Title VII of the Act is classified generally to subchapter VI (§ 2000e et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 116–92, div. A, title XI, § 1123(a)(3), Dec. 20, 2019, 133 Stat. 1612, provided that: ''Section 4714 of title 41, United States Code, as added by paragraph (1), shall apply with respect to contracts awarded pursuant to solicitations issued after the effective date described in section 1122(b)(2) of this subtitle [effective 2 years after Dec. 20, 2019, see section 1122(b)(2) of Pub. L. 116–92, div. A, title XI, subtitle B, set out as a note under section 9202 of Title 5, Government Organization and Employees].''

Subtitle II—Other Advertising and Contract Provisions

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

CHAPTER 61—ADVERTISING

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

§ 6101. Advertising requirement for Federal Government purchases and sales

(a) DEFINITIONS.—In this section—

(1) APPROPRIATION.—The term ''appropriation'' includes amounts made available by legislation under section 9104 of title 31.

(2) FEDERAL GOVERNMENT.—The term ''Federal Government'' includes the government of the District of Columbia.

(b) PURCHASES.—

(1) IN GENERAL.—Unless otherwise provided in the appropriation concerned or other law, purchases and contracts for supplies or services for the Federal Government may be made or entered into only after advertising for proposals for a sufficient time.

(2) LIMITATIONS ON APPLICABILITY.—Paragraph (1) does not apply when—

(A) the amount involved in any one case does not exceed $25,000;

(B) public exigencies require the immediate delivery of articles or performance of services;

(C) only one source of supply is available and the Federal Government purchasing or contracting officer so certifies; or

(D) services are required to be performed by a contractor in person and are—

(i) of a technical and professional nature; or

(ii) under Federal Government supervision and paid for on a time basis.

(c) SALES.—Except when otherwise authorized by law or when the reasonable value involved in any one case does not exceed $500, sales and contracts of sale by the Federal Government are governed by the requirements of this section for advertising.

(d) APPLICATION TO WHOLLY OWNED GOVERNMENT CORPORATIONS.—For wholly owned Government corporations, this section applies only to administrative transactions.

(Pub. L. 111–350, § 3, Jan. 4, 2011, 124 Stat. 3801.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6101(a)	41:5a.	Aug. 2, 1946, ch. 744, § 18, 60 Stat. 811.
6101(b)–(d) ..	41:5.	R.S. § 3709; Aug. 2, 1946, ch. 744, § 9(a), (c), 60 Stat. 809; June 30, 1949, ch. 288, title VI, § 602(f), formerly title V, § 502(e), 63 Stat. 403, renumbered title VI, § 602(f), Sept. 5, 1950, ch. 849, §§ 6(a), (b), 8(c), 64 Stat. 583, 591; Pub. L. 85–800, § 7, Aug. 28, 1958, 72 Stat. 967; Pub. L. 93–356, § 1, July 25, 1974, 88 Stat. 390; Pub. L. 98–191, § 9(b), Dec. 1, 1983, 97 Stat. 1332.

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

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

§ 6102. Exceptions from advertising requirement

(a) AMERICAN BATTLE MONUMENTS COMMISSION.—Section 6101 of this title does not apply to the American Battle Monuments Commission with respect to leases in foreign countries for office or garage space.

(b) BUREAU OF INTERPARLIAMENTARY UNION FOR PROMOTION OF INTERNATIONAL ARBITRATION.—Section 6101 of this title does not apply to the Bureau of Interparliamentary Union for Promotion of International Arbitration with respect to necessary stenographic reporting services by contract.

(c) DEPARTMENT OF STATE.—Section 6101 of this title does not apply to the Department of State when the purchase or service relates to the packing of personal and household effects of Diplomatic, Consular, and Foreign Service officers and clerks for foreign shipment.

(d) INTERNATIONAL COMMITTEE OF AERIAL LEGAL EXPERTS.—Section 6101 of this title does not apply to the International Committee of

Aerial Legal Experts with respect to necessary stenographic and other services by contract.

