CHANGE REQUEST COVER SHEET

Change Request Number: 13-49 Date Received: 2/28/2013

Title: Foreign Contractor Excise Tax

Name: Tim Eckert

Phone: (202) 267-7527

Policy OR Guidance: Policy

Section/Text Location Affected: Appendix E, Part I

Summary of Change: Addition of applicable statute

Reason for Change: Applicability of statute to FAA acquisition

Development, Review, and/or Concurrence: Acquisition Policy Division; Procurement Legal; Cost/Price

Analysis Services Division; and Contracting Organizations at HQ, Centers and the Services Areas

Target Audience: Contracting workforce and program offices

Potential Links within FAST for the Change: None

Briefing Planned: No

ASAG Responsibilities: None

Potential Links within FAST for the Change: None

Links for New/Modified Forms (or) Documents (LINK 1) null

Links for New/Modified Forms (or) Documents (LINK 2) <u>null</u>

Links for New/Modified Forms (or) Documents (LINK 3) <u>null</u>

SECTIONS EDITED:

Acquisition Management Policy:

Appendix E: Part I - Statutes [Old Content] [New Content] [RedLine Content]

SECTIONS EDITED:

Appendix E: Part I - Statutes

Old Content: Acquisition Management Policy:

Appendix E: Part I - Statutes

			Promulgated by AMS: P=Policy, G=Guidance, C=Clause *=See Office of Chief Counsel				
Title							
	Description Summary	Functional area affected					
Administrative	Authorizes a duly qualified individual to	All		1		*	
Procedures Act (5 USC 500 et seq)	represent a person before an agency.	All					
Agreement on Civil Aircraft (19 USC 2513)	Exempts civil aircraft from Buy American Act.	Procurement				*	
Air Commerce and Safety (49 USC 40121(c)(2)	Establishes legal authority for joint activities between DoD and FAA to improve or replenish the national air traffic control system.	Procurement		G			
Airport Improvement (AIP) Grants (49 USC 47101)	Establishes U.S. policy for airport development and improvement.	Agreements		G			
Air Traffic Management System Performance Improvement Act of 1996, P.L. 104-264 (49 USC 40121).	Administrator must consider terminating Facilities and Equipment acquisition program that exceeds 10% of cost or schedule baseline or fails to achieve 90% of performance goals. When cost or schedule breach is 50% or more, Administrator must terminate program, or make a written determination to continue program and send the determination to Congress.		P				
Air Transportation Security (49 USC 44903)	Authorizes the Administrator to prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy.	Procurement		G			
Anti-Deficiency Act (31 USC 1341)	Prohibits expenditure in excess of funds available.	Procurement	P	G	С		
Anti-Kickback Act (41 USC 51-58)	Prohibits offering or accepting kickbacks; criminal penalties apply.	Ethics Procurement			C	*	

		Real Estate		1		T
Anti-Lobbying Act (31 USC 1352)	Prohibits use of Federal funds for lobbying.	Procurement				*
Assistance to Foreign Aviation Authorities (49 USC 40113(e)	Authorizes the Administrator to provide safety- related training and operational services to foreign aviation authorities with or without reimbursement, if the Administrator determines that providing such services promotes aviation safety.	Procurement		G		
Authority to Transfer an Interest in Surplus Property (49 USC 47151)	Authorizes a department, agency, or instrumentality of the executive branch of the U.S. Government or a wholly owned Government corporation to give a State, political subdivision of a State, or tax-supported organization any interest in property subject to sections 47152, Terms of Gifts and 47153, Waiving and Adding Terms, of this title.	Procurement		G		
Bayh-Dole Act (35 USC 200)	Provides policy regarding inventions made with Government assistance	Procurement				*
Bona fide Fiscal year need statutes (31 USC 1301)	Requires appropriations to be applied only to the objects for which the appropriations were made except as otherwise provided by law.	Budget Procurement			С	*
Bribery and Conflict of Interest Laws (18 USC 201)	Prescribes fines and punishment for bribery of public officials and witnesses.	All				*
Bribery and Conflict of Interest Laws (18 USC 208)	Prescribes acts and penalties affecting a personal financial interest.	All	P			
Buy American Act (41 USC 10)	Requires American manufactured materials and supplies for public use. (Also see Executive Order 10582)	Procurement	P	G	С	
Buy American (FAA) (49 USC 50101)	Mandates a preference for raw and manufactured American materials.	Procurement			С	*
Cargo Preference Act (46 USC 1241)	Mandates preference for shipping cargo on U.S. ships.	Procurement			C	
Caribbean Basin Economic Recovery Act (19 USC 2701)	Exempts certain Caribbean countries from Buy American provisions of 19 USC 2701.	Procurement		G		
Clean Air Act (42 USC 7401 et seq)	Encourages or otherwise promotes reasonable Federal, State, and local governmental actions, consistent with the provisions of this chapter, for pollution prevention.	Procurement Environment	P	G	С	
Clean Water Act (33 USC 1251 et seq)	Restores and maintains the chemical, physical, and biological integrity of the Nation's waters.	Procurement Environment	P	G	C	
Common Carrier Liability (49 USC 11707)	Specifies liability when property is delivered in violation of routing instructions.	Procurement				*
Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (P.L. 111-195)	Requires offerors to certify that they have not exported sensitive technology to Iran	Procurement		G	С	

