

CHANGE REQUEST COVER SHEET

Change Request Number: 10-73

Date Received: 9/14/2010

Title: Measurement and Analysis

Name: Colleen Gutrick

Phone: 202-493-5605

Policy OR Guidance: Policy

Section/Text Location Affected: AMS Policy 2.1.6 , FAST Specialty Functions, Processes, and Guidance Section and Appendix E: Part I-Statutes

http://fasteditapp.faa.gov/ams/do_action?=LinkSection&contentUID=4§ionNumber=2.1.6

<http://fast.faa.gov/lifecycle/7up/index.htm>

http://fasteditapp.faa.gov/ams/do_action?do_action=ListTOC&contentUID=4

Summary of Change: To include the JRC-approved Acquisition Baseline Management Standard Operating Procedure in AMS, to provide a link to the JRC- approved Acquisition Baseline Management Standard Operating Procedure and add a listing for the formal name of Public Law 104-264 since the PL is applicable to all F&E funded acquisition programs initiated after October 9, 1996 in Appendix E: Part I- Statutes.

Reason for Change: Changes and links requested by ATO-F in coordination with Henry Gonzalez to provide practitioners with information contained in the SOP (link) and a reference to the public law in Appendix E: Part I- Statutes.

Development, Review, and/or Concurrence: AEB

Target Audience: M&A practitioners

Potential Links within FAST for the Change: Link to SOP (outside of the FAST).

http://atoexperience.faa.gov/finance/index.php?option=com_content&task=view&id=292&Itemid=97

Briefing Planned: No

ASAG Responsibilities: Review and Comment

Potential Links within FAST for the Change: Link to SOP (outside of the FAST).

http://atoexperience.faa.gov/finance/index.php?option=com_content&task=view&id=292&Itemid=97

Links for New/Modified Forms (or) Documents (LINK 1)

Links for New/Modified Forms (or) Documents (LINK 2)

Links for New/Modified Forms (or) Documents (LINK 3)

SECTIONS EDITED:

Acquisition Management Policy:

Section 2.1.6 : Measurement and Analysis [\[Old Content\]](#) [\[New Content\]](#) [\[RedLine Content\]](#)

Acquisition Management Policy:

Appendix E: Part I - Statutes [\[Old Content\]](#) [\[New Content\]](#) [\[RedLine Content\]](#)

SECTIONS EDITED:

Section 2.1.6 : Measurement and Analysis

Old Content: Acquisition Management Policy:

Section 2.1.6 : Measurement and Analysis

Measurement and analysis is a management and control process applied throughout the lifecycle of an investment program or operational asset to assess progress, forecast performance, determine status, and define corrective action. Measurement and analysis provides information and visibility toward accomplishing program goals and supporting management information needs.

Each line of business institutes measurement and analysis processes in accordance with AMS policy and guidance that:

- Collect, store, analyze, and report data on seventeen standard measures defined in [Standard Program Performance Metrics](#); and
- Provide early warning indicators of program issues before they become major problems.

Measurement and analysis information needs include, but are not limited to:

- Contract information that supports management and executive monitoring of vendor performance;
- Contract information that supports acquisition quality assurance;
- Program, operational, risk, and contract information that supports monitoring of lifecycle cost, schedule, performance baselines, as well as benefits and technical progress;
- Program information that supports achievement of Flight Plan goals and alignment with the Enterprise Architecture; and

Operational and business case information that supports investment decision-making.

New Content: Acquisition Management Policy:

Section 2.1.6 : Measurement and Analysis

Measurement and analysis is a management and control process applied throughout the lifecycle of an investment program or operational asset to assess progress, forecast performance, determine status, and define corrective action. Measurement and analysis provides information and visibility toward accomplishing program goals and supporting management information needs.

Each line of business institutes measurement and analysis processes in accordance with AMS policy and guidance that:

- Collect, store, analyze, and report data on seventeen standard measures defined in [Standard Program Performance Measures](#);
- Collect, store, analyze, and report baseline performance data defined in the Acquisition Baseline Management Standard Operating Procedure for those programs with an approved Acquisition Program Baseline; and
- Provide early warning indicators of program issues before they become major problems.

