

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6306(a)	41:22 (1st sentence).	R.S. §3741; Feb. 27, 1877, ch. 69, (16th complete par. on p. 249), 19 Stat. 249; Pub. L. 103-355, title VI, §6004, Oct. 13, 1994, 108 Stat. 3364; Pub. L. 104-106, div. D, title XLIII, §4321(i)(12), Feb. 10, 1996, 110 Stat. 676.
6306(b)	41:22 (last sentence).	Jan. 25, 1934, ch. 5, (related to R.S. §3741), 48 Stat. 337; June 27, 1934, ch. 847, title V, §510, 48 Stat. 1264; Aug. 26, 1937, ch. 821, 50 Stat. 838.

In subsection (b)(2), the words “Emergency Farm Mortgage Act of 1933” and “Federal Farm Mortgage Corporation Act” are omitted because all provisions of those Acts have previously been executed or repealed.

In subsection (b)(2)(B), the words “Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.)” are substituted for “Federal Farm Loan Act” and “Farm Credit Act of 1933” because of section 5.40(a), formerly 5.26(a), of the Farm Credit Act of 1971 (Pub. L. 92-181, 12 U.S.C. 2001 note).

In subsection (b)(2)(C), the words “Home Owners’ Loan Act” are substituted for “Home Owners’ Loan Act of 1933” because of the amendment to 12:1461 made by Public Law 101-73.

§ 6307. Contracts with Federal Government-owned establishments and availability of appropriations

An order or contract placed with a Federal Government-owned establishment for work, material, or the manufacture of material pertaining to an approved project is deemed to be an obligation in the same manner that a similar order or contract placed with a commercial manufacturer or private contractor is an obligation. Appropriations remain available to pay an obligation to a Federal Government-owned establishment just as appropriations remain available to pay an obligation to a commercial manufacturer or private contractor.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3806.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6307	41:23.	June 5, 1920, ch. 240, (last par. under heading “Purchase of Articles Manufactured at Government Arsenal”), 41 Stat. 975. July 1, 1922, ch. 259, (1st proviso on p. 812), 42 Stat. 812.

The words “heretofore or” are omitted as obsolete. The word “hereafter” is omitted as unnecessary because the provision is restated as permanent law rather than as part of a fiscal year appropriation.

§ 6308. Contracts for transportation of Federal Government securities

When practicable, a contract for transporting bullion, cash, or securities of the Federal Government shall be awarded to the lowest responsible bidder after notice to all parties with means of transportation.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3806.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6308	41:24.	July 7, 1884, ch. 332, (words after “fifty five thousand dollars” in 3d par. under heading “Miscellaneous Objects Under the Treasury Department”), 23 Stat. 204.

The words “bullion, cash, or securities of the Federal Government” are substituted for “moneys, bullion, coin, notes, bonds, and other securities of the United States, and paper” to eliminate unnecessary words. The word “awarded” is substituted for “let” to use more modern terminology.

§ 6309. Honorable discharge certificate in lieu of birth certificate

(a) IN GENERAL.—An employer described in subsection (b) may not deny employment, on account of failure to produce a birth certificate, to an individual who submits, in lieu of the birth certificate, an honorable discharge certificate (or certificate issued in lieu of an honorable discharge certificate) from the Army, Air Force, Navy, Marine Corps, Space Force, or Coast Guard of the United States, unless the honorable discharge certificate shows on its face that the individual may have been an alien at the time of its issuance.

(b) EMPLOYERS TO WHICH SECTION APPLIES.—An employer referred to in subsection (a) is an employer—

(1) engaged in—

(A) the production, maintenance, or storage of arms, armament, ammunition, implements of war, munitions, machinery, tools, clothing, food, fuel, or any articles or supplies, or parts or ingredients of any articles or supplies; or

(B) the construction, reconstruction, repair, or installation of a building, plant, structure, or facility; and

(2) engaged in the activity described in paragraph (1) under—

(A) a contract with the Federal Government; or

(B) any contract that the President, the Secretary of the Army, the Secretary of the Air Force, the Secretary of the Navy, or the Secretary of the Department in which the Coast Guard is operating certifies to the employer to be necessary to the national defense.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3806; Pub. L. 116-283, div. A, title IX, §927(e), Jan. 1, 2021, 134 Stat. 3832.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6309(a)	41:49.	June 22, 1942, ch. 432, §1, 56 Stat. 375.
6309(b)	41:50.	June 22, 1942, ch. 432, §2, 56 Stat. 376; Pub. L. 97-31, §12(16), Aug. 6, 1981, 95 Stat. 154.

In subsection (a), the words “Air Force” are added because of section 207(a) and (f) of the National Security Act of 1947 (ch. 343, 61 Stat. 502, 503). Section 207(a) and (f) was repealed by section 53 of the Act of August 10,

1956 (ch. 1041, 70A Stat. 676). Section 1 of the Act of August 10, 1956 (70A Stat. 1) enacted Title 10, “Armed Forces” and under subtitle D of title 10 the Department of the Air Force remained an independent administrative entity in the Department of Defense.

