

a recognized trade or craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirement.

1973—Subsec. (d). Pub. L. 93-57 defined “United States” to include Canton Island.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 2 of Pub. L. 93-57 provided that: “The amendment made hereby [amending this section] shall be effective with respect to all contracts entered into at any time after the date of enactment [July 6, 1973].”

§ 358. Wage and fringe benefit determinations of Secretary

It is the intent of the Congress that determinations of minimum monetary wages and fringe benefits for the various classes of service employees under the provisions of paragraphs (1) and (2) of section 351¹ of this title should be made with respect to all contracts subject to this chapter, as soon as it is administratively feasible to do so. In any event, the Secretary shall make such determinations with respect to at least the following contracts subject to this chapter which are entered into during the applicable fiscal year:

- (1) For the fiscal year ending June 30, 1973, all contracts under which more than twenty-five service employees are to be employed.
- (2) For the fiscal year ending June 30, 1974, all contracts, under which more than twenty service employees are to be employed.
- (3) For the fiscal year ending June 30, 1975, all contracts under which more than fifteen service employees are to be employed.
- (4) For the fiscal year ending June 30, 1976, all contracts under which more than ten service employees are to be employed.
- (5) On or after July 1, 1976, all contracts under which more than five service employees are to be employed.

(Pub. L. 89-286, §10, as added Pub. L. 92-473, §5, Oct. 9, 1972, 86 Stat. 790; amended Pub. L. 94-273, §29, Apr. 21, 1976, 90 Stat. 380.)

AMENDMENTS

1976—Par. (5). Pub. L. 94-273 substituted “On or after July 1, 1976” for “For the fiscal year ending June 30, 1977, and for each fiscal year thereafter”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 353 of this title.

CHAPTER 7—OFFICE OF FEDERAL PROCUREMENT POLICY

- Sec. 401, 402. Repealed.
- 403. Definitions.
- 404. Establishment of Office of Federal Procurement Policy; appointment of Administrator.
- 405. Authority and functions of the Administrator.
 - (a) Development of procurement policy; leadership.
 - (b) Government-wide procurement regulations.
 - (c) Noninterference with executive agencies.

- Sec. (d) Enumeration of included functions.
- (e) Consultation; assistance of existing executive agencies; advisory committees and interagency groups.
- (f) Oversight of regulations promulgated by other agencies relating to procurement.
- (g) Assignment, delegation, or transfer of functions prohibited.
- (h) Automatic data processing and telecommunications equipment; real property procurement; Office of Management and Budget.
- (i) Recipients of Federal grants or assistance.
- (j) Policy regarding consideration of contractor past performance.
- (k) Annual reporting requirement.
- 405a. Uniform Federal procurement regulations and procedures.
- 405b. Conflict of interest standards for individuals providing consulting services.
 - (a) Issuance of policy and regulations.
 - (b) Services subject to regulations.
 - (c) Report to Congress by Comptroller General on effectiveness of regulations.
 - (d) Intelligence activities exemption; annual report by Director of Central Intelligence.
 - (e) Adverse effect determination by President prior to issuance of regulations; report to Congressional committees; voiding of regulations requirement.
- 406. Administrative powers.
- 407. Repealed.
- 408. Applicability of existing laws.
- 409. Repealed.
- 410. Authorization of appropriations.
- 411. Delegation of authority by Administrator.
- 412. Comptroller General’s access to information from Administrator; rule making procedure.
- 413. Tests of innovative procurement methods and procedures.
- 414. Executive agency responsibilities.
- 414a. Personnel evaluation.
- 415. Repealed.
- 416. Procurement notice.
 - (a) Covered executive agency activities; publication of notice; time limitations.
 - (b) Contents of notice.
 - (c) Exempted, etc., activities of executive agency.
 - (d) Availability of complete solicitation package; payment of fee.
- 417. Record requirements.
 - (a) Establishment and maintenance of computer file by executive agency; time period; coverage.
 - (b) Contents.
 - (c) Record categories.
 - (d) Transmission and data system entry of information.
- 417a. Procurement data.
 - (a) Reporting.
 - (b) Definitions.
- 418. Advocates for competition.
 - (a) Establishment, designation, etc., in executive agency.
 - (b) Duties and functions.
 - (c) Responsibilities.
- 418a. Rights in technical data.
 - (a) Regulations; legitimate proprietary interest of United States.
 - (b) Unlimited rights; technical data; developed with Federal funds; unrestricted, royalty-free right to use; rights under law.

¹ So in original. Probably should be section “351(a)”.

