

(c) IDENTIFICATION OF NONCOMPLIANT PROGRAMS.—When it is necessary to implement the policy set out in subsection (a), the head of an executive agency shall—

- (1) determine whether there is a continuing need for programs that are significantly behind schedule, over budget, or not in compliance with performance or capability requirements; and
- (2) identify suitable actions to be taken, including termination, with respect to those programs.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3743.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3103 .....	41:263.	June 30, 1949, ch. 288, title III, §313, as added Pub. L. 103-355, title V, §5051(a), Oct. 13, 1994, 108 Stat. 3351; Pub. L. 105-85, div. A, title VIII, §851(a), Nov. 18, 1997, 111 Stat. 1851.

**§ 3104. Small business concerns**

It is the policy of Congress that a fair proportion of the total purchases and contracts for property and services for the Federal Government shall be placed with small business concerns.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3744.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3104 .....	41:252(b).	June 30, 1949, ch. 288, title III, §302(b), 63 Stat. 393; July 12, 1952, ch. 703, §1(m), 66 Stat. 594; Pub. L. 98-369, div. B, title VII, §2714(a)(1)(A), July 18, 1984, 98 Stat. 1184.

The word “declared” is omitted as unnecessary.

**§ 3105. New contracts and grants and merit-based selection procedures**

(a) CONGRESSIONAL POLICY.—It is the policy of Congress that—

- (1) an executive agency should not be required by legislation to award—
  - (A) a new contract to a specific non-Federal Government entity; or
  - (B) a new grant for research, development, test, or evaluation to a non-Federal Government entity; and
- (2) a program, project, or technology identified in legislation be procured or awarded through merit-based selection procedures.

(b) NEW CONTRACT AND NEW GRANT DESCRIBED.—For purposes of this section—

- (1) a contract is a new contract unless the work provided for in the contract is a continuation of the work performed by the specified entity under a prior contract; and
- (2) a grant is a new grant unless the work provided for in the grant is a continuation of the work performed by the specified entity under a prior grant.

(c) REQUIREMENTS FOR AWARDED NEW CONTRACT OR NEW GRANT.—A provision of law may

not be construed as requiring a new contract or a new grant to be awarded to a specified non-Federal Government entity unless the provision of law specifically—

- (1) refers to this section;
- (2) identifies the particular non-Federal Government entity involved; and
- (3) states that the award to that entity is required by the provision of law in contravention of the policy set forth in subsection (a).

(d) EXCEPTION.—This section does not apply to a contract or grant that calls on the National Academy of Sciences to investigate, examine, or experiment on a subject of science or art of significance to an executive agency and to report on those matters to Congress or an agency of the Federal Government.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3744.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3105(a) .....	41:253(i)(1).	June 30, 1949, ch. 288, title III, §303(i), as added Pub. L. 103-355, title VII, §7203(b)(1)(B), Oct. 13, 1994, 108 Stat. 3380; Pub. L. 104-106, title XLI, §4101(b)(1), Feb. 10, 1996, 110 Stat. 642.
	41:266(a).	June 30, 1949, ch. 288, title III, §316, as added Pub. L. 103-355, title VII, §7203(b)(2), Oct. 13, 1994, 108 Stat. 3381; Pub. L. 104-106, title XLIII, §4321(e)(9), Feb. 10, 1996, 110 Stat. 675.
3105(b) .....	41:253(i)(3).	
	41:266(c).	
3105(c) .....	41:253(i)(2).	
	41:266(b).	
3105(d) .....	41:253(i)(4).	
	41:266(d).	

**§ 3106. Erection, repair, or furnishing of public buildings and improvements not authorized, and certain contracts not permitted, by this division**

This division does not—

- (1) authorize the erection, repair, or furnishing of a public building or public improvement; or
- (2) permit a contract for the construction or repair of a building, road, sidewalk, sewer, main, or similar item using procedures other than sealed-bid procedures under section 3301(b)(1)(A) of this title if the conditions set forth in section 3301(b)(1)(A) of this title apply or the contract is to be performed outside the United States.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3745.)