Contract Work Hours and Safety Standards Act (40 USC 328)	Establishes a standard 8 hour workday and standard 40 hour workweek for laborers and mechanics, with compensation of not less than one and one-half times the basic rate of pay for work exceeding the standard workweek.	Procurement	P	G	С	
Convict Labor Act (18 USC 23-436)	Prohibits convicts from performing Government contracts. (Also see Executive Orders 11755 and 12943)		P	G		
Cooperative Research and Development Agreements (15 USC 3710a)	Supports the full use of the results of the Nation's Federal investment in research and development. To this end the Federal Government shall strive where appropriate to transfer Federally owned or originated technology to State and local governments and to the private sector.	Agreements		G		
Copeland Act (18 USC 874 and 40 USC 276c) a.k.a. Anti- Kickback Act	Makes it unlawful to induce any person, employed in the construction or repair of public buildings or public works financed in whole or in part by the U.S., to give up any part of the compensation to which they are entitled.	Procurement	P	G	С	
Davis Bacon Act (40 USC 276a)	Requires construction contractors to pay prevailing wages for laborers and mechanics.	Procurement	P	G	C	
Department of Transportation, General Duties and Powers (49 USC 322(c))	Provides general authority for FAA to enter into reimbursable agreements with other agencies and for cooperative agreements to use the services, records, and facilities of State, territorial, municipal and other agencies. However, 49 USC 106 (l) and (m) provides broader authority and should be cited in place of Section 322(c) for FAA agreements.	Agreements		G		
Disclosure of Confidential Information (18 USC 1905)	Prohibits the disclosure of confidential information by public officials, i.e. trade secrets.	Ethics Procurement	P	G		
Drug Free Workplace (41 USC 10)	Prohibits award of contracts to entities who have not certified that it is a drug free workplace. AMS does not reference 41 USC 10. However it is FAA policy to only award contracts to entities who have certified a drug free workplace.	Procurement	P	G	С	
Economy Act (31 USC 1535)	Authorizes the head of an agency or major organizational unit within to place an order with a major organizational unit within the same agency or another agency for goods or services under conditions specified in the statute.	Procurement		G		
Energy Policy and Conservation Act (42 USC 6361(a)(1))	standards for energy conservation and energy efficiency to govern the procurement policies and decisions of the Federal Government and all Federal agencies and to cause such standards to be implemented.	Procurement Environment	P	G		
Explosive Detection (49 USC 44913)	Governs the deployment and purchase of explosive detection equipment under 14 USC	Procurement		G		

	108.7(b)(8) or 108.20 when the FAA					
	Administrator certifies that the equipment alone,					
	or as part of an integrated system, can detect					
	under realistic air carrier operating conditions					
	the amounts, configurations, and types of					
	explosive material that would likely be used to					
	cause catastrophic damage to commercial					
	aircraft.					
False Claims Act (31	Specifies civil penalties for false claims against	All		G		*
USC 3729)	the U.S.					
Fastener Quality Act -	Requires fasteners (i.e. bolts, nuts, screws) to be	Procurement	P			
	manufactured in accordance with a fastener					
5402)	quality assurance system; or manufactured to a					
,	proprietary standard, such as ISO 9000,					
	QS9000, VDA6.1, or AS9000.					
Federal Aviation	Authorizes the Administrator to enter into and	Procurement	Р	G		1
Administration (49	perform such contracts, leases, cooperative	Tocaroment				
USC 106)	agreements, or other transactions as may be					
CBC 100)	necessary to carry out the functions of the					
	Administrator and the Administration.					
Federal Claims	Establishes provisions for collecting claims of	Procurement				*
Collection (31 USC		riocurement				
,	the U.S. for money or property arising out of the					
3711)	activities of, or referred to the agency.	 				
Federal Excise Taxes	Imposes tax on diesel fuel in certain cases.	Procurement	P	G		
(26 USC 4041)						
Federal Facilities	Mixed Waste is regulated as hazardous and	Environment				*
Compliance Act	radioactive waste under the Resource					
	Conservation and Recovery Act (RCRA) and					
	the Atomic Energy Act (AEA), respectively.					
Federal Prison	Prescribes requirement for purchases from	Procurement	P	G	C	
Industries (18 USC	Federal Prison facilities.					
4121)						
Federal Workforce	To provide temporary authority to Government	Procurement	P	G	C	
Restructuring Act of	agencies relating to voluntary separation,					
1994 - P.L. 103-226 (5	incentive payments, and for other purposes and					
USC 5597)	limitation on procurement of Service Contracts					
	with involuntarily separated employees.					
Freedom of	Regulates the release of public information;	All	P	G	İ	*
Information	agency rules, opinions, orders, records, and					
Act (FOIA) as	proceedings.					
amended (5 USC 552)						
	Provides general authority to the Administrator	Procurement	P	G	1	
Personnel	of the Federal Aviation Administration to		•			
Authority(49 USC	acquire, establish, improve, operate, and	Darl Estata				
44502)	maintain air navigation facilities; and provide	Real Estate				
77302)	facilities and personnel to regulate and protect					
	air traffic.					
Gift and Bequests (49	Authorizes the Administrator to accept any	All		G		
USC 326)	conditional or unconditional gift or donation of	LAII		J		
050 320)						
	money or property, real or personal, or of services for the FAA					
Carrammart	1	Matrias	ח		1	1
Government	Requires performance indicators and	Metrics	P			
Performance and	measurement.					
Results Act of 1993						