Measurement and analysis information needs include, but are not limited to:

- Contract information that supports management and executive monitoring of vendor performance;
- Contract information that supports acquisition quality assurance;
- Program, operational, risk, and contract information that supports monitoring of lifecycle cost, schedule, performance baselines, as well as benefits and technical progress;
- Program information that supports achievement of Flight Plan goals and alignment with the FAA Enterprise Architecture; and
- Operational and business case information that supports investment decision-making.

Red Line Content: Acquisition Management Policy:
Section 2.1.6 : Measurement and Analysis

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- **Collect, store, analyze, and report baseline performance data defined in the Acquisition Baseline Management Standard Operating Procedure for those programs with an approved Acquisition Program Baseline;** and
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- Program, operational, risk, and contract information that supports monitoring of lifecycle cost, schedule, performance baselines, as well as benefits and technical progress;
- Program information that supports achievement of Flight Plan goals and alignment with the **FAA** Enterprise Architecture; and

Operational and business case information that supports investment decision-making.

Appendix E: Part I - Statutes

Old Content: Acquisition Management Policy:

Appendix E: Part I - Statutes

Title	Description Summary	Functional area affected	Promulgated by AMS:			
			P=Policy, G=Guidance, C=Clause			
			*=See Office of Chief Counsel			
Administrative Procedures Act (5 USC 500 et seq)	Authorizes a duly qualified individual to represent a person before an agency.	All				*
Agreement on civil aircraft (19 USC 2513)	Exempts civil aircraft from Buy American Act.	Procurement				*
Air Commerce and Safety (49 USC 40121(c) (2))	Establishes legal authority for joint activities between DoD and the FAA to improve or replenish the national air traffic control system.	Procurement		G		
Airport Improvement (AIP) Grants (49 USC 47101)	Establishes U.S. Policy for Airport development and improvement.	Agreements		G		
Air Transportation Security, (49 USC 44903)	Authorizes the Administrator to prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy.	Procurement		G		
Anti-Deficiency Act (31 USC 1341)	Prohibits expenditure in excess of funds available	Procurement	P	G	C	
Anti-Kickback Act (41 USC 51-58)	Prohibits offering or accepting kickbacks; criminal penalties apply.	Ethics				*
		Procurement			C	
		Real Estate				
Anti-Lobbying Act (31 USC 1352)	Prohibits use of Federal funds for lobbying	Procurement				*
Assistance to Foreign Aviation Authorities (49 USC 40113(e))	Authorizes the Administrator to provide safety-related training and operational services to foreign aviation authorities with or without	Procurement		G		

	reimbursement, if the Administrator determines that providing such services promotes aviation safety.					
Authority to Transfer an Interest in Surplus Property (49 USC 47151)	Authorizes a department, agency, or instrumentality of the executive branch of the United States Government or a wholly owned Government corporation to give a State, political subdivision of a State, or tax-supported organization any interest in property subject to sections 47152, Terms of Gifts and 47153, Waiving and Adding Terms, of this title.	Procurement		G		
Bayh-Dole Act (35 USC 200)	Provides policy regarding inventions made with Government Assistance	Procurement				*
Bona fide Fiscal year need statutes (31 USC 1301)	Requires appropriations to be applied only to the objects for which the appropriations were made except as otherwise provided by law.	Budget Procurement			C	*
Bribery and Conflict of Interest Laws (18 USC 201)	Prescribes fines and punishment for bribery of public officials and witnesses.	All				*
Bribery and Conflict of Interest Laws (18 USC 208)	Prescribes acts and penalties affecting a personal financial interest.	All	P			
Buy American Act (41 USC 10)	Requires American manufactured materials and supplies for public use. (Also see Executive Order 10582)	Procurement	P	G	C	
Buy American (FAA) (49 USC 50101)	Mandates a preference for raw and manufactured American materials.	Procurement			C	*
Cargo Preference Act (46 USC 1241)	Mandates preference for shipping cargo on U.S. ships.	Procurement			C	
Caribbean Basin Economic Recovery Act (19 USC 2701)	Exempts certain Caribbean countries from Buy American provisions of 19 USC 2701.	Procurement		G		
Clean Air Act (42 USC 7401 et seq)	Encourages or otherwise promotes reasonable Federal, State, and local governmental actions, consistent with the provisions of this chapter, for pollution prevention.	Procurement Environment	P	G	C	
Clean Water Act (33 USC 1251 et seq)	Restores and maintains the chemical, physical, and biological integrity of the Nation's waters.	Procurement Environment	P	G	C	
Common Carrier Liability (49 USC 11707)	Specifies liability when property is delivered in violation of routing instructions.	Procurement				*
Contract Work Hours and Safety Standards Act (40 USC 328)	Establishes a standard workday of 8 hours and a standard workweek of 40 hours for laborers and mechanics; with compensation of not less than one and one-half times the basic rate of pay for work in excess of the standard workweek.	Procurement	P	G	C	
Convict Labor Act (18 USC 23-436)	Prohibits convicts from performing government contracts. (Also see Executive Orders 11755 and 12943)	Procurement	P	G		
Cooperative Research and Development Agreements (15 USC 3710a)	Supports the full use of the results of the Nation's Federal investment in research and development. To this end the Federal Government shall strive where appropriate to	Agreements		G		