(e) ARCHITECT OF THE CAPITOL.—The purchase of supplies and equipment and the procurement of services for all branches under the Architect of the Capitol may be made in the open market according to common business practice, without compliance with section 6101 of this title, when the aggregate amount of the purchase or the service does not exceed $25,000 in any instance.

(f) FOREST PRODUCTS FROM INDIAN RESERVATIONS.—Lumber and other forest products produced by Indian enterprises from forests on Indian reservations may be sold under regulations the Secretary of the Interior prescribes, without compliance with section 6101 of this title.

(g) HOUSE OF REPRESENTATIVES.—Section 6101 of this title does not apply to purchases and contracts for supplies or services for any office of the House of Representatives.

(h) CONGRESSIONAL BUDGET OFFICE.—The Director of the Congressional Budget Office may enter into agreements or contracts without regard to section 6101 of this title.

(i) SENATE.—Section 6101 of this title does not apply to agreements, contracts or purchases by any office of the Senate.

(j) LIBRARIAN OF CONGRESS.—Section 6101 of this title does not apply to a procurement made against an order placed under a task order contract or a delivery order contract (as such terms are defined in section 4101 of this title) entered into by the Librarian of Congress.

(Pub. L. 111–350, § 3, Jan. 4, 2011, 124 Stat. 3802; Pub. L. 115–141, div. I, title I, § 102, Mar. 23, 2018, 132 Stat. 772; Pub. L. 117–103, div. I, title I, § 142(b), Mar. 15, 2022, 136 Stat. 519.)

HISTORICAL AND REVISION NOTES

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

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

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

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

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

Editorial Notes

AMENDMENTS

2022—Subsec. (j). Pub. L. 117–103 added subsec. (j).

2018—Subsec. (i). Pub. L. 115–141 added subsec. (i).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117–103 applicable with respect to fiscal year 2022 and each succeeding fiscal year, see section 186(d) of Title 2, The Congress.

§ 6103. Opening of bids

Whenever proposals for supplies have been solicited, the parties responding to the solicitation shall be notified of the time and place of the opening of the bids, and be permitted to be present either in person or by attorney. A record of each bid shall be made at the time and place of the opening of the bids.

(Pub. L. 111–350, § 3, Jan. 4, 2011, 124 Stat. 3803.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6103	41:8.	R.S. § 3710.

CHAPTER 63—GENERAL CONTRACT PROVISIONS

Sec.
6301. Authorization requirement.
6302. Contracts for fuel made by Secretary of the Army.
6303. Certain contracts limited to appropriated amounts.
6304. Certain contracts limited to one-year term.
6305. Prohibition on transfer of contract and certain allowable assignments.
6306. Prohibition on Members of Congress making contracts with Federal Government.
6307. Contracts with Federal Government-owned establishments and availability of appropriations.
6308. Contracts for transportation of Federal Government securities.
6309. Honorable discharge certificate in lieu of birth certificate.
6310. Requirement for agencies to buy domestically made United States flags.

Editorial Notes

AMENDMENTS

2024—Pub. L. 118–74, § 2(a)(2), July 30, 2024, 138 Stat. 1506, added item 6310.

Statutory Notes and Related Subsidiaries

FEDERAL CONTRACTOR AUTHORITY

Pub. L. 116–136, div. A, title III, § 3610, Mar. 27, 2020, 134 Stat. 414, as amended by Pub. L. 117–2, title IV, § 4015, Mar. 11, 2021, 135 Stat. 80, provided that: ''Notwithstanding any other provision of law, and subject to the availability of appropriations, funds made available to an agency by this Act [div. A of Pub. L. 116–136, see Tables for classification] or any other Act may be used by such agency to modify the terms and conditions of a contract, or other agreement, without consideration, to reimburse at the minimum applicable contract billing rates not to exceed an average of 40 hours per week any paid leave, including sick leave, a contractor provides to keep its employees or subcontractors in a ready state, including to protect the life and safety of Government and contractor personnel, but in no event beyond September 30, 2021. Such authority shall apply only to a contractor whose employees or subcontractors cannot perform work on a site that has been ap-