(31 USC 1101, 1115-		Baseline				
1119)		Management				
Indian Incentive Program (25 USC 1544)	A contractor of a Federal agency under any Act of Congress may be allowed an additional amount of compensation equal to 5 percent of the amount paid, or to be paid, to a subcontractor or supplier, in carrying out the contract if such subcontractor or supplier is an Indian organization or Indian-owned economic enterprise as defined in this chapter.	Procurement	P	G	С	
	Prohibits member of or delegate to Congress from sharing in benefit from contract or grant	Procurement			С	*
International Airport Facilities, Administrative (49 USC 47305)	Authorizes the Secretary of Transportation to consolidate, operate, protect, maintain, and improve airport property and airway property (except meteorological facilities).	Procurement		G		
International Airport Facilities, Definitions (49 USC 47301)	Provides definitions pertaining to International Airport Facilities.	Procurement		G		
International Air Transportation Fair Competitive Practices Act of 1974 (49 USC 40118 (5))	Requires that all Federal agencies and Government contractors and subcontractors use U.Sflag air carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. (Also known as the Fly America Act)	Procurement			С	
Iran Sanctions Act of 1996 (50 USC 1701 note)	Requires offerors to certify they have not been involved in sanctioned activities with the Government of Iran	Procurement		G	С	
Iran Threat Reduction and Syria Human Rights Act of 2012 (P.L. 112-158)	Expands sanctions relating to the energy sector of Iran and sanctions with respect to Iran's Revolutionary Guard Corps	Procurement		G	С	
	Established the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.	Procurement	P	G		
Judicial Review (49 USC 46110)	Prescribes judicial review process for a person disclosing a substantial interest in an order issued by the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) under this part.	Procurement	P		С	
Miller Act (40 USC 270a-270f)	Requires construction contractors to provide performance and payment bonds that are greater than \$25,000 but not greater than \$100,000.	Procurement	P	G	С	
National Earthquake Hazards Reduction Act of 1977 (P.L. 95- 124), Amended 1990 (P.L. 101-614) (42 USC 7701 et seq.) North American Free	Requires Agencies to adopt standards for assessing and enhancing the seismic safety of buildings designed for, or constructed by, or leased by the Federal Government.	All	P		С	
profut American Free	Canada/Mexico exception from Buy American	Procurement			<u></u>	

Trade Agreement	Act if purchase is over \$25,000.					
(NAFTA) P.L. 103-						
182 (19 USC 3311)						
National Energy	Requires energy and water conservation	Environment	P			
Conservation Policy	measures for federal buildings, facilities, or					
Act (42 USC 6201)	space					
National	Requires environmental assessment or	Environment	P	G		
Environmental Policy	environmental impact statement for proposed					
Act (42 USC 6201)	Federal actions					
Paperwork Reduction	Requires Federal agencies to become more	All	P			
Act (44 USC 3501)	responsible and publicly accountable for					
	reducing the burden of Federal paperwork on					
	the public, and for other purposes resulting from					
	the collection of information by or for the					
	Federal Government.					
Privacy Act (5 USC	Establishes procedures for records maintained	Ethics	P	G	C	
552a)	on individuals to ensure that certain information					
	is secured.	Procurement				
Procurement Integrity	Prohibits unauthorized release of source	Procurement	P	G	C	
Act (41 USC 423)	selection or other proprietary data					
Project Grant	Authorizes the Secretary of Transportation to	Procurement		G		
Authority (49 USC	make project grants from the Airport and					
47104)	Airway Trust Fund to maintain a safe and					
	efficient nationwide system of public-use					
	airports that meets the present and future needs					
	of civil aeronautics.					
Public Law 85-804	Empowers the President to authorize agencies	Procurement	P	G	C	
(50 USC 1431-1434)	exercising functions in connection with the					
	national defense to enter into, amend, and					
	modify contracts, without regard to other					
	provisions of law related to making, performing,					
	amending, or modifying contracts, whenever the					
	President considers that such action would					
	facilitate the national defense, to exercise the					
	authority conferred by the Act and to delegate it to other officials within the agency. (Also see					
	E.O. 10789)					
Randolph-Sheppard	Provides for blind persons licensed under the	Procurement	P	G		
Vending Facility Act	provisions of this chapter authorization to	Trocurcinent	ľ	U		
(20 USC 107)	operate vending facilities on any Federal					
(20 050 107)	property.					
Rehabilitation Act of	Requires information technology purchases to	Procurement	P	G	C	
	be accessible to people with disabilities.	rocurement	ľ			
USC 794d)	proprie with disactings.					
	Requires affirmative action to employ and	Procurement	P	G		*
USC 793)	advance in employment qualified individuals		ľ			
	with disabilities.					
Research and	Requires the FAA Administrator to establish	Procurement		G		
	and carry out a program to accelerate and					
44912)	expand the research, development, and					
	implementation of technologies and procedures					
	to counteract terrorist acts agianst civil aviation.					

Resource	Prescribes policies and procedures for acquiring	Procurement	P	G	С	
Conservation and	Environmental Protection Agency-designated					
Recovery Act (42 USC 6901)		Environment				
Robert T Stafford	programs.	Ducarramant	P	G	C	
Disaster Relief and	Provides for a preference for local organizations, firms, or activities when	Procurement	P	G		
	contracting for major disaster or emergency					
Act (42 USC 5150)	assistance activities					
Service Contract	Provides for minimum wages and fringe benefits	Procurement	Р	G	C	
Act(41 USC 351-357)	as well as other conditions of work under certain					
	types of service contracts. Whether or not the					
	Act applies to a specific service contract will be					
	determined by the definitions and exceptions					
	given in the Act, or implementing regulations.					
Service-Disabled	1 1	Procurement	P	G	C	
Veteran Owned Small	set-asides for Service Disabled Veteran Owned					
	Small Businesses.					
CFR,121,125&134)						
Systems, Procedures,	1	Procurement		G		
	alter, test, and evaluate systems, procedures,					
(49 USC 44505)	facilities, and devices, and define their					
	performance characteristics, to meet the needs					
	for safe and efficient navigation and traffic control of civil and military aviation, except for					
	needs of the armed forces; and to select systems,					
	procedures, facilities, and devices that will best					
	serve those needs and promote maximum					
	coordination of air traffic control and air defense					
	systems.					
Terms of Gifts (49	Specifies the terms applicable to a gift of an	Procurement		G		
USC 47152)	interest in surplus property.					
Training Schools (49		Procurement		G		
USC 40108)	schools to train officers and employees of the					
	Administration to carry out duties, powers, and					
	activities of the Administrator.	_				
	,	Procurement		G		*
	entering contracts subject to the Act, to list all					
USC 2012)	suitable employment openings with the appropriate local employment service office and					
	take affirmative action to employ, and advance					
	in employment, qualified special disabled					
	veterans and veterans of the Vietnam Era					
	without discrimination based on their disability					
	or Veteran's status. (Also see Executive Order					
	11701)					
Waiving and Adding	Authorizes the Secretary of Transportation to	Procurement		G		
Terms (49 USC	waive, without charge, a term of a gift of an					
47153)	interest in property under this subchapter.					
Walsh Healey Public		Procurement	P	G		
Contracts Act (41	and the making of contracts by the United					
USC 35)	States, and for other purposes.					
Wendell H. Ford	, ,	Procurement		G		
	Act (41USC 423), except that Subsections (f),					
Reform Act (A.O.	Definitions, and (g), Limitation on Protests,					

