B) and (D) of subsection (e)(1).*

\* \* \* \* \*

##### (D) CENTRAL INTELLIGENCE AGENCY CONTRACTS.—

(i) DEFINITION.—*In this subparagraph, the term “specified board” means the Armed Services Board or the Civilian Board, whichever is specified by a contracting officer of the Central Intelligence Agency to*

*hear an appeal from a decision being made by the contracting officer.*

(ii) *APPEAL AND JURISDICTION.*—An appeal from a decision of a contracting officer of the Central Intelligence Agency, relating to a contract made by the Central Intelligence Agency, may be filed with the specified board, and the specified board has jurisdiction to decide that appeal.

(**[D]** *E*) OTHER AGENCY BOARDS.—

## **Chapter 73**

### **CHAPTER 73—FINALITY OF ADMINISTRATIVE DECISIONS IN DISPUTES ARISING UNDER CONTRACTS NOT SUBJECT TO CHAPTER 71**

*Sec.*

7301. *Definitions.*

7302. *Finality and conclusiveness of decisions.*

7303. *Limitation on pleading.*

7304. *Limitation on finality of decisions as to questions of law.*

#### **§ 7301. Definitions**

*In this chapter:*

(1) *COVERED CONTRACT.*—The term “covered contract” means a contract entered into by the United States that is not subject to chapter 71 of this title.

(2) *DECISIONMAKER.*—The term “decisionmaker” means the head of a Federal agency, a representative of the head of the agency, or a board that makes a decision in a dispute arising under a covered contract,

#### **§ 7302. Finality and conclusiveness of decisions**

*In a dispute arising under a covered contract, a decision by a decisionmaker is final and conclusive unless it is fraudulent, capricious, arbitrary, or so grossly erroneous as to necessarily imply bad faith or is not supported by substantial evidence.*

#### **§ 7303. Limitation on pleading**

*A provision of a covered contract relating to the finality or conclusiveness of decisions by a decisionmaker may not be pleaded in a civil action as limiting judicial review to a case in which fraud by the decisionmaker is alleged.*

#### **§ 7304. Limitation on finality of decisions as to questions of law**

*A covered contract may not contain a provision making the decision of a decisionmaker final as to questions of law.*

#### **§ 8301 note (Energy and Water Development Appropriations Act, 1989, § 508)**

#### **SEC. 508. IMPLEMENTATION OF [BUY AMERICAN ACT] CHAPTER 83 OF TITLE 41, UNITED STATES CODE, WITH RESPECT TO CERTAIN WATER RESOURCE PROJECTS.**

SEC. 508. (a) **GENERAL RULE.**—For purposes of [title III of the Act of March 3, 1933 (47 Stat. 1520; 41 U.S.C. 10a–10c), commonly known as the Buy American Act] *chapter 83 of title 41, United States Code*, a cofferdam or any other temporary structure to be

constructed by the Secretary of the Army, acting through the Chief of Engineers, shall be treated in the same manner as a permanent dam constructed by the Secretary of the Army.

**§ 8501 note (John Warner National Defense Authorization Act for Fiscal Year 2007, § 856(a))**

**SEC. 856. CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.**

(a) INAPPLICABILITY OF CERTAIN LAWS.—

(1) INAPPLICABILITY OF THE RANDOLPH-SHEPPARD ACT TO CONTRACTS AND SUBCONTRACTS FOR MILITARY DINING FACILITY SUPPORT SERVICES COVERED BY **THE JAVITS-WAGNER-O'DAY ACT** *CHAPTER 85 OF TITLE 41, UNITED STATES CODE*.—The Randolph-Sheppard Act (20 U.S.C. 107 et seq.) does not apply to full food services, mess attendant services, or services supporting the operation of a military dining facility that, as of the date of the enactment of this Act, were services on the procurement list established under **section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47)** *section 8503 of title 41, United States Code*.

(2) INAPPLICABILITY OF **THE JAVITS-WAGNER-O'DAY ACT** *CHAPTER 85 OF TITLE 41, UNITED STATES CODE*, TO CONTRACTS FOR THE OPERATION OF A MILITARY DINING FACILITY.—(A) **THE JAVITS-WAGNER-O'DAY ACT (41 U.S.C. 46 et seq.)** *Chapter 85 of title 41, United States Code*, does not apply at the prime contract level to any contract entered into by the Department of Defense as of the date of the enactment of this Act with a State licensing agency under the Randolph-Sheppard Act (20 U.S.C. 107 et seq.) for the operation of a military dining facility.

(B) **THE JAVITS-WAGNER-O'DAY ACT** *Chapter 85 of title 41, United States Code*, shall apply to any subcontract entered into by a Department of Defense contractor for full food services, mess attendant services, and other services supporting the operation of a military dining facility.

**§ 8501 note (National Defense Authorization Act for Fiscal Year 2006, § 848(b))**

**SEC. 848. STATEMENT OF POLICY AND REPORT RELATING TO CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.**

(b) STATEMENT OF POLICY.—The Secretary of Defense, the Secretary of Education, and the Chairman of the Committee for Purchase From People Who Are Blind or Severely Disabled shall jointly issue a statement of policy related to the implementation of the Randolph-Sheppard Act (20 U.S.C. 107 et seq.) and **the Javits-Wagner-O'Day Act (41 U.S.C. 48)** *chapter 85 of title 41, United States Code*, within the Department of Defense and the Department of Education. The joint statement of policy shall specifically address the application of **those Acts** *the Randolph-Sheppard Act and chapter 85 of title 41, United States Code*, to both operation and management of all or any part of a military mess hall, military troop dining facility, or any similar dining facility operated for the purpose of providing meals to members of the Armed Forces, and shall take into account and address, to the extent practicable, the positions acceptable to persons representing programs implemented

under [each Act] *the Randolph-Sheppard Act or chapter 85 of title 41, United States Code.*

## TITLE 42—THE PUBLIC HEALTH AND WELFARE

### § 238m(b)(1) (Public Health Service Act, § 244(b)(1))

SEC. 244. (a) The Secretary may enter into contracts with fiscal agents—

\* \* \* \* \*

(b)(1) Contracts under subsection (a) of this section may be entered into without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, or any other provision of law requiring competition.

### § 242k(f) (Public Health Service Act, § 306(f))

SEC. 306. (a) There is established in the Department of Health and Human Services the National Center for Health Statistics (hereinafter in this section referred to as the “Center”) which shall be under the direction of a Director who shall be appointed by the Secretary. The Secretary, acting through the Center, shall conduct and support statistical and epidemiological activities for the purpose of improving the effectiveness, efficiency, and quality of health services in the United States.

\* \* \* \* \*

(f) To assist in carrying out this section, the Secretary, acting through the Center, shall cooperate and consult with the Departments of Commerce and Labor and any other interested Federal departments or agencies and with State and local health departments and agencies. For such purpose he shall utilize insofar as possible the services or facilities of any agency of the Federal Government and, without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, of any appropriate State or other public agency, and may, without regard to such section, utilize the services or facilities of any private agency, organization, group, or individual, in accordance with written agreements between the head of such agency, organization, or group and the Secretary or between such individual and the Secretary. Payment, if any, for such services or facilities shall be made in such amounts as may be provided in such agreement.

### § 242m(f) (Public Health Service Act, § 308(f))

SEC. 308. (a)(1) Not later than March 15 of each year, the Secretary shall submit to the President and Congress the following reports:

\* \* \* \* \*

(f) Contracts may be entered into under section 304 or 306 without regard to section 3324 of title 31 and [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*.

**§ 247d-6a(b) (Public Health Service Act, § 319F-1(b))**

**SEC. 319F-1. AUTHORITY FOR USE OF CERTAIN PROCEDURES REGARDING QUALIFIED COUNTERMEASURE RESEARCH AND DEVELOPMENT ACTIVITIES.**

\* \* \* \* \*

**(b) EXPEDITED PROCUREMENT AUTHORITY.—**

**(1) INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR QUALIFIED COUNTERMEASURE PROCUREMENTS.—**

(A) IN GENERAL.—For any procurement by the Secretary of property or services for use (as determined by the Secretary) in performing, administering, or supporting qualified countermeasure research or development activities under this section that the Secretary determines necessary to respond to pressing research and development needs under this section, the amount specified in [section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))] *section 134 of title 41, United States Code*, as applicable pursuant to [section 302A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a))] *section 3101(b)(1)(A) of title 41, United States Code*, shall be deemed to be \$25,000,000 in the administration, with respect to such procurement, of—

(i) [section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A))] *section 3305(a)(1) of title 41, United States Code*, and its implementing regulations; and

(ii) [section 302A of such Act (41 U.S.C. 252a(b))] *section 3101(b)(1)(B) of title 41, United States Code*, and its implementing regulations.

(B) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subparagraph (A) and the provision of law and regulations referred to in such subparagraph, each of the following provisions shall apply to procurements described in this paragraph to the same extent that such provisions would apply to such procurements in the absence of subparagraph (A):

\* \* \* \* \*

(ii) [Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b))] *Section 8703(a) of title 41, United States Code*.

(iii) [Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d)] *Section 4706 of title 41, United States Code* (relating to the examination of contractor records).

\* \* \* \* \*

(v) [Subsection (a) of section 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a))] *Section 3901 of title 41, United States Code* (relating to contingent fees to middlemen).

\* \* \* \* \*

**(2) PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.—**

(A) IN GENERAL.—In using the authority provided in [section 303(c)(1) of title III of the Federal Property and

Administrative Services Act of 1949 (41 U.S.C. 253(c)(1))】 *section 3304(a)(1) of title 41, United States Code*, to use procedures other than competitive procedures in the case of a procurement described in paragraph (1) of this subsection, the phrase “available from only one responsible source” in 【such section 303(c)(1)】 *such section 3304(a)(1)* shall be deemed to mean “available from only one responsible source or only from a limited number of responsible sources”.

\* \* \* \* \*

(C) APPLICABLE GOVERNMENT-WIDE REGULATIONS.—The Secretary shall implement this paragraph in accordance with government-wide regulations implementing 【such section 303(c)(1)】 *such section 3304(a)(1)* (including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered), as such regulations apply to procurements for which an agency has authority to use procedures other than competitive procedures when the property or services needed by the agency are available from only one responsible source or only from a limited number of responsible sources and no other type of property or services will satisfy the needs of the agency.

(3) INCREASED MICROPURCHASE THRESHOLD.—

(A) IN GENERAL.—For a procurement described by paragraph (1), the amount specified in 【subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428)】 *section 1902(a), (d), and (e) of title 41, United States Code*, shall be deemed to be \$15,000 in the administration of that section with respect to such procurement.

**§ 247d-6b(c)(7)(B) (Public Health Service Act, § 319F-2(c)(7)(B))**

**SEC. 319F-2. STRATEGIC NATIONAL STOCKPILE AND SECURITY COUNTERMEASURE PROCUREMENTS.**

\* \* \* \* \*

(c) ADDITIONAL AUTHORITY REGARDING PROCUREMENT OF CERTAIN COUNTERMEASURES; AVAILABILITY OF SPECIAL RESERVE FUND.—

(7) PROCUREMENT.—

\* \* \* \* \*

(B) PROCUREMENT.—

\* \* \* \* \*

(ii) CONTRACT TERMS.—A contract for procurements under this subsection shall (or, as specified below, may) include the following terms:

\* \* \* \* \*

(VII) SALES EXCLUSIVITY.—The contract may provide that the vendor is the exclusive supplier of the product to the Federal Government for a specified period of time, not to exceed the term of



the contract, on the condition that the vendor is able to satisfy the needs of the Government. During the agreed period of sales exclusivity, the vendor shall not assign its rights of sales exclusivity to another entity or entities without approval by the Secretary. Such a sales exclusivity provision in such a contract shall constitute a valid basis for a sole source procurement under [section 303(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1))] *section 3304(a)(1) of title 41, United States Code.*

\* \* \* \* \*

(iii) AVAILABILITY OF SIMPLIFIED ACQUISITION PROCEDURES.—

(I) IN GENERAL.—If the Secretary determines that there is a pressing need for a procurement of a specific countermeasure, the amount of the procurement under this subsection shall be deemed to be below the threshold amount specified in [section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))] *section 134 of title 41, United States Code*, for purposes of application to such procurement, pursuant to [section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a))] *section 3101(b)(1)(A) of title 41, United States Code* of—

(aa) [section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A))] *section 3305(a)(1) of title 41, United States Code*, and its implementing regulations; and

(bb) [section 302A(b) of such Act (41 U.S.C. 252a(b))] *section 3101(b)(1)(B) of title 41, United States Code*, and its implementing regulations.