Subsection (b)(2)(B) is set out as a separate provision to clarify that the certification applies only to contracts other than contracts with the Federal Government. If the certification were to be construed as applying to all contracts, then the words “under a contract with the United States or” in section 2 of the Act of June 22, 1942, would be rendered meaningless.

In subsection (b)(2)(B), the words “Secretary of the Army” are substituted for “Secretary of War”, and the words “Secretary of the Air Force” are added, because of sections 205(a) and 207(a) and (f) of the National Security Act of 1947 (ch. 343, 61 Stat. 501, 502, 503). Sections 205(a) and 207(a) and (f) were repealed by section 53 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 676). Section 1 of the Act of August 10, 1956 (70A Stat. 1) enacted Title 10, “Armed Forces” and under sections 3010 to 3013 and 8010 to 8013 the Departments of the Army and Air Force remained under the administrative supervision of the Secretaries of the Army and Air Force, respectively. The words “Secretary of the Department in which the Coast Guard is operating” are substituted for “Secretary of Transportation” because of 6:468(b) and (h), 551(d), and 552(d), 14:1 and 3, and the Department of Homeland Security Reorganization Plan of November 25, 2002 (H. Doc. No. 108-16, 108th Cong., 1st Sess. (6 U.S.C. 542 note)).

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 inserted “Space Force,” after “Marine Corps,”.

§ 6310. Requirement for agencies to buy domestically made United States flags

(a) REQUIREMENT.—Except as provided in subsections (b) through (d), funds appropriated or otherwise available to an agency may not be used for the procurement of any flag of the United States, unless such flag has been 100 percent manufactured in the United States from articles, materials, or supplies that have been grown or 100 percent produced or manufactured in the United States.

(b) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the head of the agency concerned determines that satisfactory quality and sufficient quantity of a flag described in such subsection cannot be procured as and when needed at United States market prices.

(c) EXCEPTION FOR CERTAIN PROCUREMENTS.—Subsection (a) does not apply to the following:

(1) Procurements by vessels in foreign waters.

(2) Procurements for resale purposes in any military commissary, military exchange, or nonappropriated fund instrumentality operated by an agency.

(3) Procurements for amounts less than the simplified acquisition threshold.

(d) PRESIDENTIAL WAIVER.—

(1) IN GENERAL.—The President may waive the requirement in subsection (a) if the President determines a waiver is necessary to comply with any trade agreement to which the United States is a party.

(2) NOTICE OF WAIVER.—Not later than 30 days after granting a waiver under paragraph

(1), the President shall publish a notice of the waiver in the Federal Register.

(e) DEFINITIONS.—In this section:

(1) AGENCY.—The term “agency” has the meaning given the term “executive agency” in section 102 of title 40.

(2) SIMPLIFIED ACQUISITION THRESHOLD.—The term “simplified acquisition threshold” has the meaning given that term in section 134.

(Added Pub. L. 118-74, §2(a)(1), July 30, 2024, 138 Stat. 1505.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 118-74, §2(b), July 30, 2024, 138 Stat. 1506, provided that: “Section 6310 of title 41, United States Code, as added by subsection (a)(1), shall apply with respect to any contract entered into on or after the date that is 180 days after the date of the enactment of this Act [July 30, 2024].”

CHAPTER 65—CONTRACTS FOR MATERIALS, SUPPLIES, ARTICLES, AND EQUIPMENT EXCEEDING \$10,000

- Sec. 6501. Definitions.
- 6502. Required contract terms.
- 6503. Breach or violation of required contract terms.
- 6504. Three-year prohibition on new contracts in case of breach or violation.
- 6505. Exclusions.
- 6506. Administrative provisions.
- 6507. Hearing authority and procedures.
- 6508. Authority to make exceptions.
- 6509. Other procedures.
- 6510. Manufacturers and regular dealers.
- 6511. Effect on other law.

§ 6501. Definitions

In this chapter—

(1) AGENCY OF THE UNITED STATES.—The term “agency of the United States” means an executive department, independent establishment, or other agency or instrumentality of the United States, the District of Columbia, or a corporation in which all stock is beneficially owned by the Federal Government.

(2) PERSON.—The term “person” includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in cases under title 11, or receivers.

(3) SECRETARY.—The term “Secretary” means the Secretary of Labor.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3807.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
6501(1)	41:35 (matter before subsec. (a) related to definition of “agency of the United States”).	June 30, 1936, ch. 881, §1 (matter before subsec. (a) related to definition of “agency of the United States”), 49 Stat. 2036; Pub. L. 103-355, title VII, §7201(1), Oct. 13, 1994, 108 Stat. 3378.
6501(2)	41:41.	June 30, 1936, ch. 881, §7, 49 Stat. 2039; Pub. L. 95-598, title III, §326, Nov. 6, 1978, 92 Stat. 2679.
6501(3)	no source.	