END OF PART I

New Content: <u>Acquisition Management Policy</u>:

Appendix E: Part I - Statutes

Administrative			Promulgated by AMS: P=Policy, G=Guidance, C=Clause				
		Functional area affected					
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E1i D-tti	_	Procurement		C		<u> </u>
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USC 3729)	against the U.S.					
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- June 8, 1999 (15	be manufactured in accordance with a fastener					
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4121)			1			
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(5 USC 5597)	separation, incentive payments, and for other purposes and limitation on procurement of					
(3 OSC 3391)	Service Contracts with involuntarily separated					
	employees.					
Freedom of	Regulates the release of public information;	All	P	G		*
Information	agency rules, opinions, orders, records, and					
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	Provides general authority to the	Procurement	P	G		
Personnel	Administrator of the Federal Aviation					
Authority(49 USC	Administration to acquire, establish, improve,	Real Estate				
44502)	operate, and maintain air navigation facilities;					
	and provide facilities and personnel to					

	regulate and protect air traffic.					
USC 326)	Authorizes the Administrator to accept any conditional or unconditional gift or donation of money or property, real or personal, or of services for the FAA	All		G		
Government Performance and Results Act of 1993 (31 USC 1101, 1115- 1119)	Requires performance indicators and measurement.	Metrics Baseline Management	P			
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International Airport Facilities, Administrative (49 USC 47305)	Authorizes the Secretary of Transportation to consolidate, operate, protect, maintain, and improve airport property and airway property (except meteorological facilities).	Procurement		G		
International Airport Facilities, Definitions (49 USC 47301)	Provides definitions pertaining to International Airport Facilities.	Procurement		G		
	Requires that all Federal agencies and Government contractors and subcontractors use U.Sflag air carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. (Also known as the Fly America Act)	Procurement			С	
Iran Sanctions Act of 1996 (50 USC 1701 note)	Requires offerors to certify they have not been involved in sanctioned activities with the Government of Iran	Procurement		G	С	
Iran Threat Reduction and Syria Human Rights Act of 2012 (P.L. 112-158)	Expands sanctions relating to the energy sector of Iran and sanctions with respect to Iran's Revolutionary Guard Corps	Procurement		G	С	
James Zadroga 9/11 Health and	Imposes on any foreign person that receives a specified Federal procurement payment a tax of 2% of each payment. Stipulates that foreign contractors are not to be reimbursed for this tax.	Procurement		G	С	
Javits-Wagner-O'Day Act (41 USC 46)	Established the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.	Procurement	P	G		
Judicial Review (49 USC 46110)	Prescribes judicial review process for a person disclosing a substantial interest in an order	Procurement	P		С	

	issued by the Secretary of Transportation (or					
	the Administrator of the Federal Aviation					
	Administration with respect to aviation safety					
	duties and powers designated to be					
	carried out by the Administrator) under this					
	part.					
Miller Act (40 USC	Requires construction contractors to provide	Procurement	P	G	C	
270a-270f)	performance and payment bonds that are					
	greater than \$25,000 but not greater than					
	\$100,000.					
National Earthquake	Requires Agencies to adopt standards for	All	P			
Hazards Reduction	assessing and enhancing the seismic safety of					
Act of 1977 (P.L. 95-	buildings designed for, or constructed by, or					
124), Amended 1990	leased by the Federal Government.					
(P.L. 101-614) (42						
USC 7701 et seq.)						
	Canada/Mexico exception from Buy	Procurement			C	
Trade Agreement	American Act if purchase is over \$25,000.					
(NAFTA) P.L. 103-						
182 (19 USC 3311)						
National Energy	Requires energy and water conservation	Environment	P			
Conservation Policy	measures for federal buildings, facilities, or					
Act (42 USC 6201)	space					
National	Requires environmental assessment or	Environment	P	G		
	environmental impact statement for proposed					
Act (42 USC 6201)	Federal actions	1				
	Requires Federal agencies to become more	All	P			
Act (44 USC 3501)	responsible and publicly accountable for					
	reducing the burden of Federal paperwork on					
	the public, and for other purposes resulting					
	from the collection of information by or for					
D: A (FIIGO	the Federal Government.	Edi				1
Privacy Act (5 USC	Establishes procedures for records maintained on individuals to ensure that certain	Etnics	P	G	C	
552a)	information is secured.					
		Procurement				
	Prohibits unauthorized release of source	Procurement	P	G	C	
Act (41 USC 423)	selection or other proprietary data					
Project Grant	Authorizes the Secretary of Transportation to	Procurement		G		
Authority (49 USC	make project grants from the Airport and					
47104)	Airway Trust Fund to maintain a safe and					
	efficient nationwide system of public-use					
	airports that meets the present and future					
7 111 7 07 004	needs of civil aeronautics.	 				
Public Law 85-804	Empowers the President to authorize agencies	Procurement	P	G	C	
(50 USC 1431-1434)	exercising functions in connection with the					
	national defense to enter into, amend, and					
	modify contracts, without regard to other					
	provisions of law related to making,					
	performing, amending, or modifying contracts, whenever the President considers					
	that such action would facilitate the national					
	defense, to exercise the authority conferred by					
	the Act and to delegate it to other officials					
1	plie Fiet and to delegate it to other officials	1				1