(II) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subclause (I) and the provision of law and regulations referred to in such clause, each of the following provisions shall apply to procurements described in this clause to the same extent that such provisions would apply to such procurements in the absence of subclause (I):

\* \* \* \* \*

(bb) [Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b))] *Section 8703(a) of title 41, United States Code.*

(cc) [Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d)] *Section 4706 of title 41, United*

*States Code* (relating to the examination of contractor records).

\* \* \* \* \*

(ee) **Subsection (a) of section 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a))** *Section 3901 of title 41, United States Code* (relating to contingent fees to middlemen).

\* \* \* \* \*

(iv) PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.—

(I) IN GENERAL.—In using the authority provided in **section 303(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1))** *section 3304(a)(1) of title 41, United States Code*, to use procedures other than competitive procedures in the case of a procurement under this subsection, the phrase “available from only one responsible source” in **such section 303(c)(1)** *such section 3304(a)(1)* shall be deemed to mean “available from only one responsible source or only from a limited number of responsible sources”.

\* \* \* \* \*

(III) APPLICABLE GOVERNMENT-WIDE REGULATIONS.—The Secretary shall implement this clause in accordance with government-wide regulations implementing **such section 303(c)(1)** *such section 3304(a)(1)* (including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered), as such regulations apply to procurements for which an agency has authority to use procedures other than competitive procedures when the property or services needed by the agency are available from only one responsible source or only from a limited number of responsible sources and no other type of property or services will satisfy the needs of the agency.

\* \* \* \* \*

(vii) LIMITING COMPETITION TO SOURCES RESPONDING TO REQUEST FOR INFORMATION.—In conducting a procurement under this subsection, the Secretary may exclude a source that has not responded to a request for information under **section 303A(a)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a(a)(1)(B))** *section 3306(a)(1)(B) of title 41, United States Code*, if such request has given notice that the Secretary may so exclude such a source.

**§ 247d-7e(c)(5) (Public Health Service Act, § 319L(c)(5))**

**SEC. 319L. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.**

\* \* \* \* \*

(c) BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.—

\* \* \* \* \*

(5) TRANSACTION AUTHORITIES.—

\* \* \* \* \*

(C) ADVANCE PAYMENTS; ADVERTISING.—The Secretary may waive the requirements of section 3324(a) of title 31, United States Code, or [section 3709 of the Revised Statutes of the United States (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, upon the determination by the Secretary that such waiver is necessary to obtain countermeasures or products under this section.

\* \* \* \* \*

(F) ESTABLISHMENT OF RESEARCH CENTERS.—The Secretary may assess the feasibility and appropriateness of establishing, through contract, grant, cooperative agreement, or other transaction, an arrangement with an existing research center in order to achieve the goals of this section. If such an agreement is not feasible and appropriate, the Secretary may establish one or more federally funded research and development centers, or university-affiliated research centers, in accordance with [section 303(c)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3))] *section 3304(a)(3) of title 41, United States Code*.

**§ 285a-2(b)(8) (Public Health Service Act, § 413(b)(8))**

SEC. 413. (a)(1) The Director of the Institute shall establish an information and education program to collect, identify, analyze, and disseminate on a timely basis, through publications and other appropriate means, to cancer patients and their families, physicians and other health professionals, and the general public, information on cancer research, diagnosis, prevention, and treatment (including information respecting nutrition programs for cancer patients and the relationship between nutrition and cancer). The Director of the Institute may take such action as may be necessary to insure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the Institute and the public and between the Institute and other scientific, medical, and biomedical disciplines and organizations nationally and internationally.

\* \* \* \* \*

(b) The Director of the Institute in carrying out the National Cancer Program—

\* \* \* \* \*

(8) may, subject to section 284(b)(2) of this title and without regard to section 3324 of title 31, United States Code, and [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section*

6101 of title 41, United States Code, enter into such contracts, leases, cooperative agreements, as may be necessary in the conduct of functions of the Director, with any public agency, or with any person, firm, association, corporation, or educational institution; and

**§ 285b-3(b)(3) (Public Health Service Act, § 421(b)(3))**

SEC. 421. (a)(1) The National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program (hereafter in this subpart referred to as the “Program”) may provide for—

\* \* \* \* \*

(b) In carrying out the Program, the Director of the Institute, under policies established by the Director of NIH—

\* \* \* \* \*

(3) subject to section 405(b)(2) and without regard to section 3324 of title 31, United States Code, and [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, may enter into such contracts, leases, cooperative agreements, or other transactions, as may be necessary in the conduct of the Director’s functions, with any public agency, or with any person, firm, association, corporation, or educational institutions;

**§ 285n(b)(9) (Public Health Service Act, § 464H(b)(9))**

SEC. 464H. (a) IN GENERAL.—The general purpose of the National Institute on Alcohol Abuse and Alcoholism (hereafter in this subpart referred to as the “Institute”) is the conduct and support of biomedical and behavioral research, health services research, research training, and health information dissemination with respect to the prevention of alcohol abuse and the treatment of alcoholism.

(b) RESEARCH PROGRAM.—

\* \* \* \* \*

(9) enter into contracts under this title without regard to [sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5)] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code*; and

**§ 289c(2) (Public Health Service Act, § 494(2))**

SEC. 494. If the Secretary determines, after consultation with the Director of NIH, the Commissioner of the Food and Drug Administration, or the Director of the Centers for Disease Control and Prevention, that a disease or disorder constitutes a public health emergency, the Secretary, acting through the Director of NIH—

\* \* \* \* \*

(2) shall exercise the authority in [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, respecting public exigencies to waive the advertising requirements of such section in the case of proposals for contracts for such research;

**§ 289e(a) (Public Health Service Act, § 496(a))**

SEC. 496. (a) Appropriations to carry out the purposes of this subchapter, unless otherwise expressly provided, may be expended in the District of Columbia for—

\* \* \* \* \*

(9) all other necessary expenses in carrying out this title. Such appropriations may be expended by contract if deemed necessary, without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code.*

**§ 290aa-3 (Public Health Service Act, § 504)**

**SEC. 504. PEER REVIEW.**

(a) IN GENERAL.—The Secretary, after consultation with the Administrator, shall require appropriate peer review of grants, cooperative agreements, and contracts to be administered through the agency which exceed the simple acquisition threshold as defined in [section 4(11) of the Office of Federal Procurement Policy Act] *section 134 of title 41, United States Code.*

\* \* \* \* \*

(c) ADVISORY COUNCIL REVIEW.—If the direct cost of a grant or cooperative agreement (described in subsection (a) of this section) exceeds the simple acquisition threshold as defined by [section 4(11) of the Office of Federal Procurement Policy Act] *section 134 of title 41, United States Code*, the Secretary may make such a grant or cooperative agreement only if such grant or cooperative agreement is recommended—

**§ 294q(f)(3) (Patient Protection and Affordable Care Act, § 5101(f)(3))**

**SEC. 5101. NATIONAL HEALTH CARE WORKFORCE COMMISSION.**

\* \* \* \* \*

(f) Director and Staff; Experts and Consultants.—Subject to such review as the Comptroller General of the United States determines to be necessary to ensure the efficient administration of the Commission, the Commission may—

\* \* \* \* \*

(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission (without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*);

**§ 299c-4(d) (Public Health Service Act, § 945(d))**

**SEC. 945. ADDITIONAL PROVISIONS WITH RESPECT TO GRANTS AND CONTRACTS.**

\* \* \* \* \*

(d) APPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO CONTRACTS.—Contracts may be entered into under this part without regard to [sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529 and 41 U.S.C. 5)] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code.*

**§ 300c-22(d) (Public Health Service Act, § 1132(d))**

SEC. 1132. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects to develop and expand, within existing facilities, blood-separation centers to separate and make available for distribution blood components to providers of blood services and manufacturers of blood fractions. For purposes of this section—

\* \* \* \* \*

(d) Contracts may be entered into under subsection (a) of this section without regard to [sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5)] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code.*

**§ 300u(c) (Public Health Service Act, § 1701(c))**

SEC. 1701. (a) The Secretary shall—

\* \* \* \* \*

(c) No grant may be made or contract entered into under this subchapter unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be submitted in such form and manner and contain such information as the Secretary may prescribe. Contracts may be entered into under this subchapter without regard to [sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5)] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code.*

**§ 300cc-41(a)(6) (Public Health Service Act, § 2354(a)(6))**

**SEC. 2354. ADDITIONAL AUTHORITIES.**

(a) IN GENERAL.—In carrying out AIDS research, the Director of the Office—

\* \* \* \* \*

(6) subject to section 405(b)(2) and without regard to section 3324 of title 31, United States Code, and [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, may enter into such contracts and cooperative agreements with any public agency, or with any person, firm, association, corporation, or educational institution, as may be necessary to expedite and coordinate research relating to acquired immune deficiency syndrome.

**§ 1395b-6(d)(3) (Social Security Act, § 1805(d)(3))**

SEC. 1805. (a) ESTABLISHMENT.—There is hereby established as an agency of Congress the Medicare Payment Advisory Commission (in this section referred to as the “Commission”).

\* \* \* \* \*

(d) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—Subject to such review as the Comptroller General deems necessary to assure the efficient administration of the Commission, the Commission may—

\* \* \* \* \*

(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission (without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*);

**§ 395w-111(g)(1)(B)(iii) (Social Security Act, § 1860D-11(g)(1)(B)(iii))**

SEC. 1860D-11. (a) ESTABLISHMENT OF PDP REGIONS; SERVICE AREAS.—

\* \* \* \* \*

(g) GUARANTEEING ACCESS TO COVERAGE.—

(1) SOLICITATION OF BIDS.—

\* \* \* \* \*

(B) ACCEPTANCE OF BIDS.—

\* \* \* \* \*

(iii) COMPETITIVE PROCEDURES.—Competitive procedures (as defined in [section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5))] *section 132 of title 41, United States Code*) shall be used to enter into a contract under this subsection. The provisions of subsection (d) of section 1874A shall apply to a contract under this section in the same manner as they apply to a contract under such section.

**§ 1395cc-2(b)(4)(B) (Social Security Act, § 1866B(b)(4)(B))**

SEC. 1866B. (a) GENERAL ADMINISTRATIVE AUTHORITY.—

\* \* \* \* \*

(b) CONTRACTS FOR PROGRAM ADMINISTRATION.—

\* \* \* \* \*

(4) CONTRACT AWARD, DURATION, AND RENEWAL.—

\* \* \* \* \*

(B) NONCOMPETITIVE AWARD AND RENEWAL FOR ENTITIES ADMINISTERING PART A OR PART B PAYMENTS.—The Secretary may enter or renew a contract under this subsection with an entity described in paragraph (3)(A) without regard to the requirements of [section 5] *section 6101 of title 41, United States Code*.

**§ 1395kk-1(b)(1)(B) (Social Security Act, § 1874A(b)(1)(B))**

SEC. 1874A. (a) AUTHORITY.—

\* \* \* \* \*

(b) CONTRACTING REQUIREMENTS.—

(1) USE OF COMPETITIVE PROCEDURES.—

\* \* \* \* \*

(B) RENEWAL OF CONTRACTS.—The Secretary may renew a contract with a medicare administrative contractor under this section from term to term without regard to [section 5] *section 6101 of title 41* or any other provision of law requiring competition, if the medicare administrative contractor has met or exceeded the performance requirements applicable with respect to the contract and

contractor, except that the Secretary shall provide for the application of competitive procedures under such a contract not less frequently than once every 5 years.

