

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.	Text	Sec.	Text
401, 402.	Repealed.	417.	Record requirements. (d) Availability of complete solicitation package; payment of fee. (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.
403.	Definitions.	417a.	Procurement data. (a) Reporting. (b) Definitions.
404.	Establishment of Office of Federal Procurement Policy; appointment of Administrator.	418.	Advocates for competition. (a) Establishment, designation, etc., in executive agency. (b) Duties and functions. (c) Responsibilities.
405.	Authority and functions of the Administrator. (a) Development of procurement policy; leadership. (b) Government-wide procurement regulations. (c) Noninterference with executive agencies. (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) 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.	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. (c) Factors; regulations. (d) Provisions; contracts; regulations.
405a.	Uniform Federal procurement regulations and procedures.	418b.	Publication of proposed 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.
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.	419.	Contracting functions performed by Federal personnel. (a) Limitation on payment for advisory and assistance services. (b) Covered personnel. (c) Rule of construction.
406.	Administrative powers.	420.	Repealed.
407.	Repealed.	421.	Federal Acquisition Regulatory Council. (a) Establishment. (b) Membership. (c) Functions. (d) Additional responsibilities of membership. (e) Governing policies. (f) General authority with respect to FAR.
408.	Applicability of existing laws.	422.	Cost Accounting Standards Board. (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) Omitted. (j) Effect on other standards and regulations. (k) Examinations. (l) Authorization of appropriations.
409.	Repealed.	423.	Restrictions on disclosing and obtaining contractor bid or proposal information or source selection information. (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.
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.		

- Sec. (g) Limitation on protests.  
(h) Savings provisions.
424. Repealed.
425. Contract clauses and certifications.  
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(b) Construction of certification requirements.  
(c) Prohibition on certification requirements.
426. Use of electronic commerce in Federal procurement.  
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(c) Agency procedures.  
(d) Implementation.  
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- 426a. Repealed.
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(f) Micro-purchase threshold defined.
429. List of laws inapplicable to contracts not greater than simplified acquisition threshold in Federal Acquisition Regulation.  
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(b) Covered law.  
(c) Petition.
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(a) List of inapplicable provisions of law.  
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(c) Covered law.  
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431. Commercially available off-the-shelf item acquisitions: lists of inapplicable laws in Federal Acquisition Regulation.  
(a) Lists of inapplicable provisions of law.  
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(a) In general.  
(b) "Value engineering" defined.
433. Acquisition workforce.  
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(b) Management policies.  
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434. Modular contracting for information technology.  
(a) In general.  
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- Sec. (b) Benchmark compensation amount.  
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436. Protection of constitutional rights of contractors.  
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## 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, 458aaa-8, 458aaa-9; title 40 sections 113, 501, 503, 506; title 49 section 40110; title 50 section 2462.

**§§ 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.

## EFFECTIVE DATE OF 1979 AMENDMENT

Section 12 of Pub. L. 96-83 provided that: "Except to the extent otherwise provided therein, the amendments made by this Act [see Short Title of 1979 Amendment note below] shall take effect on October 1, 1979."

## SHORT TITLE OF 1988 AMENDMENT

Section 1 of Pub. L. 100-679 provided that: "This Act [enacting sections 421 to 424 of this title, amending this section, sections 402, 403, 405, 410, and 420 of this title, sections 5312 to 5315, 8331, 8401, 8701, and 8901 of Title 5, Government Organization and Employees, and section 541 of former Title 40, Public Buildings, Property, and Works, repealing section 2168 of Title 50, Appendix, War and National Defense, and enacting provisions set out as notes under sections 405 and 423 of this title and section 5312 of Title 5] may be cited as the 'Office of Federal Procurement Policy Act Amendments of 1988'."

## SHORT TITLE OF 1983 AMENDMENT

Section 1 of Pub. L. 98-191 provided: "That this Act [enacting sections 413 to 415 of this title, amending this section, sections 5, 6a-1, 252, 403, 405, 407, 409, 410, and 411 of this title, section 831h of Title 16, Conservation, and sections 474, 481, and 487 of former Title 40, Public Buildings, Property, and Works] may be cited as the 'Office of Federal Procurement Policy Act Amendments of 1983'."

## SHORT TITLE OF 1979 AMENDMENT

Section 1(a) of Pub. L. 96-83 provided that: "This Act [amending this section, sections 403, 405, 407, and 409 to 412 of this title, and sections 474, 481, and 487 of former Title 40, Public Buildings, Property and Works, and enacting provisions set out as notes under this section and section 405a of this title] may be cited as the 'Office of Federal Procurement Policy Act Amendments of 1979'."

## SHORT TITLE

Section 1(a) of Pub. L. 93-400, as amended by Pub. L. 103-355, title X, § 10005(a)(1), Oct. 13, 1994, 108 Stat. 3406, provided that: "This Act [enacting this chapter and amending section 5315 of Title 5, Government Organization and Employees, and sections 474, 481, and 487 of