	transfer federally owned or originated technology to State and local governments and to the private sector.					
Copeland Act (18 USC 874 and 40 USC 276c) a.k.a. Anti-Kickback Act	Makes it unlawful to induce any person, employed in the construction or repair of public buildings or public works financed in whole or in part by the U.S., to give up any part of the compensation to which they are entitled.	Procurement	P	G	C	
Davis Bacon Act (40 USC 276a)	Requires construction contractors to pay prevailing wages for laborers and mechanics.	Procurement	P	G	C	
Department of Transportation, General Duties and Powers (49 USC 322(c))	Provides general authority for FAA to enter into reimbursable agreements with other agencies and for cooperative agreements to use the services, records, and facilities of State, territorial, municipal and other agencies. However, 49 USC 106 (l) and (m) provides broader authority and should be cited in place of Section 322(c) for FAA agreements.	Agreements		G		
Disclosure of Confidential Information (18 USC 1905)	Prohibits the disclosure of confidential information by public officials (i.e. trade secrets)	Ethics Procurement	P	G		
Drug Free Workplace (41 USC 10)	Prohibits award of contracts to entities who have not certified that it is a drug free workplace. AMS does not reference 41 USC 10. However it is the FAA policy to only award contracts to entities who have certified that it is a drug free workplace.	Procurement	P	G	C	
Economy Act (31 USC 1535)	Authorizes the head of an agency or major organizational unit within to place an order with a major organizational unit within the same agency or another agency for goods or services under conditions specified in the statute.	Procurement		G		
Energy Policy and Conservation Act (42 USC 6361(a)(1))	Requires agencies to develop mandatory standards with respect to energy conservation and energy efficiency to govern the procurement policies and decisions of the Federal Government and all Federal agencies and to cause such standards to be implemented.	Procurement Environment	P	G		
Explosive Detection (49 USC 44913)	Governs the deployment and purchase of explosive detection equipment under 14 USC 108.7(b)(8) or 108.20 when the Administrator of the Federal Aviation Administration certifies that the equipment alone, or as part of an integrated system, can detect under realistic air carrier operating conditions the amounts, configurations, and types of explosive material that would likely be used to cause catastrophic damage to commercial aircraft.	Procurement		G		
False Claims Act (31 USC 3729)	Specifies civil penalties for false claims against the U.S.	All		G		*
Fastener Quality Act - June 8, 1999 (15 U.S.C. 5402)	Requires fasteners (i.e. bolts, nuts, screws) to be manufactured in accordance with a fastener quality assurance system; or manufactured to a	Procurement	P			