**§ 1395aaa(a)(4) (Social Security Act, § 1890(a)(4))**

SEC. 1890. (a) CONTRACT.—

\* \* \* \* \*

(4) COMPETITIVE PROCEDURES.—Competitive procedures (as defined in [section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5))] *section 132 of title 41, United States Code*) shall be used to enter into a contract under paragraph (1).

**§ 1396(d)(3) (Social Security Act, § 1900(d)(3))**

SEC. 1900. (a) ESTABLISHMENT.—There is hereby established the Medicaid and CHIP Payment and Access Commission (in this section referred to as “MACPAC”).

\* \* \* \* \*

(d) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—Subject to such review as the Comptroller General of the United States deems necessary to assure the efficient administration of MACPAC, MACPAC may—

\* \* \* \* \*

(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of MACPAC (without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*);

**§ 1396a(a)(4)(D) (Social Security Act, § 1902(a)(4)(D))**

SEC. 1902. (a) A State plan for medical assistance must—

\* \* \* \* \*

(4) provide (A) such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods, and including provision for utilization of professional medical personnel in the administration and, where administered locally, supervision of administration of the plan) as are found by the Secretary to be necessary for the proper and efficient operation of the plan, (B) for the training and effective use of paid subprofessional staff, with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency, (C) that each State or local officer, employee, or independent contractor who is responsible for the expenditure of substantial amounts of funds under the State plan, each individual who formerly was such an officer, employee, or contractor, and each partner of such an officer, employee, or con-



tractor shall be prohibited from committing any act, in relation to any activity under the plan, the commission of which, in connection with any activity concerning the United States Government, by an officer or employee of the United States Government, an individual who was such an officer or employee, or a partner of such an officer or employee is prohibited by section 207 or 208 of title 18, and (D) that each State or local officer, employee, or independent contractor who is responsible for selecting, awarding, or otherwise obtaining items and services under the State plan shall be subject to safeguards against conflicts of interest that are at least as stringent as the safeguards that apply under [section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423)] *chapter 21 of title 41, United States Code*, to persons described in [subsection (a)(2) of such section of that Act] *section 2102(a)(3) of such title*;

**§ 1396u-2(d)(3) (Social Security Act, § 1932(d)(3))**

SEC. 1932. (a) STATE OPTION TO USE MANAGED CARE.—

\* \* \* \* \*

(d) PROTECTIONS AGAINST FRAUD AND ABUSE.—

\* \* \* \* \*

(3) STATE CONFLICT OF INTEREST SAFEGUARDS IN MEDICAID RISK CONTRACTING.—A medicaid managed care organization may not enter into a contract with any State under section 1903(m) unless the State has in effect conflict-of-interest safeguards with respect to officers and employees of the State with responsibilities relating to contracts with such organizations or to the default enrollment process described in subsection (a)(4)(C)(ii) of this section that are at least as effective as the Federal safeguards provided under [section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423)] *chapter 21 of title 41, United States Code*, against conflicts of interest that apply with respect to Federal procurement officials with comparable responsibilities with respect to such contracts.

**§ 1480(a) (Housing Act of 1949, § 510(a))**

SEC. 510. In carrying out the provisions of this title, the Secretary shall have the power to—

(a) make contracts for services and supplies without regard to the provisions of [section 3709 of the Revised Statutes, as amended] *section 6101 of title 41, United States Code*, when the aggregate amount involved is less than \$300;

**§ 1592a(b) (Defense Housing and Community Facilities and Services Act of 1951, § 302(b))**

SEC. 302. (a) Consistent with other requirements of national defense, any permanent housing constructed pursuant to the authority of this title shall consist of one to four-family dwelling structures (including row houses) so arranged that they may be offered for separate sale. All housing of permanent construction which is constructed or acquired under the authority of this title shall be sold as expeditiously as possible and in the public interest taking into consideration the continuation of the need for such housing by persons engaged in national defense activities. All dwelling struc-

tures of permanent construction designed for occupancy by not more than four families (including row houses) shall be offered for sale, and preference in the purchase of any such dwelling structure shall be granted to occupants and to veterans over other prospective purchasers. As among veterans, preference in the purchase of any such dwelling structure shall be given to disabled veterans whose disability has been determined by the Secretary of Veterans Affairs to be service-connected. All dwelling structures of permanent construction in any housing project which are designed for occupancy by more than four families (and other structures in such project which are not sold separately) shall be sold as an entity. On such sales first preference shall be given for such period not less than ninety days nor more than six months from the date of the initial offering of such project as the Administrator may determine, to groups of veterans organized on a mutual ownership or cooperative basis (provided that any such group shall accept as a member of its organization, on the same terms, subject to the same conditions, and with the same privileges and responsibilities, required of, and extended to, other members of the group any tenant occupying a dwelling unit in such project, at any time during such period as the Administrator shall deem appropriate, starting on the date of the announcement by the Administrator of the availability of such project). The Administrator shall provide an equitable method of selecting the purchasers when preferred purchasers (or groups of preferred purchasers) in the same preference class or containing members in the same preference class compete with each other. Sales pursuant to this section shall be for cash or credit, upon such terms as the Administrator shall determine, and at the fair value of the property as determined by him: *Provided*, That full payment to the Government for the property sold shall be required within a period of not exceeding twenty-five years with interest on unpaid balances at not less than 4 per centum per annum.

(b) Where it is necessary to provide housing under this title in locations where, in the determination of the Secretary of Housing and Urban Development, there appears to be no need for such housing beyond the period during which it is needed for housing persons engaged in national defense activities, the provisions of section 102 hereof shall not be applicable and temporary housing which is of a mobile or portable character or which is otherwise constructed so as to be available for reuse at other locations or existing housing built or acquired by the United States under authority of any other law shall be provided. Any temporary housing constructed or acquired under this title which the Secretary of Housing and Urban Development determines to be no longer needed for use under this title shall, unless transferred to the Department of Defense pursuant to section 306 hereof, or reported as excess to the Administrator of the General Services Administration pursuant to [the Federal Property and Administrative Services Act of 1949, as amended] *chapter 5 of title 40, United States Code*, be sold as soon as practicable to the highest responsible bidder after public advertising, except that if one or more of such bidders is a veteran purchasing a dwelling unit for his own occupancy the sale of such unit shall be made to the highest responsible bidder who is a veteran so purchasing: *Provided*, That the Secretary of Housing and Urban Development may reject any bid for less than two-thirds of the ap-

praised value as determined by him: *Provided further*, That the housing may be sold at fair value (as determined by the Secretary of Housing and Urban Development) to a public body for public use: *And provided further*, That the housing structures shall be sold for removal from the site, except that they may be sold for use on the site if the governing body of the locality has adopted a resolution approving use of such structures on the site.

**§ 1592d(a) (Defense Housing and Community Facilities and Services Act of 1951, § 305(a))**

SEC. 305. (a) With respect to any housing or community facilities or services which the Secretary of Housing and Urban Development is authorized to provide, or any property which he is authorized to acquire, under this Act, the Secretary of Housing and Urban Development is authorized by contract or otherwise (without regard to [section 3709 of the Revised Statutes, as amended, section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, the Federal Property and Administrative Services Act of 1949, as amended] *the provisions referred to in section 171(b) and (c) of title 41, United States Code, and section 6101 of title 41, United States Code*, and prior to the approval of the Attorney General) \* \* \*

\* \* \* \* \*

**§ 1592h(a) (Defense Housing and Community Facilities and Services Act of 1951, § 309(a))**

SEC. 309. In carrying out this title—

(a) notwithstanding any other provisions of this title, so far as is consistent with emergency needs, contracts shall be subject to [section 3709 of the Revised Statutes] *section 6101 of title 41, United States Code*;

**§ 1792(a) (Federal Food Donation Act of 2008, § 4(a))**

**SEC. 4. PROMOTING FEDERAL FOOD DONATION.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal Acquisition Regulation issued in accordance with [section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)] *section 1303 of title 41, United States Code*, shall be revised to provide that all contracts above \$25,000 for the provision, service, or sale of food in the United States, or for the lease or rental of Federal property to a private entity for events at which food is provided in the United States, shall include a clause that—

**§ 1870(c) (National Science Foundation Act of 1950, § 11(c))**

SEC. 11. The Foundation shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited thereto, the authority—

\* \* \* \* \*

(c) to enter into contracts or other arrangements, or modifications thereof, for the carrying on, by organizations or individuals in the United States and foreign countries, including other government agencies of the United States and of foreign countries, of such scientific or engineering activities as the Foundation deems necessary

to carry out the purposes of this Act, and, at the request of the Secretary of State or Secretary of Defense, specific scientific or engineering activities in connection with matters relating to international cooperation or national security, and, when deemed appropriate by the Foundation, such contracts or other arrangements, or modifications thereof may be entered into without legal consideration, without performance or other bonds, and without regard to [section 3709 of the Revised Statutes] *section 6101 of title 41, United States Code*;

**§ 2051(c) (Atomic Energy Act of 1954, § 31 c.)**

SEC. 31. RESEARCH ASSISTANCE.—

\* \* \* \* \*

c. The Commission may (1) make arrangements pursuant to this section, without regard to the provisions of [section 3709 of the Revised Statutes, as amended] *section 6101 of title 41, United States Code*, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable; (2) make partial and advance payments under such arrangements; and (3) make available for use in connection therewith such of its equipment and facilities as it may deem desirable.

**§ 2061(b) (Atomic Energy Act of 1954, § 41 b.)**

SEC. 41. OWNERSHIP AND OPERATION OF PRODUCTION FACILITIES.—

\* \* \* \* \*

b. OPERATION OF THE COMMISSION'S PRODUCTION FACILITIES.—The Commission is authorized and directed to produce or to provide for the production of special nuclear material in its own production facilities. To the extent deemed necessary, the Commission is authorized to make, or to continue in effect, contracts with persons obligating them to produce special nuclear material in facilities owned by the Commission. The Commission is also authorized to enter into research and development contracts authorizing the contractor to produce special nuclear material in facilities owned by the Commission to the extent that the production of such special nuclear material may be incident to the conduct of research and development activities under such contracts. Any contract entered into under this section shall contain provisions (1) prohibiting the contractor from subcontracting any part of the work he is obligated to perform under the contract, except as authorized by the Commission; and (2) obligating the contractor (A) to make such reports pertaining to activities under the contract to the Commission as the Commission may require, (B) to submit to inspection by employees of the Commission of all such activities, and (C) to comply with all safety and security regulations which may be prescribed by the Commission. Any contract made under the provisions of this subsection may be made without regard to the provisions of [section 3709 of the Revised Statutes, as amended] *section 6101 of title 41, United States Code*, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is

not reasonably practicable. Partial and advance payments may be made under such contracts.

**§ 2063 (Atomic Energy Act of 1954, § 43)**

SEC. 43. ACQUISITION OF PRODUCTION FACILITIES.—The Commission is authorized to purchase any interest in facilities for the production of special nuclear materials, or in real property on which such facilities are located, without regard to the provisions of [section 3709 of the Revised Statutes, as amended] *section 6101 of title 41, United States Code*, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under contracts for such purposes. The Commission is further authorized to requisition, condemn, or otherwise acquire any interest in such production facilities, or to condemn or otherwise acquire such real property, and just compensation shall be made therefor.

**§ 2075 (Atomic Energy Act of 1954, § 55)**

SEC. 55. ACQUISITIONS.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to purchase without regard to the limitations in section 54 or any guaranteed purchase prices established pursuant to section 56, and to take, requisition, condemn, or otherwise acquire any special nuclear material or any interest therein. Any contract of purchase made under this section may be made without regard to the provisions of [section 3709 of the Revised Statutes, as amended] *section 6101 of title 41, United States Code*, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under contracts for such purposes. Just compensation shall be made for any right, property, or interest in property taken, requisitioned, or condemned under this section: *Providing*, That the authority in this section to commit United States funds for any activities pursuant to any subsequent arrangement under section 131 a. (2)(E) shall be subject to the requirements of section 131.

