

any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts. Under regulations to be prescribed by the President, however, such clause may be omitted from contracts with foreign contractors or foreign subcontractors if the agency head determines, with the concurrence of the Comptroller General of the United States or his designee, that the omission will serve the best interests of the United States. However, the concurrence of the Comptroller General of the United States or his designee is not required for the omission of such clause—

(1) where the contractor or subcontractor is a foreign government or agency thereof or is precluded by the laws of the country involved from making its books, documents, papers, or records available for examination; and

(2) where the agency head determines, after taking into account the price and availability of the property or services from United States sources, that the public interest would be best served by the omission of the clause.

If the clause is omitted based on a determination under clause (2), a written report shall be furnished to the Congress.

(Pub. L. 85-804, § 3, Aug. 28, 1958, 72 Stat. 972; Pub. L. 89-607, § 3, Sept. 27, 1966, 80 Stat. 851.)

#### AMENDMENTS

1966—Subsec. (b). Pub. L. 89-607 provided for exemption of certain contracts with foreign contractors from the requirement for an examination-of-records clause, such determination to be reported to Congress.

#### EXEMPTION OF FUNCTIONS

Functions with respect to purchases authorized to be made outside the limits of the United States or the District of Columbia under the Foreign Assistance Act of 1961, as amended [see Short Title note set out under section 2151 of Title 22, Foreign Relations and Intercourse], as exempt, see Ex. Ord. No. 11223, eff. May 12, 1965, 30 F.R. 6635, set out under section 2393 of Title 22.

#### FOREIGN CONTRACTORS

Secretaries of Defense, Army, Navy, or Air Force, or their designees, to determine, prior to exercising the authority provided in the amendment by Pub. L. 89-607 to exempt certain contracts with foreign contractors from the requirement of an examination-of-records clause, that all reasonable efforts have been made to include such examination-of-records clause, as required by par. 11 of Part I of Ex. Ord. No. 10789, and that alternate sources of supply are not reasonably available, see par. 11 of Part I of Ex. Ord. No. 10789, eff. Nov. 14, 1958, 23 F.R. 8897, as amended, set out under section 1431 of this title.

#### NONAPPLICABILITY OF THE NATIONAL EMERGENCIES ACT

The provisions of the National Emergencies Act [see Short Title note set out under section 1601 of this title] shall not apply to the powers and authorities conferred by this section and actions taken hereunder, see section 1651(a)(4) of this title.

#### § 1434. Repealed. Pub. L. 105-362, title IX, § 901(r)(1)(A), Nov. 10, 1998, 112 Stat. 3291

Section, Pub. L. 85-804, § 4, Aug. 28, 1958, 72 Stat. 972; Pub. L. 104-66, title III, § 3001(g), Dec. 21, 1995, 109 Stat. 734, related to reports to Congress by departments and agencies acting under authority of this chapter and requirement that such reports be published in the Congressional Record.

#### § 1435. Effective period

This chapter shall be effective only during a national emergency declared by Congress or the President and for six months after the termination thereof or until such earlier time as Congress, by concurrent resolution, may designate.

(Pub. L. 85-804, § 4, formerly § 5, Aug. 28, 1958, 72 Stat. 973; renumbered § 4, Pub. L. 105-362, title IX, § 901(r)(1)(B), Nov. 10, 1998, 112 Stat. 3291.)

#### PRIOR PROVISIONS

A prior section 4 of Pub. L. 85-804 was classified to section 1434 of this title prior to repeal by Pub. L. 105-362.

#### NONAPPLICABILITY OF NATIONAL EMERGENCIES ACT

The provisions of the National Emergencies Act [see Short Title note under section 1601 of this title] shall not apply to the powers and authorities conferred by this section and actions taken hereunder, see section 1651(a)(4) of this title.

#### § 1436. Repealed. Pub. L. 97-295, § 6(b), Oct. 12, 1982, 96 Stat. 1314

Section, Pub. L. 91-121, title IV, § 410, Nov. 19, 1969, 83 Stat. 210; Pub. L. 94-273, §§ 4(4), 5(6), 14, Apr. 21, 1976, 90 Stat. 377, 378, related to reporting requirements for former military and civilian officials employed by defense contractors and by Department of Defense employees previously employed by defense contractors.

#### CHAPTER 30—FEDERAL ABSENTEE VOTING ASSISTANCE

#### §§ 1451 to 1454. Transferred

##### CODIFICATION

Section 1451, acts Aug. 9, 1955, ch. 656, title I, § 101, 69 Stat. 584; June 18, 1968, Pub. L. 90-343, § 1, 82 Stat. 180, which related to State enactment of absentee voting legislation, was transferred to section 1973cc of Title 42, The Public Health and Welfare.

Section 1452, acts Aug. 9, 1955, ch. 656, title I, § 102, 69 Stat. 584; June 18, 1968, Pub. L. 90-344, § 1(1), 82 Stat. 181, which related to balloting procedures, was transferred to section 1973cc-1 of Title 42.

Section 1453, act Aug. 9, 1955, ch. 656, title I, § 103, 69 Stat. 584, which related to statistical data, was transferred to section 1973cc-2 of Title 42.

Section 1454, act Aug. 9, 1955, ch. 656, title I, § 104, as added June 18, 1968, Pub. L. 90-344, § 1(2), 82 Stat. 181, which related to personnel residing on military installations and acquisition of legal residence for voting purposes, was transferred to section 1973cc-3 of Title 42.

Sections 1451 to 1453 were formerly classified to sections 2171 to 2173 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

#### §§ 1461 to 1465. Transferred

##### CODIFICATION

Section 1461, act Aug. 9, 1955, ch. 656, title II, § 201, 69 Stat. 585, which provided for a Presidential designee to coordinate and facilitate actions to discharge Federal responsibilities and to reports submitted by the designee, was transferred to section 1973cc-11 of Title 42, The Public Health and Welfare.

Section 1462, act Aug. 9, 1955, ch. 656, title II, § 202, 69 Stat. 586, which related to current absentee voting information, was transferred to section 1973cc-12 of Title 42.

Section 1463, acts Aug. 9, 1955, ch. 656, title II, § 203, 69 Stat. 586; June 18, 1968, Pub. L. 90-344, § 1(3), 82 Stat. 181, which related to cooperation of Government officials,