	proprietary standard, such as ISO 9000, QS9000, VDA6.1, or AS9000.					
Federal Aviation Administration (49 USC 106)	Authorizes the Administrator to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration.	Procurement	P	G		
Federal Claims Collection (31 USC 3711)	Establishes provisions for collecting claims of the U.S. for money or property arising out of the activities of, or referred to the agency.	Procurement				*
Federal Excise Taxes (26 USC 4041)	Imposes tax on diesel fuel in certain cases.	Procurement	P	G		
Federal Facilities Compliance Act	Mixed Waste is regulated as hazardous and radioactive waste under the Resource Conservation and Recovery Act (RCRA) and the Atomic Energy Act (AEA), respectively.	Environment				*
Federal Prison Industries (18 USC 4121)	Prescribes requirement for purchases from Federal Prison facilities.	Procurement	P	G	C	
Federal Workforce Restructuring Act of 1994 - P.L. 103-226 (5 USC 5597)	To provide temporary authority to Government agencies relating to voluntary separation, incentive payments, and for other purposes and limitation on procurement of Service Contracts with involuntarily separated employees.	Procurement	P	G	C	
Freedom of Information Act of 1986 (5 USC 552)	Regulates the release of public information; agency rules, opinions, orders, records, and proceedings.	All		G		*
General Facilities and Personnel Authority(49 USC 44502)	Provides general authority to the Administrator of the Federal Aviation Administration to acquire, establish, improve, operate, and maintain air navigation facilities; and provide facilities and personnel to regulate and protect air traffic.	Procurement Real Estate	P	G		
Gift and Bequests (49 USC 326)	Authorizes the Administrator to accept any conditional or unconditional gift or donation of money or property, real or personal, or of services for the FAA	All		G		
Government Performance and Results Act of 1993 (31 USC 1101, 1115-1119)	Requires performance indicators and measurement.	Metrics Baseline Management	P			
Indian Incentive Program (25 USC 1544)	A contractor of a Federal agency under any Act of Congress may be allowed an additional amount of compensation equal to 5 percent of the amount paid, or to be paid, to a subcontractor or supplier, in carrying out the contract if such subcontractor or supplier is an Indian organization or Indian-owned economic enterprise as defined in this chapter.	Procurement	P	G	C	
Interest of Member of Congress (41 USC 22)	Prohibits member of or delegate to Congress from sharing in benefit from contract or grant	Procurement			C	*
International Airport Facilities, Administrative (49 USC 47305)	Authorizes the Secretary of Transportation to consolidate, operate, protect, maintain, and improve airport property and airway property	Procurement		G		

	(except meteorological facilities).					
International Airport Facilities, Definitions (49 USC 47301)	Provides definitions pertaining to International Airport Facilities.	Procurement		G		
International Air Transportation Fair Competitive Practices Act of 1974 (49 USC 40118 (5))	Requires that all Federal agencies and Government contractors and subcontractors use U.S.-flag air carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. (Also known as the Fly America Act)	Procurement			C	
Javitts-Wagner-O'Dea Act (41 USC 46)	Established the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped;	Procurement	P	G		
Judicial Review (49 USC 46110)	Prescribes judicial review process for a person disclosing a substantial interest in an order issued by the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) under this part.	Procurement	P		C	
Miller Act (40 USC 270a-270f)	Requires construction contractors to provide performance and payment bonds that are greater than \$25,000 but not greater than \$100,000.	Procurement	P	G	C	
National Earthquake Hazards Reduction Act of 1977 (P.L. 95-124), Amended 1990 (P.L. 101-614) (42 USC 7701 et seq.)	Requires Agencies to adopt standards for assessing and enhancing the seismic safety of buildings designed for, or constructed by, or leased by the Federal Government.	All	P			
North American Free Trade Agreement (NAFTA) P.L. 103-182 (19 USC 3311)	Canada/Mexico exception from Buy American Act if purchase is over \$25,000.	Procurement			C	
National Energy Conservation Policy Act (42 USC 6201)	Requires energy and water conservation measures for federal buildings, facilities, or space	Environment	P			
National Environmental Policy Act (42 USC 6201)	Requires environmental assessment or environmental impact statement for proposed federal actions	Environment	P	G		
Paperwork Reduction Act (44 U.S.C. 3501)	Requires Federal Agencies to become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes resulting from the collection of information by or for the Federal Government.	All	P			
Privacy Act (5 USC 552a)	Establishes procedures for records maintained on individuals to ensure that certain information is secured.	Ethics Procurement	P	G	C	
Procurement Integrity Act (41 USC 423)	Prohibits unauthorized release of source selection or other proprietary data	Procurement	P	G	C	