**§ 2096 (Atomic Energy Act of 1954, § 66)**

SEC. 66. ACQUISITION.—The Commission is authorized and directed, to the extent it deems necessary to effectuate the provisions of this Act—

\* \* \* \* \*

Any purchase made under this section may be made without regard to the provisions of [section 3709 of the Revised Statutes, as amended] *section 6101 of title 41, United States Code*, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advanced payments may be made under contracts for such purposes. The Commission may establish guaranteed prices for all source material delivered to it within a specified time. Just com-

pensation shall be made for any right, property, or interest in property taken, requisitioned, condemned, or otherwise acquired under this section.

**§ 2201(j) (Atomic Energy Act of 1954, § 161 j.)**

SEC. 161. GENERAL PROVISIONS.—In the performance of its functions the Commission is authorized to—

\* \* \* \* \*

j. without regard to the provisions of [the Federal Property and Administrative Services Act of 1949, as amended, except section 207 of that Act] *chapter 5 (except section 559) of title 40, United States Code*, or any other law, make such disposition as it may deem desirable of (1) radioactive materials, and (2) any other property, the special disposition of which is, in the opinion of the Commission, in the interest of the national security: *Provided, however*, That the property furnished to licensees in accordance with the provisions of subsection 161 m. shall not be deemed to be property disposed of by the Commission pursuant to this subsection;

**§ 2210(g) (Atomic Energy Act of 1954, § 170 g.)**

SEC. 170. INDEMNIFICATION AND LIMITATION OF LIABILITY.—

\* \* \* \* \*

g. USE OF SERVICES OF PRIVATE INSURERS.—In administering the provisions of this section, the Commission or the Secretary, as appropriate, shall use, to the maximum extent practicable, the facilities and services of private insurance organizations, and the Commission or the Secretary, as appropriate, may contract to pay a reasonable compensation for such services. Any contract made under the provisions of this subsection may be made without regard to the provisions of [section 3709 of the Revised Statutes (41 U.S.C. 5), as amended] *section 6101 of title 41, United States Code*, upon a showing by the Commission or the Secretary, as appropriate, that advertising is not reasonably practicable and advance payments may be made.

**§ 2295(e) (EURATOM Cooperation Act of 1958, § 6(e))**

SEC. 6. (a) The Atomic Energy Commission is authorized to purchase or otherwise acquire from the Community special nuclear material or any interest therein from reactors constructed under the joint program in accordance with the terms of an agreement for cooperation entered into pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended: *Provided*, That neither plutonium nor uranium 233 nor any interest therein shall be acquired under this section in excess of the total quantities authorized by law. The Commission is authorized to acquire from the Community pursuant to this section up to four thousand one hundred kilograms of plutonium for use only for peaceful purposes.

\* \* \* \* \*

(e) Any contract made under this section may be made without regard to [section 3709 of the Revised Statutes, as amended] *section 6101 of title 41, United States Code*, upon certification by the Commission that such action is necessary in the interest of the

common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable.

**§ 2310 (Atomic Energy Community Act of 1955, § 116)**

SEC. 116. REPOSSESSION.—The Commission is authorized to repossess any property sold by it in accordance with the terms of any contract to purchase, mortgage or other instrument, and to sell or make any other disposition of any property so repossessed and any property purchased by it pursuant to section 66. Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, the Commission shall have power to deal with, complete, operate, rent, renovate, modernize, insure, or sell for cash or credit, in its discretion, any properties acquired pursuant to this chapter, and to pursue to final collection, by way of compromise or otherwise, all claims arising pursuant to this section: *Provided*, That expenses authorized by this section shall be considered nonadministrative expenses: *Provided further*, That [section 3709 of the Revised Statutes] *section 6101 of title 41, United States Code*, shall not apply to any contract entered into pursuant to this section if the amount thereof does not exceed \$1,000.

**§ 2349 (Atomic Energy Community Act of 1955, § 120)**

SEC. 120. DISPOSAL OF PROPERTY.—In addition to any other authority the Commission may have, the Commission is authorized, without regard to the provisions of [section 3709 of the Revised Statutes, as amended] *section 6101 of title 41, United States Code*, to lease land, and to sell, lease, including leases with options to purchase, and otherwise dispose of improvements thereon, and such equipment and other personal property as is determined to be directly related thereto, in the Commission's Hanford project in and near Richland, Washington, upon a determination by the Commission that such disposition will serve to prevent or reduce the adverse economic impact of actual or anticipated reductions in Commission programs in that area: *Provided, however*, That the compensation to the Government for any such disposition shall be the estimated fair market value or estimated fair rental value of the property as determined by the Commission: *Provided further*, That before the Commission makes any disposition of property under the authority of this section, the basis for the proposed disposition (with necessary background and explanatory data) shall be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment of more than three days): *Provided, however*, That those Committees, after having received the basis for the proposed disposition, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five-day period.

**§ 2362(d) (Atomic Energy Community Act of 1955, § 62(d))**

SEC. 62. COMMISSION FINANCING.—

\* \* \* \* \*

d. The Commission may sell any notes and mortgages acquired under subsections a. and c. of this section on terms set by the Commission. Notwithstanding any other provisions of law and without regard to the ~~provisions of section 3709 of the Revised Statutes~~ *provisions of section 6101 of title 41, United States Code*, the Commission may, in accordance with such terms and conditions as it may prescribe, (1) enter into contracts for servicing any of the notes and mortgages it has acquired, and (2) sell or enter into contracts to sell to a servicer any notes and mortgages with respect to which a servicing contract has been entered into by the servicer with the Commission: *Provided*, That with respect to sales of notes and mortgages under (2) the Commission shall ~~comply with section 3709 of the Revised Statutes~~ *comply with section 6101 of title 41, United States Code*, unless it determines that such compliance would not be feasible.

**§ 3211(c) (Public Works and Economic Development Act of 1965, § 601(c))**

**SEC. 601. POWERS OF SECRETARY.**

\* \* \* \* \*

(c) INAPPLICABILITY OF CERTAIN OTHER REQUIREMENTS.—~~Section 3709 of the Revised Statutes (41 U.S.C. 5)]~~ *Section 6101 of title 41, United States Code*, shall not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Secretary as a result of assistance provided under this Act if the premium for the insurance or the amount of the services or supplies does not exceed \$1,000.

**§ 3535(i)(1) (Department of Housing and Urban Development Act, § 7(i)(1))**

SEC. 7. (a) The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, or other funds held, used, arising from, or available or to be made available in connection with, the functions, powers, and duties transferred by section 5 of this Act are hereby transferred with such functions, powers, and duties, respectively.

\* \* \* \* \*

(i) Except as such authority is otherwise expressly provided in any other Act administered by the Secretary, the Secretary is authorized to—

(1) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan or grant. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property: *Provided*, That any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such



property or impair the civil rights under the State or local laws of the inhabitants on such property: *Provided further*, That [section 3709 of the Revised Statutes] *section 6101 of title 41, United States Code*, shall not apply to any contract for services or supplies on account of any property so acquired or owned if the amount of such contract does not exceed \$2,500;

**§ 4081(b) (National Flood Insurance Act of 1968, § 1345(b))**

SEC. 1345. (a) In administering the flood insurance program under this chapter, the Director is authorized to enter into any contracts, agreements, or other appropriate arrangements which may, from time to time, be necessary for the purpose of utilizing, on such terms and conditions as may be agreed upon, the facilities and services of any insurance companies or other insurers, insurance agents and brokers, or insurance adjustment organizations; and such contracts, agreements, or arrangements may include provision for payment of applicable operating costs and allowances for such facilities and services as set forth in the schedules prescribed under section 1311.

(b) Any such contracts, agreements, or other arrangements may be entered into without regard to the provisions of [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, or any other provision of law requiring competitive bidding and without regard to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

**§ 4082(c) (National Flood Insurance Act of 1968, § 1346(c))**

SEC. 1346. (a) In order to provide for maximum efficiency in the administration of the flood insurance program and in order to facilitate the expeditious payment of any Federal funds under such program, the Director may enter into contracts with pool formed or otherwise created under section 1331, or any insurance company or other private organizations, for the purpose of securing performance by such pool, company, or organization of any or all of the following responsibilities:

\* \* \* \* \*

(c) Any contract entered into under subsection (a) may be entered into without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, or any other provision of law requiring competitive bidding.

**§ 4101(b) (National Flood Insurance Act of 1968, § 1360(b))**

SEC. 1360. (a) The Director is authorized to consult with, receive information from, and enter into any agreements or other arrangements with the Secretaries of the Army, the Interior, Agriculture, and Commerce, the Tennessee Valley Authority, and the heads of other Federal departments or agencies, on a reimbursement basis, or with the head of any State or local agency, or enter into contracts with any persons or private firms, in order that he may—

\* \* \* \* \*

(b) The Director is directed to accelerate the identification of risk zones within flood-prone and mudslide-prone areas, as provided by subsection (a)(2) of this section, in order to make known the degree of hazard within each such zone at the earliest possible date. To

accomplish this objective, the Director is authorized, without regard to subsections (a) and (b) of section 3324 of title 31, United States Code, and [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, to make grants, provide technical assistance, and enter into contracts, cooperative agreements, or other transactions, on such terms as he may deem appropriate, or consent to modifications thereof, and to make advance or progress payments in connection therewith.

**§ 4361c note (Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003, div. K, title III, proviso under heading “SCIENCE AND TECHNOLOGY” under heading “ENVIRONMENTAL PROTECTION AGENCY”)**

*Provided*, That the Office of Research and Development of the Environmental Protection Agency may hereafter contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to [41 U.S.C. 5] *section 6101, United States Code*, for the temporary or intermittent personal services of students or recent graduates, who shall be considered employees for the purposes of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

**§ 4372(e) (Environmental Quality Improvement Act of 1970, § 203(e))**

SEC. 203. (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (hereafter in this title referred to as the “Office”). The Chairman of the Council on Environmental Quality established by Public Law 91–190 shall be the Director of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

\* \* \* \* \*

(e) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to [sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5)] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code*, in carrying out his functions.

**§ 4638 (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, § 218)**

SEC. 218. The Administrator of General Services is authorized to transfer to a State agency for the purpose of providing replacement housing required by this title, any real property surplus to the needs of the United States within the meaning of [the Federal Property and Administrative Services Act of 1949, as amended] *chapter 5 of title 40, United States Code*. Such transfer shall be subject to such terms and conditions as the Administrator determines necessary to protect the interests of the United States and

may be made without monetary consideration, except that such State agency shall pay to the United States all net amounts received by such agency from any sale, lease, or other disposition of such property for such housing.

**§ 5196(k) (Robert T. Stafford Disaster Relief and Emergency Assistance Act, § 611(k))**

**SEC. 611. DETAILED FUNCTIONS OF ADMINISTRATION.**

\* \* \* \* \*

(k) SALE OR DISPOSAL OF CERTAIN MATERIALS AND FACILITIES.—The Administrator may arrange for the sale or disposal of materials and facilities found by the Administrator to be unnecessary or unsuitable for emergency preparedness purposes in the same manner as provided for excess property under [the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)] *chapter 5 of title 40, United States Code*. Any funds received as proceeds from the sale or other disposition of such materials and facilities shall be deposited into the Treasury as miscellaneous receipts.

**§ 5206(a) (Disaster Mitigation Act of 2000, § 306(a))**

**SEC. 306. BUY AMERICAN.**

(a) COMPLIANCE WITH [BUY AMERICAN ACT] *CHAPTER 83 OF TITLE 41, UNITED STATES CODE*.—No funds authorized to be appropriated under this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with [the Buy American Act] *chapter 83 of title 41, United States Code*.

