

Inapplicable Laws

41 U.S.C. 1905: List of laws inapplicable to contracts and subcontracts at or below the simplified acquisition threshold

10 U.S.C. 983, Institutions of Higher Education that Prevent ROTC Access or Military Recruiting on Campus: Denial of Grants and Contracts from Department of Defense, Department of Education, and Certain Other Departments and Agencies (see 9.110).
10 U.S.C. 3321(b) and 41 U.S.C. 3901(b) (contract clause regarding contingent fees).
10 U.S.C. 3841 and 41 U.S.C. 4706 (authority to examine books and records of (contractors).
10 U.S.C. 4655 and 41 U.S.C. 4704 (prohibition on limiting subcontractors direct sales to the United States).
22 U.S.C. 2593e Measures Against Persons Involved in Activities that Violate Arms Control Treaties or Agreements with the United States. (The requirement at 22 U.S.C. 2593e(c)(3)(B) to provide a certification does not apply.)
31 U.S.C. 1354(a) Limitation on Use of Appropriated Funds for Contracts with Entities Not Meeting Veterans' Employment Reporting Requirements (see 22.1302).
41 U.S.C. 8102(a)(1) (Drug-Free Workplace), except for individuals.

41 U.S.C. 1906(b): Laws (or certain requirements of laws) that are not applicable to Executive agency contracts for the acquisition of commercial products, including commercially available off-the-shelf (COTS) items, and commercial services.

10 U.S.C. 983, Institutions of Higher Education that Prevent ROTC Access or Military Recruiting on Campus: Denial of Grants and Contracts from Department of Defense, Department of Education, and Certain Other Departments and Agencies.
15 U.S.C. 644(w), Solicitation Notice Regarding Administration of Change Orders for Construction.
22 U.S.C. 2593e, Requirement for a certification under Measures Against Persons Involved in Activities that Violate Arms Control Treaties or Agreements with the United States.
31 U.S.C. 1354(a), Limitation on Use of Appropriated Funds for Contracts with Entities Not Meeting Veterans' Employment Reporting Requirements.
40 U.S.C. chapter 37, Requirement for a certificate and clause under the Contract Work Hours and Safety Standards statute.
41 U.S.C. 1708(e)(3), Minimum Response Time for Offers.
41 U.S.C. 2303(b), Policy on Personal Conflicts of Interest by Contractor Employees.
41 U.S.C. 3901(b) and 10 U.S.C. 3321(b), Contingent Fees.
41 U.S.C. 4706(d)(1) and 10 U.S.C. 3841(d)(1), GAO Access to Contractor Employees, section 871 of Public Law 110-417.
41 U.S.C. chapter 65, Contracts for Materials, Supplies, Articles, and Equipment Exceeding \$10,000.
41 U.S.C. chapter 81, Drug-Free Workplace.
41 U.S.C. 8703 and 8703, Requirement for a clause and certain other requirements related to kickbacks.
49 U.S.C.40118, Requirement for a clause under provisions of the Government-financed air transportation statute, commonly referred to as the Fly America Act, except that 49 U.S.C.40118(g) is applicable to the acquisition of commercial services.
Section 806(a)(3) of Public Law 102-190, as amended by sections 2091 and 8105 of Public Law 103-355 (10 U.S.C. 4601 note prec.), Payment Protections for Subcontractors and Suppliers.

41 U.S.C. 1906(c): Laws (or certain requirements of laws) that are not applicable to subcontracts at any tier for the acquisition of commercial products, including COTS items, or commercial services at any tier.

10 U.S.C. 2631, Transportation of Supplies by Sea (except for the types of subcontracts listed at 47.504(d)).
15 U.S.C. 644(d), Requirements relative to labor surplus areas under the Small Business Act.
41 U.S.C. 1708(e)(3), Minimum Response Time for Offers.
41 U.S.C. 2302, Rights in Technical Data.
41 U.S.C. 3901(b) and 10 U.S.C. 3321(b), Contingent Fees.
41 U.S.C. 4703, Validation of Proprietary Data restrictions.
41 U.S.C. 4706(d) and 10 U.S.C. 3841(d), Examination of Records of Contractor, when a subcontractor is not required to provide certified cost or pricing data (see 15.209(b)), unless using funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5).
41 U.S.C. chapter 65, Contracts for Materials, Supplies, Articles, and Equipment Exceeding \$10,000.
41 U.S.C. chapter 81, Drug-Free Workplace Act.
46 U.S.C. App.1241(b), Transportation in American Vessels of Government Personnel and Certain Cargo (except for the types of subcontracts listed at 47.504(d)).
49 U.S.C. 40118, Fly American provisions.
Section 806(a)(3) of Pub. L. 102-190, as amended by Sections 2091 and 8105 of Pub. L. 103-355 (10 U.S.C. 4601 note prec.), Payment Protections for Subcontractors and Suppliers.
The requirements for a certificate and clause under the Contract Work Hours and Safety Standards statute, 40 U.S.C. 37, are not applicable to subcontracts at any tier for the acquisition of commercial products or commercial services or commercial components.

41 U.S.C. 1907(a): Laws (or certain requirements of laws) that are not applicable to Executive agency contracts for the acquisition of COTS items.

42 U.S.C. 69 62(c)(3)(A), Certification and Estimate of Percentage of Recovered Material.
The portion of 41 U.S.C. 8302 , American Materials Required for Public Use, paragraph (a)(1) that reads “substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States,” Buy American—Supplies, domestic content test, except as provided in 25.101(a)(2)(ii).
The portion of 41 U.S.C. 8303, Contracts for Public Works, paragraph (a)(2) that reads “substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States,” Buy American—Construction Materials, domestic content test, except as provided in 25.201(b)(2)(ii).
Compliance Plan and Certification Requirement, section 1703 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239), Title XVII, Ending trafficking in Government Contracting.