Project Grant Authority (49 USC 47104)	Authorizes the Secretary of Transportation to make project grants from the Airport and Airway Trust Fund to maintain a safe and efficient nationwide system of public-use airports that meets the present and future needs of civil aeronautics.	Procurement		G		
Public Law 85-804 (50 U.S.C. 1431-1434)	Empowers the President to authorize agencies exercising functions in connection with the national defense to enter into, amend, and modify contracts, without regard to other provisions of law related to making, performing, amending, or modifying contracts, whenever the President considers that such action would facilitate the national defense, to exercise the authority conferred by the Act and to delegate it to other officials within the agency. (Also see E.O. 10789)	Procurement	P	G	C	
Randolph-Sheppard Vending Facility Act(20 U.S.C. 107)	Provides for blind persons licensed under the provisions of this chapter authorization to operate vending facilities on any Federal property.	Procurement	P	G		
Rehabilitation Act of 1973 - Section 508 (29 USC 794d)	Requires information technology purchases to be accessible to people with disabilities	Procurement	P	G	C	
Rehabilitation Act (29 USC 793)	Requires affirmative action to employ and advance in employment qualified individuals with disabilities.	Procurement	P	G		*
Resource Conservation and Recovery Act (42 USC 6901)	Prescribes policies and procedures for acquiring Environmental Protection Agency(EPA)-designated products through affirmative procurement programs.	Procurement Environment	P	G	C	
Service Contract Act(41 USC 351-357)	Provides for minimum wages and fringe benefits as well as other conditions of work under certain types of service contracts. Whether or not the Act applies to a specific service contract will be determined by the definitions and exceptions given in the Act, or implementing regulations.	Procurement	P	G	C	
Service-Disabled Veteran Owned Small Business Program (13 CFR,121,125&134)	Provides for competitive and non-competitive set-asides for Service Disabled Veteran Owned Small Businesses.	Procurement	P	G	C	
Systems, Procedures, Facilities, and Devices (49 USC 44505)	Requires the Administrator of the Federal Aviation Administration to develop, alter, test, and evaluate systems, procedures, facilities, and devices, and define their performance characteristics, to meet the needs for safe and efficient navigation and traffic control of civil and military aviation, except for needs of the armed forces; and to select systems, procedures, facilities, and devices that will best serve those needs and promote maximum coordination of air traffic control and air defense systems.	Procurement		G		

Research and Development (49 USC 44912)	Requires the Administrator of the Federal Aviation Administration to establish and carry out a program to accelerate and expand the research, development, and implementation of technologies and procedures to counteract terrorist acts against civil aviation.	Procurement		G		
Terms of Gifts (49 USC 47152)	Specifies the terms applicable to a gift of an interest in surplus property.	Procurement		G		
Training Schools (49 USC 40108)	Authorizes the Administrator of the Federal Aviation Administration to operate schools to train officers and employees of the Administration to carry out duties, powers, and activities of the Administrator.	Procurement		G		
Vietnam Era Veterans Readjustment Act (38 USC 2012)	Requires contractors and subcontractors, when entering contracts subject to the Act, to list all suitable employment openings with the appropriate local employment service office and take affirmative action to employ, and advance in employment, qualified special disabled veterans and veterans of the Vietnam Era without discrimination based on their disability or Veteran's status. (Also see Executive Order 11701)	Procurement		G		*
Waiving and Adding Terms (49 USC 47153)	Authorizes the Secretary of Transportation to waive, without charge, a term of a gift of an interest in property under this subchapter.	Procurement		G		
Walsh Healey Public Contracts Act (41 U.S.C. 35)	Provides conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes.	Procurement	P	G		
Wendell H. Ford Aviation Investment & Reform Act (A.O. 106-181, Apr 5, 2000)	Subjects the FAA to the Procurement Integrity Act (41USC 423), except that Subsections (f), Definitions, and (g), Limitation on Protests, shall not apply.	Procurement		G		