	within the agency. (Also see E.O. 10789)	1				
Randolph-Sheppard Vending Facility Act (20 USC 107)	Provides for blind persons licensed under the	Procurement	P	G		
Rehabilitation Act of 1973 - Section 508 (29 USC 794d)	Requires information technology purchases to be accessible to people with disabilities.	Procurement	P	G	С	
Rehabilitation Act (29 USC 793)	Requires affirmative action to employ and advance in employment qualified individuals with disabilities.	Procurement	P	G		*
Research and Development (49 USC 44912)	Requires the FAA Administrator to establish and carry out a program to accelerate and expand the research, development, and implementation of technologies and procedures to counteract terrorist acts against civil aviation.	Procurement		G		
Resource Conservation and Recovery Act (42 USC 6901)	Prescribes policies and procedures for acquiring Environmental Protection Agency-designated products through affirmative procurement programs.	Procurement Environment	P	G	С	
Robert T Stafford Disaster Relief and Emergency Assistance Act (42 USC 5150)	Provides for a preference for local organizations, firms, or activities when contracting for major disaster or emergency assistance activities	Procurement	P	G	С	
Service Contract Act(41 USC 351- 357)	Provides for minimum wages and fringe benefits as well as other conditions of work under certain types of service contracts. Whether or not the Act applies to a specific service contract will be determined by the definitions and exceptions given in the Act, or implementing regulations.	Procurement	P	G	С	
Service-Disabled Veteran Owned Small Business Program (13 CFR,121,125&134)	Provides for competitive and non-competitive set-asides for Service Disabled Veteran Owned Small Businesses.	Procurement	P	G	С	
Systems, Procedures, Facilities, and Devices (49 USC 44505)	alter, test, and evaluate systems, procedures, facilities, and devices, and define their performance characteristics, to meet the needs for safe and efficient navigation and traffic control of civil and military aviation, except for needs of the armed forces; and to select systems, procedures, facilities, and devices that will best serve those needs and promote maximum coordination of air traffic control and air defense systems.	Procurement		G		
Terms of Gifts (49 USC 47152)	Specifies the terms applicable to a gift of an interest in surplus property.	Procurement		G		
Training Schools (49 USC 40108)	Authorizes the FAA Administrator to operate schools to train officers and employees of the	Procurement		G		

	Administration to carry out duties, powers,				
	and activities of the Administrator.				
Vietnam Era	Requires contractors and subcontractors, when	Procurement		G	*
Veterans	entering contracts subject to the Act, to list all				
Readjustment Act (38	suitable employment openings with the				
USC 2012)	appropriate local employment service office				
	and take affirmative action to employ, and				
	advance in employment, qualified special				
	disabled veterans and veterans of the Vietnam				
	Era without discrimination based on their				
	disability or Veteran's status. (Also see				
	Executive Order 11701)				
Waiving and Adding	Authorizes the Secretary of Transportation to	Procurement		G	
Terms (49 USC	waive, without charge, a term of a gift of an				
47153)	interest in property under this subchapter.				
Walsh Healey Public	Provides conditions for the purchase of	Procurement	P	G	
Contracts Act (41	supplies and the making of contracts by the				
USC 35)	United States, and for other purposes.				
Wendell H. Ford	Subjects the FAA to the Procurement Integrity	Procurement		G	
Aviation Investment	Act (41USC 423), except that Subsections (f),				
& Reform Act (A.O.	Definitions, and (g), Limitation on Protests,				
106-181, Apr 5,	shall not apply.				
2000)					

END OF PART I

Red Line Content: <u>Acquisition Management Policy</u>: **Appendix E: Part I - Statutes**

Title		Functional area affected	Promulgated b AMS: P=Policy, G=Guidance, C=Clause *=See Office of Chief Counsel		ice,	
Administrative Procedures Act (5 USC 500 et seq)	Authorizes a duly qualified individual to represent a person before an agency.	All				*
Agreement on Civil Aircraft (19 USC 2513)	Exempts civil aircraft from Buy American Act.	Procurement				*
Air Commerce and	Establishes legal authority for joint activities	Procurement		G		

