

Public Law 85-800

AN ACT

August 28, 1958
[S. 3224]

To improve opportunities for small business concerns to obtain a fair proportion of Government purchases and contracts, to facilitate procurement of property and services by the Government, and for other purposes.

Small business.
Procurement pro-
cedures.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 (a) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393), as amended (41 U. S. C. 252 (a)), is amended further to read as follows:

Applicability.

"(a) The provisions of this title shall be applicable to purchases and contracts for property or services made by—

"(1) The General Services Administration, for the use of such agency or otherwise; or

"(2) any other executive agency (except the departments and activities specified in title 10, United States Code, section 2303 (a)) in conformity with authority to apply such provisions delegated by the Administrator in his discretion. Notice of every such delegation of authority shall be furnished to the General Accounting Office."

Negotiated con-
tracts.

SEC. 2. Section 302 (c) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393), as amended (41 U. S. C. 252 (c)), is amended further—

(a) by revising paragraph (3) to read:

"(3) the aggregate amount involved does not exceed \$2,500;"

(b) by renumbering paragraphs (9), (10), (11), (12), (13), and (14), as paragraphs (10), (11), (12), (13), (14), and (15), respectively; and

(c) by adding, immediately after paragraph (8), a new paragraph (9), reading as follows:

"(9) for perishable or nonperishable subsistence supplies;"

Exceptions.

SEC. 3. Section 302 (e) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 394; 41 U. S. C. 252 (e)) is amended by striking out "(9)", "(10)", "(11)", and "(13)" and substituting therefor "(10)", "(11)", "(12)", and "(14)", respectively.

Advanced pay-
ments.

SEC. 4. Section 305 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 396), as amended (41 U. S. C. 255), is amended further to read as follows:

"SEC. 305. (a) Any executive agency may—

"(1) make advance, partial, progress or other payments under contracts for property or services made by the agency; and

"(2) insert in bid solicitations for procurement of property or services a provision limiting to small business concerns advance or progress payments.

"(b) Payments made under subsection (a) may not exceed the unpaid contract price.

"(c) Advance payments under subsection (a) may be made only upon adequate security and a determination by the agency head that to do so would be in the public interest. Such security may be in the form of a lien in favor of the Government on the property contracted for, on the balance in an account in which such payments are deposited, and on such of the property acquired for performance of the contract as the parties may agree. This lien shall be paramount to all other liens."

SEC. 5. Section 307 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 396; 41 U. S. C. 257) is amended—

Administrative determinations.

(a) by striking out “(10)”, “(11)”, “(12)”, and “(13)” wherever they appear therein, and substituting therefor “(11)”, “(12)”, “(13)”, and “(14)”, respectively;

(b) in subsection (b), by striking out “and in section 305 (a)”;

and
(c) in subsection (c), by striking out “305 (a)” and substituting therefor “305 (c)”.

SEC. 6. Section 310 (b) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 397), as amended (41 U. S. C. 260 (b)), is amended further by adding after “thereof” a comma and the following: “or any other executive agency delegated authority pursuant to section 302 (a) (2).”

Laws not applicable.

SEC. 7. Section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), is amended further by striking out “\$500” in the first sentence thereof and substituting therefor “\$2,500”.

Advertisements.
60 Stat. 809.
70A Stat. 128.

SEC. 8. Section 2304 (a) of title 10 of the United States Code is amended—

(a) in clause (3), by striking out “\$1,000” and substituting therefor “\$2,500”; and

(b) in clause (9), by adding “or nonperishable” after “perishable”.

SEC. 9. The text of section 2307 of title 10 of the United States Code is amended to read as follows:

70A Stat. 131.

“(a) The head of any agency may—

“(1) make advance, partial, progress, or other payments under contracts for property or services made by the agency; and

“(2) insert in bid solicitations for procurement of property or services a provision limiting to small business concerns advance or progress payments.

“(b) Payments made under subsection (a) may not exceed the unpaid contract price.

“(c) Advance payments made under subsection (a) may be made only if the contractor gives adequate security and after a determination by the head of the agency that to do so would be in the public interest. Such security may be in the form of a lien in favor of the United States on the property contracted for, on the balance in an account in which such payments are deposited, and on such of the property acquired for performance of the contract as the parties may agree. This lien is paramount to any other liens.”

Advance payments, etc.

SEC. 10. Section 2310 (b) of title 10 of the United States Code is amended by striking out “2307 (a)” and substituting therefor “2307 (c)”.

70A Stat. 132.

SEC. 11. Section 2311 of title 10 of the United States Code is amended by striking out “or section 2307 (a)” and the preceding comma.

70A Stat. 132.

SEC. 12. Section 2 of the Act of June 13, 1934 (48 Stat. 948), as amended (40 U. S. C. 276c), is amended further—

(a) by striking out “sworn affidavit” and substituting therefor “statement”; and

(b) by adding at the end thereof the following sentence: “Section 1001 of title 18 of the United States Code (Criminal Code and Criminal Procedure) shall apply to such statements.”

Approved August 28, 1958.