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| <p>Sec.</p> <p>418b. Publication of proposed regulations.</p> <p>419. Contracting functions performed by Federal personnel.</p> <p>420. Repealed.</p> <p>421. Federal Acquisition Regulatory Council.</p> <p>422. Cost Accounting Standards Board.</p> <p>423. Restrictions on disclosing and obtaining contractor bid or proposal information or source selection information.</p> <p>424. Repealed.</p> <p>425. Contract clauses and certifications.</p> <p>426. Use of electronic commerce in Federal procurement.</p> <p>426a. Repealed.</p> <p>427. Simplified acquisition procedures.</p> | <p>Sec.</p> <p>428. Procedures applicable to purchases below micro-purchase threshold.</p> <p>429. List of laws inapplicable to contracts not greater than simplified acquisition threshold in Federal Acquisition Regulation.</p> <p>430. List of laws inapplicable to procurements of commercial items in Federal Acquisition Regulation.</p> <p>431. Commercially available off-the-shelf item acquisitions: lists of inapplicable laws in Federal Acquisition Regulation.</p> <p>432. Value engineering.</p> <p>433. Acquisition workforce.</p> <p>434. Modular contracting for information technology.</p> <p>435. Levels of compensation of certain contractor personnel not allowable as costs under certain contracts.</p> |
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- (c) Factors; regulations.
(d) Provisions; contracts; regulations.
- (a) Effective date; procurement policy, regulations, procedure or form; publication in Federal Register.
(b) Publication in Federal Register.
(c) Notice; proposed policy; contents.
(d) Waiver.
- (a) Limitation on payment for advisory and assistance services.
(b) Covered personnel.
(c) Rule of construction.
- (a) Establishment.
(b) Membership.
(c) Functions.
(d) Additional responsibilities of membership.
(e) Governing policies.
(f) General authority with respect to FAR.
- (a) Establishment; membership; terms.
(b) Senior staff.
(c) Other staff.
(d) Detailed and temporary personnel.
(e) Compensation.
(f) Cost accounting standards authority.
(g) Requirements for standards.
(h) Implementing regulations.
(i) Reports to Congress.
(j) Effect on other standards and regulations.
(k) Examinations.
(l) Authorization of appropriations.
- (a) Prohibition on disclosing procurement information.
(b) Prohibition on obtaining procurement information.
(c) Actions required of procurement officers when contacted by offerors regarding non-Federal employment.
(d) Prohibition on former official's acceptance of compensation from contractor.
(e) Penalties and administrative actions.
(f) Definitions.
(g) Limitation on protests.
(h) Savings provisions.
- (a) Nonstandard contract clauses.
(b) Construction of certification requirements.
(c) Prohibition on certification requirements.
- (a) In general.
(b) Applicable standards.
(c) Agency procedures.
(d) Implementation.
(e) Report.
(f) "Electronic commerce" defined.
- (a) Requirement.
(b) Prohibition on dividing purchases.
(c) Promotion of competition required.
(d) Consideration of offers timely received.
(e) Interim reporting rule.
- (f) Special rules for commercial items.
- (a) Requirements.
(b) Exclusion for micro-purchases.
(c) Purchases without competitive quotations.
(d) Equitable distribution.
(e) Implementation through FAR.
(f) Micro-purchase threshold defined.
- (a) List of inapplicable provisions of law.
(b) Covered law.
(c) Petition.
- (a) List of inapplicable provisions of law.
(b) Subcontracts.
(c) Covered law.
(d) Petition.
- (a) Lists of inapplicable provisions of law.
(b) Covered law.
(c) "Commercially available off-the-shelf item" defined.
- (a) In general.
(b) "Value engineering" defined.
- (a) Applicability.
(b) Management policies.
(c) Senior procurement executive authorities and responsibilities.
(d) Management information systems.
(e) Applicability to acquisition workforce.
(f) Career development.
(g) Qualification requirements.
(h) Education and training.
- (a) In general.
(b) Modular contracting described.
(c) Implementation.
- (a) Determination required.
(b) Benchmark compensation amount.
(c) Definitions.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 405a, 405b, 601, 607, 705 of this title; title 25 sections 450j, 458cc; title 40 sections 474, 481, 487.

§§ 401, 402. Repealed. Pub. L. 104-106, div. D, title XLIII, § 4305(a)(2), Feb. 10, 1996, 110 Stat. 665

Section 401, Pub. L. 93-400, §2, Aug. 30, 1974, 88 Stat. 796; Pub. L. 96-83, §2, Oct. 10, 1979, 93 Stat. 648; Pub. L. 98-191, §3, Dec. 1, 1983, 97 Stat. 1325; Pub. L. 100-679, §2(a), Nov. 17, 1988, 102 Stat. 4055; Pub. L. 103-355, title I, §1091(a), Oct. 13, 1994, 108 Stat. 3272, stated policy of United States Government relating to procurement of property and services.

Section 402, Pub. L. 93-400, §3, Aug. 30, 1974, 88 Stat. 796; Pub. L. 100-679, §2(b), Nov. 17, 1988, 102 Stat. 4055, stated findings of Congress and purpose of this chapter.

EFFECTIVE DATE OF REPEAL

For effective date and applicability of repeal, see section 4401 of Pub. L. 104-106, set out as an Effective Date of 1996 Amendment note under section 251 of this title.