between DoD and EAA to improve or		1	Ι		1
*					
	Agreements		G		
development and improvement.	8				
Administrator must consider terminating	All	P			
Facilities and Equipment acquisition program					
1					
_	Procurement		G		
intrastate air transportation against an act of					
criminal violence or aircraft piracy.					
Prohibits expenditure in excess of funds	Procurement	P	G	C	
	Ethics				*
criminal penalties apply.					
	Procurement			C	
	1	1			
Prohibits use of Federal funds for lobbying.	Procurement				*
	<u> </u>			1	
			G		
1 0					
	Procurement	İ	G		
instrumentality of the executive branch of the					
U.S. Government or a wholly owned					
"					
	Procurement	1			*
with Government assistance					
Requires appropriations to be applied only to	Budget	Ì		C	*
the objects for which the appropriations were					
made except as otherwise provided by law.	Procurement				
Prescribes fines and punishment for bribery of	All	İ	İ		*
public officials and witnesses.					
	I				
	Administrator must consider terminating Facilities and Equipment acquisition program that exceeds 10% of cost or schedule baseline or fails to achieve 90% of performance goals. When cost or schedule breach is 50% or more, Administrator must terminate program, or make a written determination to continue program and send the determination to Congress. Authorizes the Administrator to prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy. Prohibits expenditure in excess of funds available. Prohibits offering or accepting kickbacks; criminal penalties apply. Authorizes the Administrator to provide safety-related training and operational services to foreign aviation authorities with or without reimbursement, if the Administrator determines that providing such services promotes aviation safety. Authorizes a department, agency, or instrumentality of the executive branch of the U.S. Government or a wholly owned Government corporation to give a State, political subdivision of a State, or tax- supported organization any interest in property subject to sections 47152, Terms of Gifts and 47153, Waiving and Adding Terms, of this title. Provides policy regarding inventions made with Government assistance Requires appropriations to be applied only to the objects for which the appropriations were made except as otherwise provided by law. Prescribes fines and punishment for bribery of	replenish the national air traffic control system. Establishes U.S. policy for airport development and improvement. Administrator must consider terminating Facilities and Equipment acquisition program that exceeds 10% of cost or schedule baseline or fails to achieve 90% of performance goals. When cost or schedule breach is 50% or more, Administrator must terminate program, or make a written determination to continue program and send the determination to Congress. Authorizes the Administrator to prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy. Prohibits expenditure in excess of funds available. Prohibits offering or accepting kickbacks; criminal penalties apply. Prohibits use of Federal funds for lobbying. Authorizes the Administrator to provide safety-related training and operational services to foreign aviation authorities with or without reimbursement, if the Administrator determines that providing such services promotes aviation safety. 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Bribery and Conflict of Interest Laws (18	Prescribes acts and penalties affecting a personal financial interest.	All	P			
USC 208)	personal intenest.					
Buy American Act (41 USC 10)	Requires American manufactured materials and supplies for public use. (Also see Executive Order 10582)	Procurement	P	G	С	
Buy American (FAA) (49 USC 50101)	Mandates a preference for raw and manufactured American materials.	Procurement			С	*
Cargo Preference Act (46 USC 1241)	Mandates preference for shipping cargo on U.S. ships.	Procurement			С	
Caribbean Basin Economic Recovery Act (19 USC 2701)	Exempts certain Caribbean countries from Buy American provisions of 19 USC 2701.	Procurement		G		
Clean Air Act (42 USC 7401 et seq)	Encourages or otherwise promotes reasonable Federal, State, and local governmental actions, consistent with the provisions of this chapter,		P	G	С	
	for pollution prevention.					
Clean Water Act (33 USC 1251 et seq)	Restores and maintains the chemical, physical, and biological integrity of the Nation's waters.	Procurement	P	G	С	
		Environment				
Common Carrier Liability (49 USC 11707)	Specifies liability when property is delivered in violation of routing instructions.	Procurement				*
Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (P.L. 111-195)	Requires offerors to certify that they have not exported sensitive technology to Iran	Procurement		G	С	
Contract Work Hours	Establishes a standard 8 hour workday and -standard 40 hour workweek for laborers and mechanics, with compensation of not less than one and one-half times the basic rate of pay for work exceeding the standard workweek.	Procurement	P	G	С	
Convict Labor Act (18 USC 23-436)	Prohibits convicts from performing Government contracts. (Also see Executive Orders 11755 and 12943)	Procurement	P	G		
and Development	Supports the full use of the results of the Nation's Federal investment in research and development. To this end the Federal Government shall strive where appropriate to transfer Federally owned or originated technology to State and local governments and to the private sector.	Agreements		G		
276c) a.k.a. Anti- Kickback Act	Makes it unlawful to induce any person, employed in the construction or repair of public buildings or public works financed in whole or in part by the U.S., to give up any part of the compensation to which they are entitled.	Procurement	P	G	С	
Davis Bacon Act (40 USC 276a)	Requires construction contractors to pay prevailing wages for laborers and mechanics.	Procurement	P	G	C	

Department of Transportation,	Provides general authority for FAA to enter into reimbursable agreements with other	Agreements		G		
General Duties and	agencies and for cooperative agreements to					
Powers (49 USC	use the services, records, and facilities of					
322(c))	State, territorial, municipal and other agencies.					
	However, 49 USC 106 (l) and (m) provides					
	broader authority and should be cited in place					
	of Section 322(c) for FAA agreements.					
D: 1 C	-	 	<u> </u>			
Disclosure of	Prohibits the disclosure of confidential	Ethics	P	G		
Confidential	information by public officials, i.e. trade					
Information (18 USC	secrets.	Procurement				
1905)						
Drug Free Workplace	Prohibits award of contracts to entities who	Procurement	P	G	C	
(41 USC 10)	have not certified that it is a drug free					
(11 050 10)	workplace. AMS does not reference 41 USC					
	10. However it is FAA policy to only award					
	contracts to entities who have certified a drug					
	free workplace.					
Economy Act (31	Authorizes the head of an agency or major	Procurement		G		
USC 1535)	organizational unit within to place an order					
,	with a major organizational unit within					
	the same agency or another agency for goods					
	or services under conditions specified in the					
	statute.					
D.1' 1		D	P	<u>C</u>		
Energy Policy and	Requires agencies to develop mandatory	Procurement	P	G		
	standards for energy conservation and energy					
USC 6361(a)(1))	efficiency to govern the procurement policies	Environment				
	and decisions of the Federal Government and					
	all Federal agencies and to cause such					
	standards to be implemented.					
Explosive Detection	Governs the deployment and purchase of	Procurement	Ì	G	İ	
(49 USC 44913)	explosive detection equipment under 14 USC			_		
(1) OBC (1)13)	108.7(b)(8) or 108.20 when the FAA					
	Administrator certifies that the equipment					
	alone, or as part of an integrated system, can					
	detect under realistic air carrier operating					
	conditions the amounts, configurations, and					
	types of explosive material that would likely					
	be used to cause catastrophic damage to					
	commercial aircraft.					
False Claims Act (31	Specifies civil penalties for false claims	All		G		*
USC 3729)	against the U.S.					
	Requires fasteners (i.e. bolts, nuts, screws) to	Procurement	P			
- June 8, 1999 (15	be manufactured in accordance with a fastener	Tocurcincin	1			
1						
USC 5402)	quality assurance system; or manufactured to					
	a proprietary standard, such as ISO 9000,					
	QS9000, VDA6.1, or AS9000.					
Federal Aviation	Authorizes the Administrator to enter into and	Procurement	P	G		
Administration (49	perform such contracts, leases, cooperative					
USC 106)	agreements, or other transactions as may be					
	necessary to carry out the functions of the					
	Administrator and the Administration.					
Federal Claims	Establishes provisions for collecting claims of	Procurement				*
Collection (31 USC	the U.S. for money or property arising out of	1 Tocurement				
Concenon (31 USC	inc c.s. for money or property arising out of	I	l	1		

