PROCUREMENT REQUIREMENTS FOR GOODS WHICH ARE
NOT AMERICAN GOODS

Pub. L. 93–365, title VII, §707, Aug. 5, 1974, 88 Stat. 406, which prohibited contracts by the Department of Defense for other than American goods after Aug. 5, 1974, unless adequate consideration was first given to bids of firms in labor surplus areas of the United States, of small business firms, and of all other United States firms which had offered to furnish American goods, balance of payments, cost of shipping other than American goods, and any duty, tariff, or surcharge on such goods, was repealed and restated in section 2501 of this title by Pub. L. 100–370, §3(a), (c). Section 2501 of this title was renumbered section 2506 by Pub. L. 100–456, §821(b)(1)(A). Section 2506 of this title was renumbered section 2533 by Pub. L. 102–484, §4202(a).

§ 2302a. Simplified acquisition threshold

(a) SIMPLIFIED ACQUISITION THRESHOLD.—For purposes of acquisitions by agencies named in section 2303 of this title, the simplified acquisition threshold is as specified in section 134 of title 41.

(b) INAPPLICABLE LAWS.—No law properly listed in the Federal Acquisition Regulation pursuant to section 1905 of title 41 shall apply to or with respect to a contract or subcontract that is not greater than the simplified acquisition threshold.

(Added and amended Pub. L. 103–355, title IV, §§4002(a), 4102(a), Oct. 13, 1994, 108 Stat. 3338, 3340; Pub. L. 111–350, §5(b)(9), Jan. 4, 2011, 124 Stat. 3843.)

AMENDMENTS

2011—Subsec. (a). Pub. L. 111–350, §5(b)(9)(A), substituted ''section 134 of title 41'' for ''section 4(11) of the Office of Federal Procurement Policy Act''.

Subsec. (b). Pub. L. 111–350, §5(b)(9)(B), substituted ''section 1905 of title 41'' for ''section 33 of the Office of Federal Procurement Policy Act''.

1994—Subsec. (b). Pub. L. 103–355, §4102(a), added subsec. (b).

EFFECTIVE DATE

For effective date and applicability of section, see section 10001 of Pub. L. 103–355, set out as an Effective Date of 1994 Amendment note under section 2302 of this title.

§ 2302b. Implementation of simplified acquisition procedures

The simplified acquisition procedures contained in the Federal Acquisition Regulation pursuant to section 1901 of title 41 shall apply as provided in such section to the agencies named in section 2303(a) of this title.

(Added Pub. L. 103–355, title IV, §4203(a)(1), Oct. 13, 1994, 108 Stat. 3345; amended Pub. L. 111–350, §5(b)(10), Jan. 4, 2011, 124 Stat. 3843.)

AMENDMENTS

2011—Pub. L. 111–350 substituted ''section 1901 of title 41'' for ''section 31 of the Office of Federal Procurement Policy Act''.

EFFECTIVE DATE

For effective date and applicability of section, see section 10001 of Pub. L. 103–355, set out as an Effective Date of 1994 Amendment note under section 2302 of this title.

§ 2302c. Implementation of electronic commerce capability

(a) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—(1) The head of each agency named in paragraphs (1), (5), and (6) of section 2303(a) of this title shall implement the electronic commerce capability required by section 2301 of title 41.

(2) The Secretary of Defense shall act through the Under Secretary of Defense for Acquisition, Technology, and Logistics to implement the capability within the Department of Defense.

(3) In implementing the electronic commerce capability pursuant to paragraph (1), the head of an agency referred to in paragraph (1) shall consult with the Administrator for Federal Procurement Policy.

(b) DESIGNATION OF AGENCY OFFICIAL.—The head of each agency named in paragraph (5) or (6) of section 2303(a) of this title shall designate a program manager to implement the electronic commerce capability for that agency. The program manager shall report directly to an official at a level not lower than the senior procurement executive designated for the agency under section 1702(c) of title 41.

(Added Pub. L. 103–355, title IX, §9002(a), Oct. 13, 1994, 108 Stat. 3402; amended Pub. L. 105–85, div. A, title VIII, §850(f)(3)(A), Nov. 18, 1997, 111 Stat. 1850; Pub. L. 105–129, §1(a)(1), Dec. 1, 1997, 111 Stat. 2551; Pub. L. 106–65, div. A, title X, §1066(a)(18), Oct. 5, 1999, 113 Stat. 771; Pub. L. 107–107, div. A, title X, §1048(b)(2), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 109–364, div. A, title X, §1071(a)(2), Oct. 17, 2006, 120 Stat. 2398; Pub. L. 111–350, §5(b)(11), Jan. 4, 2011, 124 Stat. 3843.)

AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 111–350, §5(b)(11)(A), substituted ''section 2301 of title 41'' for ''section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426)''.

Subsec. (b). Pub. L. 111–350, §5(b)(11)(B), substituted ''section 1702(c) of title 41'' for ''section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))''.

2006—Subsec. (b). Pub. L. 109–364 substituted ''section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))'' for ''section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3))''.

2001—Subsec. (a)(2). Pub. L. 107–107 substituted ''Under Secretary of Defense for Acquisition, Technology, and Logistics'' for ''Under Secretary of Defense for Acquisition and Technology''.

1999—Subsec. (b). Pub. L. 106–65 substituted ''section 2303(a)'' for ''section 2303''.

1997—Pub. L. 105–85 substituted ''electronic commerce'' for ''FACNET'' in section catchline and amended text generally. Prior to amendment, text read as follows:

''(a) IMPLEMENTATION OF FACNET CAPABILITY.—(1) The head of each agency named in section 2303 of this title shall implement the Federal acquisition computer network ('FACNET') capability required by section 30 of the Office of Federal Procurement Policy Act. In the case of the Department of Defense, the implementation shall be by the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology, for the Department of Defense as a whole. For purposes of this section, the term 'head of an agency' does not include the Secretaries of the military departments.

''(2) In implementing the FACNET capability pursuant to paragraph (1), the head of an agency shall con-