**§ 5403(a)(2)(B) (National Manufactured Housing Construction and Safety Standards Act of 1974, § 604(a)(2)(B))**

**SEC. 604. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.**

(a) ESTABLISHMENT.—

\* \* \* \* \*

(2) CONSENSUS STANDARDS AND REGULATORY DEVELOPMENT PROCESS.—

\* \* \* \* \*

(B) COMPETITIVELY PROCURED CONTRACT.—Upon the expiration of the 4-year period beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the Secretary shall, using competitive procedures (as such term is defined in [section 4 of the Office of Federal Procurement Policy Act] *section 132 of title 41, United States Code*), enter into a competitively awarded contract with an administering organization. The administering organization shall administer the consensus process for the development and interpretation of the Federal standards, the procedural and enforcement regulations, and regulations specifying the permissible scope and conduct of monitoring, in accordance with this title.

**§ 5903 note (Public Law 95–39, § 111(b))**

SEC. 111. (a) The Administrator shall classify each recipient of any award, contract, or other financial arrangement in any non-nuclear research, development, or demonstration category as—

\* \* \* \* \*

(b) The information required by subsection (a), along with the dollar amount of each award, contract, or other financial arrangement made, shall be included as an appendix to the annual report required by section 15(a) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914): Provided, That small purchases or contracts of less than **[\$10,000]** *\$25,000* **[,** which are excepted from the requirements of advertising by section 252(c)(3) of title 41, United States Code, **]** shall be exempt from the reporting requirements of this section.

**§ 6616(c)(3) (Presidential Science and Technology Advisory Organization Act of 1976, § 207(c)(3))**

SEC. 207. (a) The Director shall, in addition to the other duties and functions set forth in this title—

\* \* \* \* \*

(c) In carrying out his functions under this Act, the Director is authorized to—

\* \* \* \* \*

(3) enter into contracts and other arrangements for studies, analyses, and other services with public agencies and with private persons, organizations, or institutions, and make such payments as he deems necessary to carry out the provisions of this chapter without legal consideration, without performance bonds, and without regard to **[**section 3709 of the Revised Statutes (41 U.S.C. 5)**]** *section 6101 of title 41, United States Code.*

**§ 6834 note (Energy Independence and Security Act of 2007, § 433(c))**

**SEC. 433. FEDERAL BUILDING ENERGY EFFICIENT PERFORMANCE STANDARDS.**

\* \* \* \* \*

(c) **REVISION OF FEDERAL ACQUISITION REGULATION.**—Not later than 2 years after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require Federal officers and employees to comply with this section and the amendments made by this section in the acquisition, construction, or major renovation of any facility. The members of the Federal Acquisition Regulatory Council (established under **[**section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)**]** *section 1302 of title 41, United States Code*) shall consult with the Federal Director and the Commercial Director before promulgating regulations to carry out this subsection.

**§ 7135 note (Department of the Interior and Related Agencies Appropriations Act, 1996, title II, first proviso in paragraph under heading “ENERGY INFORMATION ADMINISTRATION” under heading “DEPARTMENT OF ENERGY”)**

*Provided*, That notwithstanding [section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d))] *section 6707(d) of title 41, United States Code*, or any other provision of law, funds appropriated under this heading hereafter may be used to enter into a contract for end use consumption surveys for a term not to exceed eight years: *Provided further*, That notwithstanding any other provision of law, hereafter the Manufacturing Energy Consumption Survey shall be conducted on a triennial basis.

**§ 7152 note (Alaska Power Administration Asset Sale and Termination Act, § 104(i))**

**SEC. 104. EXEMPTION AND OTHER PROVISIONS.**

\* \* \* \* \*

(i) DISPOSAL.—The sales of Eklutna and Snettisham under this title are not considered disposal of Federal surplus property under [the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484)] *chapter 5 of title 40, United States Code*, or the Act of October 3, 1944, popularly referred to as the ‘Surplus Property Act of 1944’ (50 U.S.C. App. 1622).

**§ 7403(b)(4) (Clean Air Act, § 103(b)(4))**

SEC. 103. (a) The Administrator shall establish a national research and development program for the prevention and control of air pollution and as part of such program shall—

\* \* \* \* \*

(b) In carrying out the provisions of the preceding subsection the Administrator is authorized to—

\* \* \* \* \*

(4) contract with public or private agencies, institutions, and organizations, and with individuals, without regard to [sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5)] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code*;

**§ 7404(a)(2)(D)) (Clean Air Act, § 104(a)(2)(D))**

SEC. 104. (a) The Administrator shall give special emphasis to research and development into new and improved methods, having industry-wide application, for the prevention and control of air pollution resulting from the combustion of fuels. In furtherance of such research and development he shall—

\* \* \* \* \*

(2) provide for Federal grants to public or nonprofit agencies, institutions, and organizations and to individuals, and contracts with public or private agencies, institutions, or persons, for payment of (A) part of the cost of acquiring, constructing, or otherwise securing for research and development purposes, new or improved devices or methods having industrywide ap-

plication of preventing or controlling discharges into the air of various types of pollutants; (B) part of the cost of programs to develop low emission alternatives to the present internal combustion engine; (C) the cost to purchase vehicles and vehicle engines, or portions thereof, for research, development, and testing purposes; and (D) carrying out the other provisions of this section, without regard to [sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5)] *section 3324(a) and (b) of title 31, United States Code, and section 6101 of title 41, United States Code: Provided, That research or demonstration contracts awarded pursuant to this subsection (including contracts for construction) may be made in accordance with, and subject to the limitations provided with respect to research contracts of the military departments in, section 2353 of title 10, except that the determination, approval, and certification required thereby shall be made by the Administrator; Provided further, That no grant may be made under this paragraph in excess of \$1,500,000;*

**§ 7412(r)(6)(N) (Clean Air Act, § 112(r)(6)(N))**

**SEC. 112. HAZARDOUS AIR POLLUTANTS.**

*	*	*	*	*	*	*
(r) PREVENTION OF ACCIDENTAL RELEASES.—						
*	*	*	*	*	*	*
(6) CHEMICAL SAFETY BOARD.—						
*	*	*	*	*	*	*

(N) The Board is authorized to establish such procedural and administrative rules as are necessary to the exercise of its functions and duties. The Board is authorized without regard to [section 5] *section 6101* of title 41 of the United States Code to enter into contracts, leases, cooperative agreements or other transactions as may be necessary in the conduct of the duties and functions of the Board with any other agency, institution, or person.

**§ 8287 (National Energy Conservation Policy Act, § 801)**

**SEC. 801. AUTHORITY TO ENTER INTO CONTRACTS.**

(a) IN GENERAL.—(1) The head of a Federal agency may enter into contracts under this title solely for the purpose of achieving energy savings and benefits ancillary to that purpose. Each such contract may, notwithstanding any other provision of law, be for a period not to exceed 25 years. Such contract shall provide that the contractor shall incur costs of implementing energy savings measures, including at least the costs (if any) incurred in making energy audits, acquiring and installing equipment, and training personnel, in exchange for a share of any energy savings directly resulting from implementation of such measures during the term of the contract.

(2)(A) Contracts under this title shall be energy savings performance contracts and shall require an annual energy audit and specify the terms and conditions of any Government payments and performance guarantees. Any such performance guarantee shall provide that the contractor is responsible for maintenance and repair

services for any energy related equipment, including computer software systems.

\* \* \* \* \*

(D) A Federal agency may enter into a multiyear contract under this title for a period not to exceed 25 years beginning on the date of the delivery order, without funding of cancellation charges before cancellation, if—

\* \* \* \* \*

(iii) such contract is governed by part 17.1 of the Federal Acquisition Regulation promulgated under [section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)] *section 1303 of title 41, United States Code*, or the applicable rules promulgated under this title.

\* \* \* \* \*

(b) IMPLEMENTATION.—(1)(A) The Secretary, with the concurrence of the Federal Acquisition Regulatory Council established under [section 25(a) of the Office of Federal Procurement Policy Act] *section 1302(a) of title 41, United States Code*, not later than 180 days after the date of the enactment of the Energy Policy Act of 1992, shall, by rule, establish appropriate procedures and methods for use by Federal agencies to select, monitor, and terminate contracts with energy service contractors in accordance with laws governing Federal procurement that will achieve the intent of this section in a cost-effective manner. In developing such procedures and methods, the Secretary, with the concurrence of the Federal Acquisition Regulatory Council, shall determine which existing regulations are inconsistent with the intent of this section and shall formulate substitute regulations consistent with laws governing Federal procurement.

\* \* \* \* \*

(c) TASK OR DELIVERY ORDERS.—(1) The head of a Federal agency may issue a task or delivery order under an energy savings performance contract by—

\* \* \* \* \*

(2) The issuance of a task or delivery order for energy savings performance contracting services pursuant to paragraph (1) is deemed to satisfy the task and delivery order competition requirements in section 2304c(d) of title 10, United States Code, and [section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d))] *section 4106(d) of title 41, United States Code*.

### **§ 9619(c)(3) (Comprehensive Environmental Response, Compensation, and Liability Act of 1980, § 119(c)(3))**

#### **SEC. 119. RESPONSE ACTION CONTRACTORS.**

\* \* \* \* \*

(c) INDEMNIFICATION.—

\* \* \* \* \*

(3) SOURCE OF FUNDING.—This subsection shall not be subject to section 1301 or 1341 of title 31 of the United States Code or [section 3732 of the Revised Statutes (41 U.S.C. 11)]

*section 6301(a) and (b) of title 41 of the United States Code, or to section 3 of the Superfund Amendments and Reauthorization Act of 1986. For purposes of section 111, amounts expended pursuant to this subsection for indemnification of any response action contractor (except with respect to federally owned or operated facilities) shall be considered governmental response costs incurred pursuant to section 104. If sufficient funds are unavailable in the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986 to make payments pursuant to such indemnification or if the Fund is repealed, there are authorized to be appropriated such amounts as may be necessary to make such payments.*

**§ 10301 note (Public Law 95—84, §1A2(a))**

SEC. 2. (a) The Secretary of the Interior is authorized and directed to demonstrate the engineering and economic viability of membrane and phase-change desalting processes. Such demonstrations shall include the study, design, construction, operation, and maintenance of desalting plants at locations in the United States (which may include the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Virgin Islands, the Mariana Islands, and the Trust Territory of the Pacific Islands): Provided, That at least two such plants shall demonstrate desalting of brackish ground water: *And provided further,*. That the plants constructed pursuant to this section shall be for the purpose of showing that the technology being demonstrated is ready for application; such plants shall be sufficient to demonstrate the specific application of the technology, and shall be significantly different in operation and process so as not to duplicate any other demonstration plant constructed pursuant to this section. The Secretary is further authorized to conduct such demonstrations or any portion thereof by means of cooperative agreements (as defined and authorized by [41 U.S.C. 504 et seq. (the Federal Grant and Cooperative Agreement Act of 1977; Public Law 95-224)] *chapter 6301 of title 31, United States Code.*) with duly authorized non-Federal public entities. Title to demonstration facilities constructed by the non-Federal public entity under a cooperative agreement shall vest in the non-Federal public entity.

**§ 10303(h)(1)(C) (Water Resources Research Act of 1984, §1A104(h)(1)(C))**

SEC. 104. (a) Subject to the approval of the Secretary of the Interior (hereafter in this chapter referred to as the “Secretary”) under this section, one water resources research and technology institute, center, or equivalent agency (hereafter in this Act referred to as the “institute”) may be established in each State (as used in this Act, the term “State” includes the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands and the Federated States of nesia) at a college or university which was established in accordance with the Act approved July 2, 1862 (12 Stat. 503; 7 U.S.C. 301ff), entitled “An Act donating public lands to the several States and territories which may provide colleges for the benefit of agriculture and the mechanic arts” or at some other in-



stitution designated by act of the legislature of the State concerned. If there is more than one such college or university in a State established in accordance with such Act of July 2, 1862, the institute in such State shall, in the absence of a designation to the contrary by act of the legislature of the State, be established at the one such college or university designated by the Governor of the State. Two or more States may cooperate in the establishment of a single institute or regional institute, in which event the sums otherwise allocated to institutes in each of the cooperating States shall be paid to such single or regional institute.