3711)	the activities of, or referred to the agency.					T
	Imposes tax on diesel fuel in certain cases.	Procurement	P	G		
(26 USC 4041)	imposes tan on dieser ruer in certain cases.	literation				
Federal Facilities	Mixed Waste is regulated as hazardous and	Environment				*
Compliance Act	radioactive waste under the Resource					
•	Conservation and Recovery Act (RCRA) and					
	the Atomic Energy Act (AEA), respectively.					
Federal Prison	Prescribes requirement for purchases from	Procurement	P	G	С	İ
Industries (18 USC	Federal Prison facilities.					
4121)						
Federal Workforce	To provide temporary authority to	Procurement	P	G	С	
Restructuring Act of	Government agencies relating to voluntary					
1994 - P.L. 103-226	separation, incentive payments, and for other					
(5 USC 5597)	purposes and limitation on procurement of					
	Service Contracts with involuntarily separated					
	employees.	1				1.
Freedom of	Regulates the release of public information;	All	P	G		*
Information	agency rules, opinions, orders, records, and					
Act (FOIA) as	proceedings.					
amended (5 USC 552)						
	Provides general authority to the	Procurement	P	G		
Personnel	Administrator of the Federal Aviation	Procurement	P	G		
Authority(49 USC	Administration to acquire, establish, improve,	Real Estate				
44502)	operate, and maintain air navigation facilities;	Real Estate				
11302)	and provide facilities and personnel to					
	regulate and protect air traffic.					
Gift and Bequests (49	Authorizes the Administrator to accept any	All		G		
USC 326)	conditional or unconditional gift or donation					
	of money or property, real or personal, or of					
	services for the FAA					
Government	Requires performance indicators and	Metrics	P			
Performance and	measurement.					
Results Act of 1993		Baseline				
(31 USC 1101, 1115-		Management				
1119)		<u> </u>	- P			
Indian Incentive	A contractor of a Federal agency under any	Procurement	P	G	C	
Program (25 USC 1544)	Act of Congress may be allowed an additional amount of compensation equal to 5 percent of					
1344)	the amount paid, or to be paid, to a					
	subcontractor or supplier, in carrying out the					
	contract if such subcontractor or supplier is an					
	Indian organization or Indian-owned					
	economic enterprise as defined in this chapter.					
Interest of Member of	Prohibits member of or delegate to Congress	Procurement			С	*
Congress (41 USC	from sharing in benefit from contract or grant					
22)						
International Airport	Authorizes the Secretary of Transportation to	Procurement		G		
Facilities,	consolidate, operate, protect, maintain, and					
Administrative (49	improve airport property and airway property					
USC 47305)	(except meteorological facilities).					
International Airport	Provides definitions pertaining to International	Procurement		G		
Facilities, Definitions	Airport Facilities.					

(40 LISC 47201)				1		
(49 USC 47301)	D '	D	1	1		
International Air	Requires that all Federal agencies and	Procurement			C	
Transportation Fair	Government contractors and subcontractors use U.Sflag air carriers for U.S.					
	Government-financed international air					
40118 (5))	transportation of personnel (and their personal					
40110 (3))	effects) or property, to the extent that service					
	by those carriers is available. (Also known as					
	the Fly America Act)					
Iran Sanctions Act of	Requires offerors to certify they have not been	Procurement		G	C	
1996 (50 USC 1701	involved in sanctioned activities with the					
note)	Government of Iran					
Iran Threat Reduction	Expands sanctions relating to the energy	Procurement		G	C	
and Syria Human	sector of Iran and sanctions with respect to					
Rights Act of 2012	Iran's Revolutionary Guard Corps					
(P.L. 112-158)						
James Zadroga 9/11		Procurement		G	C	
Health and	specified Federal procurement payment a tax					
	of 2% of each payment. Stipulates that					
2010 (P.L. 111-347)	foreign contractors are not to be reimbursed					
	for this tax.			1~		
	Established the Committee for Purchase of	Procurement	P	G		
O' Dea Day Act (41	Products and Services of the Blind and Other					
USC 46)	Severely Handicapped.	<u></u>	D			
Judicial Review (49	Prescribes judicial review process for a person	Procurement	P		C	
USC 46110)	disclosing a substantial interest in an order issued by the Secretary of Transportation (or					
	the Administrator of the Federal Aviation					
	Administration with respect to aviation safety					
	duties and powers designated to be					
	carried out by the Administrator) under this					
	part.					
Miller Act (40 USC	Requires construction contractors to provide	Procurement	P	G	С	
270a-270f)	performance and payment bonds that are					
	greater than \$25,000 but not greater than					
	\$100,000.					
National Earthquake	Requires Agencies to adopt standards for	All	P			
Hazards Reduction	assessing and enhancing the seismic safety of					
Act of 1977 (P.L. 95-	buildings designed for, or constructed by, or					
124), Amended 1990	leased by the Federal Government.					
(P.L. 101-614) (42						
USC 7701 et seq.)	Conside/Manies amounting Const. D	D		1		
	Canada/Mexico exception from Buy	Procurement			C	
Trade Agreement (NAFTA) P.L. 103-	American Act if purchase is over \$25,000.					
182 (19 USC 3311)						
National Energy	Requires energy and water conservation	Environment	P			
Conservation Policy	measures for federal buildings, facilities, or	Environment	ľ			
Act (42 USC 6201)	space					
National	Requires environmental assessment or	Environment	P	G		
	environmental impact statement for proposed	LIMITOHINGII	1	J		
Act (42 USC 6201)	Federal actions					
	Requires Federal agencies to become more	All	P	1	1	
aper work reduction	requires 1 ederal agencies to become more	* ***	*	1		