END OF PART I

New Content: Acquisition Management Policy:

Appendix E: Part I - Statutes

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Aircraft (19 USC 2513)						
Air Commerce and Safety (49 USC 40121(c)(2))	Establishes legal authority for joint activities between DoD and FAA to improve or replenish the national air traffic control system.	Procurement		G		
Airport Improvement (AIP) Grants (49 USC 47101)	Establishes U.S. policy for airport development and improvement.	Agreements		G		
Air Traffic Management System Performance Improvement Act of 1996, PL. 104-264 (49 USC 40121).	Administrator must consider terminating Facilities and Equipment acquisition program that exceeds 10% of cost or schedule baseline or fails to achieve 90% of performance goals. When cost or schedule breach is 50% or more, Administrator must terminate program, or make a written determination to continue program and send the determination to Congress.	All	P			
Air Transportation Security (49 USC 44903)	Authorizes the Administrator to prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy.	Procurement		G		
Anti-Deficiency Act (31 USC 1341)	Prohibits expenditure in excess of funds available.	Procurement	P	G	C	
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Buy American (FAA) (49 USC 50101)	Mandates a preference for raw and manufactured American materials.	Procurement			C	*
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Clean Air Act (42 USC 7401 et seq)	Encourages or otherwise promotes reasonable Federal, State, and local governmental actions, consistent with the provisions of this chapter, for pollution prevention.	Procurement Environment	P	G	C	
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Disclosure of Confidential Information	Prohibits the disclosure of confidential information by public officials, i.e. trade	Ethics	P	G		

(18 USC 1905)	secrets.	Procurement				
Drug Free Workplace (41 USC 10)	Prohibits award of contracts to entities who have not certified that it is a drug free workplace. AMS does not reference 41 USC 10. However it is FAA policy to only award contracts to entities who have certified a drug free workplace.	Procurement	P	G	C	
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Federal Workforce Restructuring Act of 1994	To provide temporary authority to Government agencies relating to voluntary separation,	Procurement	P	G	C	

- P.L. 103-226 (5 USC 5597)	incentive payments, and for other purposes and limitation on procurement of Service Contracts with involuntarily separated employees.					
Freedom of Information Act of 1986 (5 USC 552)	Regulates the release of public information; agency rules, opinions, orders, records, and proceedings.	All		G		*
General Facilities and Personnel Authority(49 USC 44502)	Provides general authority to the Administrator of the Federal Aviation Administration to acquire, establish, improve, operate, and maintain air navigation facilities; and provide facilities and personnel to regulate and protect air traffic.	Procurement Real Estate	P	G		
Gift and Bequests (49 USC 326)	Authorizes the Administrator to accept any conditional or unconditional gift or donation of money or property, real or personal, or of services for the FAA	All		G		
Government Performance and Results Act of 1993 (31 USC 1101, 1115-1119)	Requires performance indicators and measurement.	Metrics Baseline Management	P			
Indian Incentive Program (25 USC 1544)	A contractor of a Federal agency under any Act of Congress may be allowed an additional amount of compensation equal to 5 percent of the amount paid, or to be paid, to a subcontractor or supplier, in carrying out the contract if such subcontractor or supplier is an Indian organization or Indian-owned economic enterprise as defined in this chapter.	Procurement	P	G	C	
Interest of Member of Congress (41 USC 22)	Prohibits member of or delegate to Congress from sharing in benefit from contract or grant	Procurement			C	*
International Airport Facilities, Administrative (49 USC 47305)	Authorizes the Secretary of Transportation to consolidate, operate, protect, maintain, and improve airport property and airway property (except meteorological facilities).	Procurement		G		
International Airport Facilities, Definitions (49 USC 47301)	Provides definitions pertaining to International Airport Facilities.	Procurement		G		
International Air Transportation Fair Competitive Practices Act of 1974 (49 USC 40118 (5))	Requires that all Federal agencies and Government contractors and subcontractors use U.S.-flag air carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. (Also known as the Fly America Act)	Procurement			C	
Javitts-Wagner-O'Dea Act (41 USC 46)	Established the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.	Procurement	P	G		
Judicial Review (49 USC 46110)	Prescribes judicial review process for a person disclosing a substantial interest in an order issued by the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety	Procurement	P		C	