\* \* \* \* \*

(h) COORDINATION.—

(1) IN GENERAL.—To carry out this Act, the Secretary—

\* \* \* \* \*

(C) may enter into contracts, cooperative agreements, and other transactions without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*;

**§ 12114(c)(3) (Americans with Disabilities Act of 1990, § 104(c)(3))**

**SEC. 104. ILLEGAL USE OF DRUGS AND ALCOHOL.**

\* \* \* \* \*

(c) AUTHORITY OF COVERED ENTITY.—A covered entity—

\* \* \* \* \*

(3) may require that employees behave in conformance with the requirements established under [the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.)] *chapter 81 of title 41, United States Code*;

**§ 12501 note (National and Community Service Trust Act of 1993, § 501)**

**SEC. 501. COMPLIANCE WITH [BUY AMERICAN ACT] CHAPTER 83 OF TITLE 41, UNITED STATES CODE.**

No funds appropriated pursuant to this Act (including the amendments made by this Act) may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with [sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the “Buy American Act”)] *chapter 83 of title 41, United States Code*.

**§ 12644 (National and Community Service Trust Act of 1990, § 184)**

**SEC. 184. DRUG FREE WORKPLACE REQUIREMENTS.**

All programs receiving grants under this title shall be subject to the Drug-Free Workplace Requirements for Federal Grant Recipients under [sections 5153 through 5158 of the Anti-Drug Abuse Act of 1988 (41 U.S.C. 702–707)] *sections 8101 and 8103 through 8106 of title 41, United States Code*.

**§ 12651g(b) (National and Community Service Act of 1990, § 196(b))**

**SEC. 196. ADMINISTRATION.**

\* \* \* \* \*

(b) **CONTRACTS.**—Subject to the [Federal Property and Administrative Services Act of 1949] *provisions of sections 171(b) and (c) of title 41, United States Code*, the Corporation may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to assist the Corporation in carrying out the duties of the Corporation under the national service laws.

**§ 12701 notes (Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, §§ 206(e)(7), 525(e)(7))**

**SEC. 206. (a) ESTABLISHMENT.**—There is hereby established a commission to be known as the Millennial Housing Commission (in this section referred to as the “Commission”).

\* \* \* \* \*

**(e) POWERS.—**

\* \* \* \* \*

(7) **CONTRACT AUTHORITY.**—The Commission may contract with and compensate Government and private agencies or persons for services, without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*.

\* \* \* \* \*

**SEC. 525. COMMISSION ON AFFORDABLE HOUSING AND HEALTH FACILITY NEEDS FOR SENIORS IN THE 21ST CENTURY.**

\* \* \* \* \*

**(e) POWERS.—**

\* \* \* \* \*

(7) **CONTRACT AUTHORITY.**—The Commission may contract with and compensate Government and private agencies or persons for services, without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*.

**§ 13556(a) (Energy Policy Act of 1992, § 3021(a))**

**SEC. 3021. DISADVANTAGED BUSINESS ENTERPRISES.**

(a) **GENERAL RULE.**—To the extent practicable, the head of each agency shall provide that the obligation of not less than 10 percent of the total combined amounts obligated for contracts and subcontracts by each agency under this Act and amendments made by this Act pursuant to competitive procedures within the meaning of either the [Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)] *provisions of section 171(b) and (c) of title 41, United States Code*, or chapter 137 of title 10, United States Code, shall be expended either with—

**§ 16392(e)(3)(C) (Energy Policy Act of 2005, § 1002(e)(3)(C))**

**SEC. 1002. TECHNOLOGY INFRASTRUCTURE PROGRAM.**

\* \* \* \* \*

(e) PROGRAM REQUIREMENTS.—

\* \* \* \* \*

(3) COST SHARING.—

\* \* \* \* \*

(C) RESEARCH AND DEVELOPMENT EXPENSES.—Independent research and development expenses of Government contractors that qualify for reimbursement under section 31.205–18(e) of title 48, Code of Federal Regulations, issued pursuant to [section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1))] *section 1303(a)(1) of title 41, United States Code*, may be credited towards costs paid by non-Federal sources to a project, if the expenses meet the other requirements of this section.

**§ 17013(j)(3) (Energy Independence and Security Act of 2007, § 136(j)(3))**

**SEC. 136. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.**

\* \* \* \* \*

(j) APPOINTMENT AND PAY OF PERSONNEL.—(1) The Secretary may use direct hiring authority pursuant to section 3304(a)(3) of title 5, United States Code, to appoint such professional and administrative personnel as the Secretary deems necessary to the discharge of the Secretary's functions under this section.

\* \* \* \* \*

(3) The Secretary may retain such consultants as the Secretary deems necessary to the discharge of the functions required by this section, pursuant to [section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427)] *section 1901 of title 41, United States Code*.

**§ 17091(c) (Energy Independence and Security Act of 2007, § 435(c))**

**SEC. 435. LEASING.**

\* \* \* \* \*

(c) REVISION OF FEDERAL ACQUISITION REGULATION.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Federal Acquisition Regulation described in [section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a))] *section 1121(b) and (c)(1) of title 41, United States Code*, shall be revised to require Federal officers and employees to comply with this section in leasing buildings.

(2) CONSULTATION.—The members of the Federal Acquisition Regulatory Council established under [section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)] *section 1302(a) of title 41, United States Code*, shall consult with the

Federal Director and the Commercial Director before promulgating regulations to carry out this subsection.

**§ 18054(a)(1) (Patient Protection and Affordable Care Act, § 1334(a)(1))**

**SEC. 1334. MULTI-STATE PLANS.**

**(a) OVERSIGHT BY THE OFFICE OF PERSONNEL MANAGEMENT.—**

(1) **IN GENERAL.**—The Director of the Office of Personnel Management (referred to in this section as the “Director”) shall enter into contracts with health insurance issuers (which may include a group of health insurance issuers affiliated either by common ownership and control or by the common use of a nationally licensed service mark), without regard to [section 5] *section 6101* of title 41 or other statutes requiring competitive bidding, to offer at least 2 multi-State qualified health plans through each Exchange in each State. Such plans shall provide individual, or in the case of small employers, group coverage.

## **TITLE 43—PUBLIC LANDS**

§ 50d (Department of the Interior and Related Agencies Appropriations Act, 2000, div. B, § 1000(a)(3) [title I], last proviso in paragraph under heading “**ADMINISTRATIVE PROVISIONS**” under heading “**UNITED STATES GEOLOGICAL SURVEY**”)

*Provided*, That the United States Geological Survey may hereafter contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to [41 U.S.C. 5] *section 6101 of title 41, United States Code*, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purposes of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

**§ 1451 note (Department of the Interior and Related Agencies Appropriations Act, 2000, div. B, § 1000(a)(3) [title I, § 115])**

**SEC. 115.** Notwithstanding any other provision of law, in fiscal year 2000 and thereafter, the Secretary is authorized to permit persons, firms or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of title 40, United States Code) not currently occupying such space to use courtyards, auditoriums, meeting rooms, and other space of the main and south Interior building complex, Washington, D.C., the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the [Federal Property and Administrative Services Act of 1949] *provisions of section 171(b) and (c) of title 41, United States Code*, and to assess reasonable charges therefore, subject to such procedures as the Secretary deems appropriate for such uses. Charges may be for the space, utilities, maintenance, repair, and other services. Charges for such space and services may be at rates equivalent to the prevailing commercial rate for comparable space

and services devoted to a similar purpose in the vicinity of the main and south Interior building complex, Washington, D.C., for which charges are being assessed. The Secretary may without further appropriation hold, administer, and use such proceeds within the Departmental Management Working Capital Fund to offset the operation of the buildings under his jurisdiction, whether delegated or otherwise, and for related purposes, until expended.

**§ 1475a (Energy and Water Development Appropriations Act, 1993, § 205)**

SEC. 205. Hereafter, the Bureau of Reclamation may invite non-Federal entities involved in cost sharing arrangements for the development of water projects to participate in contract negotiation and source selection proceedings without invoking provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix [(1988)]): *Provided*, That such non-Federal participants shall be subject to the provisions of [the Federal Procurement Integrity Act (41 U.S.C. 423 (1988))] *chapter 21 of title 41, United States Code*, and to the conflict of interest provisions appearing at [18 U.S.C. 201 et seq. (1988)] *chapter 11 of title 18, United States Code*.

**§ 1611 note (Public Law 94-204, § 12(b)(7)(v))**

SEC. 12. (a) The purpose of this section is to provide for the settlement of certain claims, and in so doing to consolidate ownership among the United States, the Cook Inlet Region Incorporated (hereinafter in this section referred to as the 'Region'), and the State of Alaska, within the Cook Inlet area of Alaska in order to facilitate land management and to create land ownership patterns which encourage settlement and development in appropriate areas. The provisions of this section shall take effect at such time as all of the following have taken place:

\* \* \* \* \*

(b) The Secretary shall make the following conveyances to the Region, in accordance with the specific terms, conditions, procedures, covenants, reservations, and other restrictions set forth in the document entitled 'Terms and Conditions for Land Consolidation and Management in Cook Inlet Area', which was submitted to the House Committee on Interior and Insular Affairs on December 10, 1975, and clarified on August 31, 1976, the terms of which, as clarified, are hereby incorporated herein and ratified as to the duties and obligations of the United States and the Region, as a matter of Federal law.

\* \* \* \* \*

(7)(i) Until the obligations of the Secretary and the Administrator of General Services under section 12(b)(5) and (6) of this Act are otherwise fulfilled: (a) Cook Inlet Region, Incorporated, may, by using the account established in subsection 12(b)(7)(iv), bid, as any other bidder for property as defined in subsection 12(b)(7)(vii),, wherever located, in accordance with the applicable laws and regulations of the Federal agency or instrumentality offering such property for sale. No preference right of any type will be offered to Cook Inlet Region Incorporated, for bidding on property under this section 12(b)(7). There shall be no advertising other than that ordinarily re-

quired by such sale. (b) the Administrator of General Services may, at the discretion of the Administrator, tender to the Secretary any surplus property otherwise to be disposed of pursuant to 40 U.S.C. 484(e)(3) to be offered Cook Inlet Region, Incorporated for a period of 90 days so as to aid in the fulfillment of the Secretary's program purposes under the Alaska Native Claims Settlement Act: *Provided*, That nothing in these subsections 12(b)(7)(i)(b) or (ii) shall be construed to establish, enlarge or diminish authority of the Administrator or the Secretary within the State of Alaska. Prior to any disposition under subsection 12(b)(7)(i)(b), the Administrator shall notify the governing body of the locality where such property is located and any appropriate state agency, and no such disposition shall be made if such governing body or state agency, within ninety days of such notification formally advises the Administrator that it objects to the proposed disposition.

\* \* \* \* \*

(v) The amount charged against the Treasury account established under subsection 12(b)(7)(iv) for sales or transfers of property made pursuant to [the Federal Property and Administrative Services Act of 1949, 40 U.S.C. sec. 471 et seq.] *chapter 5 of title 40, United States Code*, or any legislative or executive delegation under [that Act] *that chapter*, shall be treated as proceeds of dispositions of surplus property for the purpose of determining the basis for calculating direct expenses pursuant to [40 U.S.C. 485(b), as amended] *40 U.S.C. 572(a)*.

**§ 1736(a) (Federal Land Policy and Management Act of 1976, § 306(a))**

SEC. 306. (a) There is hereby established a working capital fund for the management of the public lands. This fund shall be available without fiscal year limitation for expenses necessary for furnishing, in accordance with the [Federal Property and Administrative Services Act of 1949 (63 Stat. 377, as amended)] *provisions of section 171(b) and (c) of title 41, United States Code*, and regulations promulgated thereunder, supplies and equipment services in support of Bureau programs, including but not limited to, the purchase or construction of storage facilities, equipment yards, and related improvements and the purchase, lease, or rent of motor vehicles, aircraft, heavy equipment, and fire control and other resource management equipment within the limitations set forth in appropriations made to the Secretary for the Bureau.