Act (44 USC 3501)	responsible and publicly accountable for					
	reducing the burden of Federal paperwork on					
	the public, and for other purposes resulting					
	from the collection of information by or for					
	the Federal Government.					
Privacy Act (5 USC	Establishes procedures for records maintained	Ethics	P	G	С	
552a)	on individuals to ensure that certain					
	information is secured.	Procurement				
Procurement Integrity	Prohibits unauthorized release of source	Procurement	P	G	C	
Act (41 USC 423)	selection or other proprietary data	Trocurement	1			
Project Grant	Authorizes the Secretary of Transportation to	Procurement	1	G		
Authority (49 USC	make project grants from the Airport and	riocurement		U		
47104)	Airway Trust Fund to maintain a safe and					
47104)	efficient nationwide system of public-use					
	airports that meets the present and future					
	needs of civil aeronautics.					
D1-1: - I 05 004		D	P	G		<u> </u>
Public Law 85-804		Procurement	P	G	C	
(50 USC 1431-1434)	exercising functions in connection with the					
	national defense to enter into, amend, and					
	modify contracts, without regard to other					
	provisions of law related to making,					
	performing, amending, or modifying					
	contracts, whenever the President considers					
	that such action would facilitate the national					
	defense, to exercise the authority conferred by					
	the Act and to delegate it to other officials					
D 1 1 1 C1 1	within the agency. (Also see E.O. 10789)	D .	- D			
Randolph-Sheppard	Provides for blind persons licensed under the	Procurement	P	G		
Vending Facility Act	provisions of this chapter authorization to					
(20 USC 107)	operate vending facilities on any Federal					
	property.	D	-			
	1	Procurement	P	G	C	
1973 - Section 508	be accessible to people with disabilities.					
(29 USC 794d)						
Rehabilitation Act	Requires affirmative action to employ and	Procurement	P	G		*
(29 USC 793)	advance in employment qualified individuals					
	with disabilities.					
Research and	Requires the FAA Administrator to establish	Procurement		G		
Development (49	and carry out a program to accelerate and					
USC 44912)	expand the research, development, and					
	implementation of technologies and					
	procedures to counteract terrorist acts					
	agianstagainst civil aviation.					
Resource	Prescribes policies and procedures for	Procurement	P	G	C	
Conservation and	acquiring Environmental Protection Agency-					
Recovery Act (42	designated products through affirmative	Environment				
USC 6901)	procurement programs.					
Robert T Stafford	Provides for a preference for local	Procurement	P	G	С	
Disaster Relief and	organizations, firms, or activities when					
Emergency	contracting for major disaster or emergency					
Assistance Act (42	assistance activities					
USC 5150)						
Service Contract	Provides for minimum wages and fringe	Procurement	P	G	С	
1		1				

Act(41 USC 351-357)	benefits as well as other conditions of work under certain types of service contracts. Whether or not the Act applies to a specific service contract will be determined by the definitions and exceptions given in the Act, or implementing regulations.					
Service-Disabled	Provides for competitive and non-competitive	Procurament	P	G	C	
Veteran Owned	set-asides for Service Disabled Veteran	Tiocurcincin	1	0		
Small Business	Owned Small Businesses.					
	Owned Sman Businesses.					
Program (13						
CFR,121,125&134)		<u> </u>	1			
	1 1	Procurement		G		
Facilities, and	alter, test, and evaluate systems, procedures,					
Devices (49 USC	facilities, and devices, and define their					
44505)	performance characteristics, to meet the needs					
	for safe and efficient navigation and traffic					
	control of civil and military aviation, except					
	for needs of the armed forces; and to select					
	systems, procedures, facilities, and devices					
	that will best serve those needs and promote					
	maximum coordination of air traffic control					
	and air defense systems.					
Terms of Gifts (49	Specifies the terms applicable to a gift of an	Procurement		G		
USC 47152)	interest in surplus property.					
Training Schools (49	Authorizes the FAA Administrator to operate	Procurement	i	G		
USC 40108)	schools to train officers and employees of the					
(220 10100)	Administration to carry out duties, powers,					
	and activities of the Administrator.					
Vietnam Era	Requires contractors and subcontractors, when	Procurement		G		*
Veterans	entering contracts subject to the Act, to list all	rocurement				
	suitable employment openings with the					
USC 2012)	appropriate local employment service office					
USC 2012)	and take affirmative action to employ, and					
	advance in employment, qualified special					
	disabled veterans and veterans of the Vietnam					
	Era without discrimination based on their					
	disability or Veteran's status. (Also see					
XXX ' ' 1 A 11'	Executive Order 11701)	<u> </u>				
Waiving and Adding	Authorizes the Secretary of Transportation to	Procurement		G		
Terms (49 USC	waive, without charge, a term of a gift of an					
47153)	interest in property under this subchapter.			1		
Walsh Healey Public	Provides conditions for the purchase of	Procurement	P	G		
Contracts Act (41	supplies and the making of contracts by the					
USC 35)	United States, and for other purposes.					
Wendell H. Ford	Subjects the FAA to the Procurement Integrity	Procurement		G		
Aviation Investment	Act (41USC 423), except that Subsections (f),					
& Reform Act (A.O.	Definitions, and (g), Limitation on Protests,					
106-181, Apr 5,	shall not apply.					
2000)						
/	I.	I.				

END OF PART I