

CODIFICATION

Section was enacted as part of the Central Intelligence Agency Act of 1949, and not as part of the National Security Act of 1947 which comprises this chapter.

AMENDMENTS

2004—Pub. L. 108-458 struck out “of Central Intelligence” after “Director”.

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108-458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 401 of this title.

Amendment by Pub. L. 108-458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of this title.

**§ 403c. Procurement authority of Central Intelligence Agency**

**(a) Purchases and contracts for supplies and services**

In the performance of its functions the Central Intelligence Agency is authorized to exercise the authorities contained in sections 2304(a)(1) to (6), (10), (12), (15), (17), and sections 2305(a) to (c), 2306, 2307, 2308, 2309, 2312, and 2313 of title 10.<sup>1</sup>

**(b) “Agency head” defined**

In the exercise of the authorities granted in subsection (a) of this section, the term “Agency head” shall mean the Director, the Deputy Director, or the Executive of the Agency.

**(c) Classes of purchases and contracts; finality of decision; powers delegable**

The determinations and decisions provided in subsection (a) of this section to be made by the Agency head may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final. Except as provided in subsection (d) of this section, the Agency head is authorized to delegate his powers provided in this section, including the making of such determinations and decisions, in his discretion and subject to his direction, to any other officer or officers or officials of the Agency.

**(d) Powers not delegable; written findings**

The power of the Agency head to make the determinations or decisions specified in paragraphs (12) and (15) of section 2304(a) and section 2307(a) of title 10<sup>1</sup> shall not be delegable. Each determination or decision required by paragraphs (12) and (15) of section 2304(a), by sections 2306 and 2313, or by section 2307(a) of title 10,<sup>1</sup> shall be based upon written findings made by the official making such determinations, which findings shall be final and shall be available within the Agency for a period of at least six years following the date of the determination.

(June 20, 1949, ch. 227, § 3, 63 Stat. 208; Pub. L. 97-269, title V, §502(a), Sept. 27, 1982, 96 Stat. 1145; Pub. L. 104-106, div. E, title LVI, §5607(f), Feb. 10, 1996, 110 Stat. 702.)

<sup>1</sup> See Codification note below.

CODIFICATION

Section was enacted as part of the Central Intelligence Agency Act of 1949, and not as part of the National Security Act of 1947 which comprises this chapter.

In subsecs. (a) and (d), references to the appropriate sections of title 10 were substituted for references to sections 2(c)(1) to (6), (10), (12), (15), (17), 3, 4, 5, 6, and 10 of the Armed Services Procurement Act of 1947 (Public Law 413, 80th Congress), on authority of section 49(b) of act Aug. 10, 1956, ch. 1041, 70A Stat. 640, section 1 of which enacted Title 10, Armed Forces. Prior to the enactment of Title 10, sections 2 to 6 and 10 of the Armed Services Procurement Act of 1947 were classified to sections 151 to 155 and 159 of former Title 41, Public Contracts. Cited sections of the Act were restated in sections of Title 10 as follows:

<i>Act</i>	<i>Title 10</i>
2(c) .....	2304(a)
3 .....	2305(a)–(c)
4 .....	2306, 2313
5 .....	2307
5(a) .....	2307(a)
6 .....	2312
10 .....	2308, 2309

Sections 2304 and 2305 of title 10 were amended generally by Pub. L. 98-369, and as so amended contain provisions differing from those referred to in subsecs. (a) and (d). Section 2308 of title 10 was repealed by Pub. L. 103-355, title I, §1503(b)(1), Oct. 13, 1994, 108 Stat. 3297. For similar provisions, see section 2311 of title 10.

AMENDMENTS

1996—Subsec. (e). Pub. L. 104-106 struck out subsec. (e) which read as follows: “Notwithstanding subsection (e) of section 759 of title 40, the provisions of section 759 of title 40 relating to the procurement of automatic data processing equipment or services shall not apply with respect to such procurement by the Central Intelligence Agency.”

1982—Subsec. (e). Pub. L. 97-269 added subsec. (e).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104-106, Feb. 10, 1996, 110 Stat. 702.

EFFECTIVE DATE OF 1982 AMENDMENT

Pub. L. 97-269, title VII, §703, Sept. 27, 1982, 96 Stat. 1155, provided that: “The provisions of titles IV and V [enacting former section 202 of Title 10, Armed Forces, and amending this section] and of this title [which, except for enacting this note was not classified to the Code] shall become effective upon the date of the enactment of this Act [Sept. 27, 1982].”

PROCUREMENT OF AUTOMATIC DATA PROCESSING EQUIPMENT OR SERVICES; CONTRACTS MADE BEFORE SEPTEMBER 27, 1982

Pub. L. 97-269, title V, §502(b), Sept. 27, 1982, 96 Stat. 1145, provided that: “Subsection (e) of section 3 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c(e)), as added by subsection (a) of this section, does not apply to a contract made before the date of the enactment of this Act [Sept. 27, 1982].”

**§ 403d. Repealed. Pub. L. 85-507, § 21(b)(2), July 7, 1958, 72 Stat. 337**

Section, act June 20, 1949, ch. 227, § 4, 63 Stat. 208, related to education and training of officers and employees. See section 4101 et seq. of Title 5, Government Organization and Employees.

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