## TITLE 44—PUBLIC PRINTING AND DOCUMENTS

### The analysis for chapter 3

#### CHAPTER 3—GOVERNMENT PRINTING OFFICE

Sec.

\* \* \* \* \*

§ 311. Purchases exempt from [subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(b) and (c) of title 41; contract negotiation authority; small purchase threshold.*

## § 311

**§ 311. Purchases exempt from [subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(b) and (c) of title 41; contract negotiation authority; small purchase threshold.***

(a) Purchases may be made from appropriations under the “Government Printing Office” without reference to [subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *the provisions referred to in section 171(b) and (c) of title 41 concerning purchases for the Federal Government.*

\* \* \* \* \*

(c) Notwithstanding any other provision of law, [section 6101(b) to (d)] *section 6101* of title 41 shall apply with respect to purchases and contracts for the Government Printing Office as if the reference to “\$25,000” in clause (1) of such section were a reference to “\$100,000”.

**§ 3501 note (E Government Act of 2002, § 210(i))**

**SEC. 210. SHARE IN SAVINGS INITIATIVES.**

\* \* \* \* \*

(i) DEFINITIONS.—In this section, the terms “contractor”, “savings”, and “share-in-savings contract” have the meanings given those terms in section 317 of the Federal Property and Administrative Services Act of 1949 [(as added by subsection (b))] (*41 U.S.C. note prec. 3901*).

## TITLE 45—RAILROADS

**§ 361(c) (Railroad Unemployment Insurance Act, § 11(c))**

SEC. 11. (a) The Secretary of the Treasury shall maintain in the unemployment trust fund established pursuant to section 904 of the Social Security Act an account to be known as the railroad unemployment insurance administration fund. This unemployment insurance administration fund shall consist of (i) such part of all contributions collected pursuant to section 8 of this Act as equals 0.65 per centum of the total compensation on which such contributions are based; (ii) all amounts advanced to the fund by the Secretary of the Treasury pursuant to this section; (iii) all amounts appropriated by subsection (b) of this section; and (iv) such additional amounts as Congress may appropriate for expenses necessary or incidental to administering this Act. Such additional amounts are authorized to be appropriated.

\* \* \* \* \*

(c) Notwithstanding any other provision of law, all moneys at any time credited to the fund are permanently appropriated to the Board to be continuously available to the Board without further ap-

appropriation for any expenses necessary or incidental to administering this Act, including personal services in the District of Columbia and elsewhere; travel expenses, including expenses of attendance at meetings when authorized by the Board; actual transportation expenses and not to exceed \$10 per diem to cover subsistence and other expenses while in attendance at and en route to and from the place to which he is invited, to any person other than an employee of the Federal Government who may, from time to time, be invited to the city of Washington or elsewhere for conference or advisory purposes in furthering the work of the Board; when found by the Board to be in the interest of the Government, not exceeding 3 per centum, in any fiscal year, of the amounts credited during such year to the fund, for engaging persons or organizations, by contract or otherwise, for any special technical or professional services, determined necessary by the Board, including but not restricted to accounting, actuarial, statistical, and reporting services, without regard to [section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5)] *section 6101 of title 41, United States Code*, and the provisions of other laws applicable to the employment and compensation of officers and employees of the United States; services; advertising, postage, telephone, telegraph, teletype, and other communication services and tolls; supplies; reproducing, photographing, and all other equipment, office appliances, and labor-saving devices, including devices for internal communication and conveyance; purchase and exchange, operation, maintenance and repair of motor-propelled passenger-carrying vehicles to be used only for official purposes in the District of Columbia and in the field; printing and binding; purchase and exchange of law books, books of reference, and directories; periodicals, newspapers and press clippings, in such amounts as the Board deems necessary, without regard to the provisions of section 192 of the Revised Statutes; manuscripts and special reports; membership fees or dues in organizations which issue publications to members only, or to members at a lower price than to others, payment for which may be made in advance; rentals, including garages, in the District of Columbia or elsewhere; alterations and repairs; if found by the Board to be necessary to expedite the certification to the Board by the Director of the Office of Personnel Management of persons eligible to be employed by the Board, and to the extent that the Board finds such expedition necessary, meeting the expenses of the Director of the Office of Personnel Management in holding examinations for testing the fitness of applicants for admission to the classified service for employment by the Board pursuant to the second paragraph of section 362(l) of this title, but not to exceed the additional expenses found by the Board to have been incurred by reason of the holding of such examinations; and miscellaneous items, including those for public instruction and information deemed necessary by the Board: *Provided, That* [section 3709 of Revised Statutes (U.S.C., title 41, sec. 5)] *section 6101 of title 41, United States Code*, shall not be construed to apply to any purchase or procurement of supplies or services by the Board from moneys in the fund when the aggregate amount involved does not exceed \$300. Determinations of the Board whether the fund or an appropriation for the administration of the Railroad Retirement Act of 1974 is properly chargeable with the authorized expenses, or parts



thereof, incurred in the administration of such Act, or of this Act, shall be binding and conclusive for all purposes and upon all persons, including the Comptroller General and any other administrative or accounting officer, employee, or agent of the United States and shall not be subject to review in any manner.

**§ 1212(b) (Alaska Railroad Transfer Act of 1982, § 613(b))**

SEC. 613. (a) The provisions of chapter 5 of title 5, United States Code (popularly known as the Administrative Procedure Act, and including provisions popularly known as the Government in the Sunshine Act), the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to actions taken pursuant to this chapter, except to the extent that such laws may be applicable to granting of rights-of-way under section 609 of this title.

(b) The enactment of this title, actions taken during the transition period as provided in section 605 of this title, and transfer of the rail properties of the Alaska Railroad under authority of this chapter shall be deemed not to be the disposal of Federal surplus property under [the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484)] *chapter 5 of title 40, United States Code*, or the Act of October 3, 1944, popularly referred to as the “Surplus Property Act of 1944” (50 U.S.C. App. 1622). Such events shall not constitute or cause the revocation of any prior withdrawal or reservation of land for the use of the Alaska Railroad under the Act of March 12, 1914 (43 U.S.C. 975 et seq.), the Alaska Statehood Act (note preceding 48 U.S.C. 21), the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), the Act of January 2, 1976 (Public Law 94–204; 89 Stat. 1145), the Alaska National Interest Lands Conservation Act (Public Law 96–487; 94 Stat. 2371), and the general land and land management laws of the United States.

## TITLE 46—SHIPPING

**§ 1703(b)(2)**

**§ 1703. Additional training**

\* \* \* \* \*

(b) EQUIPMENT, SUPPLIES, AND CONTRACTS.—The Secretary may—

\* \* \* \* \*

(2) without regard to [section 6101(b) to (d)] *section 6101* of title 41, make contracts for services the Secretary considers necessary to prepare the equipment and supplies and to supervise and administer the additional training.

**§ 55305(d)(2)(D)**

**§ 55305. Cargoes procured, furnished, or financed by the United States Government**

\* \* \* \* \*

## (d) PROGRAMS OF OTHER AGENCIES.—

\*            \*            \*            \*            \*            \*

## (2) The Secretary—

\*            \*            \*            \*            \*            \*

(D) may take other measures as appropriate under the Federal Acquisition Regulations issued pursuant to [section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1))] *section 1303(a)(1) of title 41* or contract with respect to each violation.

## TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

### § 1685 (Interior Department Appropriation Act, 1953, § 108)

SEC. 108. After June 30, 1952, transfers to the Department of the Interior pursuant to [the Federal Property and Administrative Services Act of 1949] *chapter 5 of title 40, United States Code*, of equipment, material and supplies, excess to the needs of Federal agencies may be made at the request of the Secretary of the Interior without reimbursement or transfer of funds when required by the Interior Department for operations conducted in the administration of the Territories and the Trust Territory of the Pacific Islands.

## TITLE 49—TRANSPORTATION

### Public Law 111-350, § 5(o)(1)

\*            \*            \*            \*            \*            \*

#### SEC. 5. CONFORMING CROSS REFERENCES.

\*            \*            \*            \*            \*            \*

(o) TITLE 49.—Title 49, United States Code, is amended as follows:

(1) In section [103(e)] *103(i)*, strike “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” and substitute “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41”.

### § 103(i)

#### § 103. Federal Railroad Administration

\*            \*            \*            \*            \*            \*

(i) AUTHORITIES.—Subject to the provisions [of subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *referred to in section 171(b) and (c) of title 41*, the Secretary of Transportation may make, enter into, and perform such contracts, grants, leases, cooperative agreements, and other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and make such payments, by way of advance or reimbursement, as the Secretary may determine to be necessary or appropriate to carry out functions at the Administration. The author-

ity of the Secretary granted by this subsection shall be carried out by the Administrator. Notwithstanding any other provision of this chapter, no authority to enter into contracts or to make payments under this subsection shall be effective, except as provided for in appropriations Acts.

**§ 1113(b)(1)(B)**

**§ 1113. Administrative**

\* \* \* \* \*

(b) ADDITIONAL POWERS.—(1) The Board may—

\* \* \* \* \*

(B) make agreements and other transactions necessary to carry out this chapter without regard to [section 6101(b) to (d)] *section 6101* of title 41;

**§ 5101 note (Hazardous Materials Transportation Authorization Act of 1994, § 123(a))**

**SEC. 123. BUY AMERICA.**

(a) COMPLIANCE WITH [BUY AMERICAN ACT] *CHAPTER 83 OF TITLE 41, UNITED STATES CODE*.—None of the funds made available under this title may be expended in violation of [sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a—10c; popularly known as the “Buy American Act”)] *chapter 83 of title 41, United States Code*, which are applicable to those funds.

**§ 10721**

**§ 10721. Government traffic**

A rail carrier providing transportation or service for the United States Government may transport property or individuals for the United States Government without charge or at a rate reduced from the applicable commercial rate. [Section 6101(b) to (d)] *Section 6101* of title 41 does not apply when transportation for the United States Government can be obtained from a rail carrier lawfully operating in the area where the transportation would be provided.

**§ 13712**

**§ 13712. Government traffic**

A carrier providing transportation or service for the United States Government may transport property or individuals for the United States Government without charge or at a rate reduced from the applicable commercial rate. [Section 6101(b) to (d)] *Section 6101* of title 41 does not apply when transportation for the United States Government can be obtained from a carrier lawfully operating in the area where the transportation would be provided.

**§ 15504**

**§ 15504. Government traffic**

A carrier providing transportation or service for the United States Government may transport property or individuals for the United States Government without charge or at a rate reduced from the applicable commercial rate. [Section 6101(b) to (d)] *Sec-*

*tion 6101* of title 41 does not apply when transportation for the United States Government can be obtained from a carrier lawfully operating in the area where the transportation would be provided.

**§ 24301 note (Amtrak Reform and Accountability Act of 1997, § 110(b))**

**SEC. 110. APPLICATION OF CERTAIN LAWS.**

\* \* \* \* \*

(b) APPLICATION OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT.—[Section 303B(m) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(m))] *Section 4702 of title 41, United States Code*, applies to a proposal in the possession or control of Amtrak.

**§ 40110(d)**

**§ 40110. General procurement authority**

\* \* \* \* \*

(d) ACQUISITION MANAGEMENT SYSTEM.—

\* \* \* \* \*

(2) APPLICABILITY OF FEDERAL ACQUISITION LAW.—The following provisions of Federal acquisition law shall not apply to the new acquisition management system developed and implemented pursuant to paragraph (1):

(A) [Division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I] *Provisions referred to in section 171(c) of title 41.*

(B) [Division B (except sections 1704 and 2303) of subtitle I] *Provisions referred to in section 172(b) of title 41.*

\* \* \* \* \*

(3) CERTAIN PROVISIONS [OF DIVISION B (EXCEPT SECTIONS 1704 AND 2303) OF SUBTITLE I] *REFERRED TO IN SECTION 172(b) OF TITLE 41.*—Notwithstanding paragraph (2)(B), chapter 21 of title 41 shall apply to the new acquisition management system developed and implemented under paragraph (1) with the following modifications:

\* \* \* \* \*

(B) Within 90 days after the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of the [Office of Federal Procurement Policy Act] *provisions referred to in section 172(b) of title 41.*

(C) After the adoption of those definitions, the criminal, civil, and administrative remedies provided under the [Office of Federal Procurement Policy Act] *provisions referred to in section 172(b) of title 41* apply to the acquisition management system.

