

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 Repealed.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.
 - (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.
- 405a. Uniform Federal procurement regulations and procedures.
- 405b. Conflict of interest standards for individuals providing consulting services.

- Sec. (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. Chief Acquisition Officers and senior procurement executives.
 - (a) Establishment of agency Chief Acquisition Officers.
 - (b) Authority and functions of agency Chief Acquisition Officers.
 - (c) Senior procurement executive.
- 414a. Personnel evaluation.
- 414b. Chief Acquisition Officers Council.
 - (a) Establishment.
 - (b) Membership.
 - (c) Leadership; support.
 - (d) Principal forum.
 - (e) Functions.
- 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.
 - (c) Factors; regulations.
 - (d) Provisions; contracts; regulations.
- 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.

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

Sec.		Sec.	
	(d) Waiver.		(e) Implementation through FAR.
419.	Contracting functions performed by Federal personnel.	428a.	Special emergency procurement authority.
	(a) Limitation on payment for advisory and assistance services.		(a) Applicability.
	(b) Covered personnel.		(b) Increased thresholds.
	(c) Rule of construction.		(c) Increased limitation on use of simplified acquisition procedures.
420.	Repealed.		(d) Commercial items authority.
421.	Federal Acquisition Regulatory Council.		(e) Contingency operation defined.
	(a) Establishment.	429.	List of laws inapplicable to contracts not greater than simplified acquisition threshold in Federal Acquisition Regulation.
	(b) Membership.		(a) List of inapplicable provisions of law.
	(c) Functions.		(b) Covered law.
	(d) Additional responsibilities of membership.		(c) Petition.
	(e) Governing policies.	430.	List of laws inapplicable to procurements of commercial items in Federal Acquisition Regulation.
	(f) General authority with respect to FAR.		(a) List of inapplicable provisions of law.
422.	Cost Accounting Standards Board.		(b) Subcontracts.
	(a) Establishment; membership; terms.		(c) Covered law.
	(b) Senior staff.		(d) Petition.
	(c) Other staff.	431.	Commercially available off-the-shelf item acquisitions: lists of inapplicable laws in Federal Acquisition Regulation.
	(d) Detailed and temporary personnel.		(a) Lists of inapplicable provisions of law.
	(e) Compensation.		(b) Covered law.
	(f) Cost accounting standards authority.		(c) "Commercially available off-the-shelf item" defined.
	(g) Requirements for standards.	432.	Value engineering.
	(h) Implementing regulations.		(a) In general.
	(i) Omitted.		(b) "Value engineering" defined.
	(j) Effect on other standards and regulations.	433.	Acquisition workforce.
	(k) Examinations.		(a) Applicability.
	(l) Authorization of appropriations.		(b) Management policies.
423.	Restrictions on disclosing and obtaining contractor bid or proposal information or source selection information.		(c) Senior procurement executive authorities and responsibilities.
	(a) Prohibition on disclosing procurement information.		(d) Management information systems.
	(b) Prohibition on obtaining procurement information.		(e) Applicability to acquisition workforce.
	(c) Actions required of procurement officers when contacted by offerors regarding non-Federal employment.		(f) Career development.
	(d) Prohibition on former official's acceptance of compensation from contractor.		(g) Qualification requirements.
	(e) Penalties and administrative actions.		(h) Education and training.
	(f) Definitions.	434.	Modular contracting for information technology.
	(g) Limitation on protests.		(a) In general.
	(h) Savings provisions.		(b) Modular contracting described.
424.	Repealed.		(c) Implementation.
425.	Contract clauses and certifications.	435.	Levels of compensation of certain contractor personnel not allowable as costs under certain contracts.
	(a) Nonstandard contract clauses.		(a) Determination required.
	(b) Construction of certification requirements.		(b) Benchmark compensation amount.
	(c) Prohibition on certification requirements.		(c) Definitions.
426.	Use of electronic commerce in Federal procurement.	436.	Protection of constitutional rights of contractors.
	(a) In general.		(a) Prohibition.
	(b) Applicable standards.		(b) Construction.
	(c) Agency procedures.	437.	Incentives for efficient performance of services contracts.
	(d) Implementation.		(a) Incentive for use of performance-based services contracts.
	(e) Report.		(b) Regulations.
	(f) "Electronic commerce" defined.		(c) Report.
426a.	Repealed.		(d) Expiration.
427.	Simplified acquisition procedures.		
	(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.		
428.	Procedures applicable to purchases below micro-purchase threshold.		
	(a) Requirements.		
	(b) Exclusion for micro-purchases.		
	(c) Purchases without competitive quotations.		
	(d) Equitable distribution.		

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,