(D) In the administration of the acquisition management system, the Administrator may take adverse personnel action under [section 27(e)(3)(A)(iv) of the Office of Federal Procurement Policy Act] *section 2105(c)(1)(D) of title 41* in

accordance with the procedures contained in the Administration's personnel management system.

**§ 40110 note (Department of Transportation and Related Agencies Appropriations Act, 1997, § 51(b))**

SEC. 351. Not later than December 31, 1997, the Administrator of the Federal Aviation Administration shall—

\* \* \* \* \*

(b) submit to the Congress a report on the findings of that independent assessment: *Provided*, That for purposes of this section, the term 'full and open competition' has the meaning provided that term in [section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))] *section 107 of title 41, United States Code*.

**§ 40110 note (Federal Acquisition Streamlining Act of 1994, § 5063)**

**SEC. 5063. FEDERAL AVIATION ADMINISTRATION ACQUISITION PILOT PROGRAM.**

\* \* \* \* \*

(f) **WAIVER OF PROCUREMENT REGULATIONS.**—(1) In conducting the test under this section, the Secretary of Transportation, with the approval of the Administrator for Federal Procurement Policy, may waive—

\* \* \* \* \*

(2) The provisions of law referred to in paragraph (1) are as follows:

\* \* \* \* \*

[(B) The following provisions of the Federal Property and Administrative Services Act of 1949:

(i) Section 303 ([former] 41 U.S.C. 253) [see 41 U.S.C. 3105, 3301, 3303 to 3305].

(ii) Section 303A ([former] 41 U.S.C. 253a) [see 41 U.S.C. 3306].

(iii) Section 303B ([former] 41 U.S.C. 253b) [now 41 U.S.C. 3308, 3701 to 3708, 4702].

(iv) Section 303C [former] (41 U.S.C. 253c) [now 41 U.S.C. 3311].

(C) The following provisions of the Office of Federal Procurement Policy Act:

(i) Section 4(6) ([former] 41 U.S.C. 403(6)) [see 41 U.S.C. 107].

(ii) Section 18 ([former] 41 U.S.C. 416) [see 41 U.S.C. 1708].]

(B) *Sections 107, 1708, 3105, 3301(a), (b)(1), and (c), 3303 through 3306(e), 3308, and 3311, chapter 37, and section 4702 of title 41, United States Code.*

(g) **DEFINITION.**—In this section, the term "commercial item" has the meaning provided that term in [section 4(12) of the Office of Federal Procurement Policy Act] *section 103 of title 41, United States Code*.

§ 47305(d)

§ 47305. Administrative

\* \* \* \* \*

(d) ADVERTISING NOT REQUIRED.—[Section 6101(b) to (d)] *Section 6101* of title 41 does not apply to a lease or contract made by the Secretary of Transportation or Commerce under this chapter.

§ 50101 note (Federal Aviation Administration Authorization Act of 1994, § 305(b))

SEC. 305. USE OF DOMESTIC POWERS.

\* \* \* \* \*

(b) COMPLIANCE WITH [BUY AMERICAN ACT] *CHAPTER 83 OF TITLE 41, UNITED STATES CODE*.—(1) Except as provided in paragraph (2), the head of each office within the Federal Aviation Administration that conducts procurements shall ensure that such procurements are conducted in compliance with [sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the “Buy American Act”)] *chapter 83 of title 41, United States Code*.

## TITLE 50—WAR AND NATIONAL DEFENSE

§ 167b(c)(2) (Helium Act, § 4(c)(2))

SEC. 4. STORAGE, TRANSPORTATION, AND WITHDRAWAL OF CRUDE HELIUM.

\* \* \* \* \*

(c) DISPOSAL OF FACILITIES.—

\* \* \* \* \*

(2) APPLICABLE LAW.—The disposal of such property shall be in accordance with [the Federal Property and Administrative Services Act of 1949] *chapter 5 of title 40, United States Code*.

§ 1651(a) (National Emergencies Act, § 502(a))

SEC. 502. (a) The provisions of this Act shall not apply to the following provisions of law, the powers and authorities conferred thereby, and actions taken thereunder:

(1) [Act of June 30, 1949 (41 U.S.C. 252)] *Provisions of law referred to in section 171(b) and (c) of title 41, United States Code*;

\* \* \* \* \*

(3) [Section 3737 of the Revised Statutes, as amended (41 U.S.C. 15)] *Section 6305 of title 41, United States Code*;

§ 1701 note (Sudan Accountability and Divestment Act of 2007, § 2(3), 6)

SEC. 2. DEFINITIONS.

\* \* \* \* \*

(3) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given the term in [section 4 of the Office of Fed-

eral Procurement Policy Act (41 U.S.C. 403)] *section 133 of title 41, United States Code.*

\* \* \* \* \*

# **SEC. 6. PROHIBITION ON UNITED STATES GOVERNMENT CONTRACTS.**

\* \* \* \* \*

## **(b) REMEDIES.—**

\* \* \* \* \*

(4) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued under [section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)] *section 1303 of title 41, United States Code*, each contractor that is debarred, suspended, proposed for debarment or suspension, or declared ineligible by the head of an executive agency on the basis of a determination of a false certification under paragraph (1).

\* \* \* \* \*

(d) IMPLEMENTATION THROUGH THE FEDERAL ACQUISITION REGULATION.—Not later than 120 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation issued pursuant to [section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)] *section 1303 of title 41, United States Code*, to provide for the implementation of the requirements of this section.

## **§ 1902(a)(4) (David L. Boren National Security Education Act of 1991, § 802(a)(4))**

# **SEC. 802. SCHOLARSHIP, FELLOWSHIP, AND GRANT PROGRAM.**

## **(a) PROGRAM REQUIRED.—**

\* \* \* \* \*

(4) CONTRACT AUTHORITY.—The Secretary may enter into one or more contracts, with private national organizations having an expertise in foreign languages, area studies, counterproliferation studies, and other international fields, for the awarding of the scholarships, fellowships, and grants described in paragraph (1) in accordance with the provisions of this chapter. The Secretary may enter into such contracts without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41, United States Code*, or any other provision of law that requires the use of competitive procedures. In addition, the Secretary may enter into personal service contracts for periods up to one year for program administration, except that not more than 10 such contracts may be in effect at any one time.

**§ 3024(q)(4)(B) (National Security Act of 1947, § 102A(q)(4)(B))**

SEC. 102A. (a) PROVISION OF INTELLIGENCE.—(1) The Director of National Intelligence shall be responsible for ensuring that national intelligence is provided—

\* \* \* \* \*

(q) ACQUISITIONS OF MAJOR SYSTEMS.—(1) For each intelligence program within the National Intelligence Program for the acquisition of a major system, the Director of National Intelligence shall—

\* \* \* \* \*

(4) In this subsection:

\* \* \* \* \*

(B) The term “major system” has the meaning given such term in [section 4(9) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 403(9))] *section 109 of title 41, United States Code*.

**§ 3095(a)(2)(B)(i) (National Security Act of 1947, § 505(a)(2)(B)(i))**

SEC. 505. (a)(1) The transfer of a defense article or defense service, or the anticipated transfer in any fiscal year of any aggregation of defense articles or defense services, exceeding \$1,000,000 in value by an intelligence agency to a recipient outside that agency shall be considered a significant anticipated intelligence activity for the purpose of this title.

(2) Paragraph (1) does not apply if—

\* \* \* \* \*

(B) the transfer—

(i) is being made pursuant to authorities contained in part II of the Foreign Assistance Act of 1961, the Arms Export Control Act, title 10 of the United States Code (including a law enacted pursuant to section 8677(a) of title 10), or the [Federal Property and Administrative Services Act of 1949] *provisions referred to in section 171(b) and (c) of title 41 of the United States Code*, and

**§ 3099(e)(1) (National Security Act of 1947, § 506C(e)(1))**

SEC. 506C. (a) INITIAL VULNERABILITY ASSESSMENTS.—(1)(A) Except as provided in subparagraph (B), the Director of National Intelligence shall conduct and submit to the congressional intelligence committees an initial vulnerability assessment for each major system and its significant items of supply—

\* \* \* \* \*

(e) DEFINITIONS.—In this section:

(1) The term “item of supply” has the meaning given that term in [section 4(10) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(10))] *section 108 of title 41, United States Code*.



**§ 4517(b)(2)(B)(ii) (Defense Production Act of 1950,  
§ 107(b)(2)(B)(ii))**

**SEC. 107. STRENGTHENING DOMESTIC CAPABILITY.**

\* \* \* \* \*

**(b) CRITICAL COMPONENTS AND CRITICAL TECHNOLOGY ITEMS.—**

\* \* \* \* \*

**(2) APPROPRIATE ACTION.—**For purposes of this subsection, appropriate action may include—

\* \* \* \* \*

(B) restricting contract solicitations to domestic sources pursuant to—

\* \* \* \* \*

(ii) **§ 303(b)(1)(B) or section 303(c)(3) of the Federal Property and Administrative Services Act of 1949** *section 3303(a)(1)(B) or section 3304(a)(3) of title 41, United States Code*; or

**§ 4554(b) (Defense Production Act of 1950, § 704(b))**

**SEC. 704. REGULATIONS AND ORDERS.**

\* \* \* \* \*

**(b) PROCUREMENT REGULATIONS.—**Any procurement regulation, procedure, or form issued pursuant to subsection (a) shall be issued pursuant to **§ 25 of the Office of Federal Procurement Policy Act** *section 1303(a) of title 41, United States Code*, and shall conform to any governmentwide procurement policy or regulation issued pursuant to **§ 6 or 25 of that Act** *section 1121(b) and (d) or 1303(a)(1) of that title*.

**§ 4559(c) (Defense Production Act of 1950, § 709(c))**

**SEC. 709. PUBLIC PARTICIPATION IN RULEMAKING.**

\* \* \* \* \*

**(c) PUBLIC COMMENT ON PROCUREMENT REGULATIONS.—**Any procurement policy, regulation, procedure, or form (including any amendment or modification of any such policy, regulation, procedure, or form) issued under this Act shall be subject to **§ 22 of the Office of Federal Procurement Policy Act** *section 1707 of title 41, United States Code*.

## **TITLE 51—NATIONAL AND COMMERCIAL SPACE PROGRAMS**

**§ 20113(c)(4)**

**§ 20113. Powers of the Administration in performance of functions**

\* \* \* \* \*

**(c) PROPERTY.—**In the performance of its functions, the Administration is authorized—

\* \* \* \* \*

(4) to sell and otherwise dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of [the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.)] *chapter 5 of title 40*; and

**§ 30704(2)**

**§ 30704. Offshore performance of contracts for the procurement of goods and services**

The Administrator shall submit to Congress, not later than 120 days after the end of each fiscal year, a report on the contracts and subcontracts performed overseas and the amount of purchases directly or indirectly by the Administration from foreign entities in that fiscal year. The report shall separately indicate—

\* \* \* \* \*

(2) the items and their dollar values for which [the Buy American Act (41 U.S.C. 10a et seq.)] *chapter 83 of title 41* was waived pursuant to obligations of the United States under international agreements.

## **TITLE 52—VOTING AND ELECTIONS**

**§ 20925(e) (Help America Vote Act of 2002, § 205(e))**

**SEC. 205. POWERS.**

\* \* \* \* \*

(e) **CONTRACTS.**—The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to [section 3709 of the Revised Statutes (41 U.S.C. 5)] *section 6101 of title 41*.