	duties and powers designated to be carried out by the Administrator) under this part.					
Miller Act (40 USC 270a-270f)	Requires construction contractors to provide performance and payment bonds that are greater than \$25,000 but not greater than \$100,000.	Procurement	P	G	C	
National Earthquake Hazards Reduction Act of 1977 (P.L. 95-124), Amended 1990 (P.L. 101-614) (42 USC 7701 et seq.)	Requires Agencies to adopt standards for assessing and enhancing the seismic safety of buildings designed for, or constructed by, or leased by the Federal Government.	All	P			
North American Free Trade Agreement (NAFTA) P.L. 103-182 (19 USC 3311)	Canada/Mexico exception from Buy American Act if purchase is over \$25,000.	Procurement			C	
National Energy Conservation Policy Act (42 USC 6201)	Requires energy and water conservation measures for federal buildings, facilities, or space	Environment	P			
National Environmental Policy Act (42 USC 6201)	Requires environmental assessment or environmental impact statement for proposed Federal actions	Environment	P	G		
Paperwork Reduction Act (44 U.S.C. 3501)	Requires Federal agencies to become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes resulting from the collection of information by or for the Federal Government.	All	P			
Privacy Act (5 USC 552a)	Establishes procedures for records maintained on individuals to ensure that certain information is secured.	Ethics Procurement	P	G	C	
Procurement Integrity Act (41 USC 423)	Prohibits unauthorized release of source selection or other proprietary data	Procurement	P	G	C	
Project Grant Authority (49 USC 47104)	Authorizes the Secretary of Transportation to make project grants from the Airport and Airway Trust Fund to maintain a safe and efficient nationwide system of public-use airports that meets the present and future needs of civil aeronautics.	Procurement		G		
Public Law 85-804 (50 U.S.C. 1431-1434)	Empowers the President to authorize agencies exercising functions in connection with the national defense to enter into, amend, and modify contracts, without regard to other provisions of law related to making, performing, amending, or modifying contracts, whenever the President considers that such action would facilitate the national defense, to exercise the authority conferred by the Act and to delegate it to other officials within the agency. (Also see E.O. 10789)	Procurement	P	G	C	
Randolph-Sheppard Vending Facility Act(20 U.S.C. 107)	Provides for blind persons licensed under the provisions of this chapter authorization to operate vending facilities on any Federal	Procurement	P	G		

	property.					
Rehabilitation Act of 1973 - Section 508 (29 USC 794d)	Requires information technology purchases to be accessible to people with disabilities.	Procurement	P	G	C	
Rehabilitation Act (29 USC 793)	Requires affirmative action to employ and advance in employment qualified individuals with disabilities.	Procurement	P	G		*
Resource Conservation and Recovery Act (42 USC 6901)	Prescribes policies and procedures for acquiring Environmental Protection Agency-designated products through affirmative procurement programs.	Procurement Environment	P	G	C	
Service Contract Act(41 USC 351-357)	Provides for minimum wages and fringe benefits as well as other conditions of work under certain types of service contracts. Whether or not the Act applies to a specific service contract will be determined by the definitions and exceptions given in the Act, or implementing regulations.	Procurement	P	G	C	
Service-Disabled Veteran Owned Small Business Program (13 CFR,121,125&134)	Provides for competitive and non-competitive set-asides for Service Disabled Veteran Owned Small Businesses.	Procurement	P	G	C	
Systems, Procedures, Facilities, and Devices (49 USC 44505)	Requires the FAA Administrator to develop, alter, test, and evaluate systems, procedures, facilities, and devices, and define their performance characteristics, to meet the needs for safe and efficient navigation and traffic control of civil and military aviation, except for needs of the armed forces; and to select systems, procedures, facilities, and devices that will best serve those needs and promote maximum coordination of air traffic control and air defense systems.	Procurement		G		
Research and Development (49 USC 44912)	Requires the FAA Administrator to establish and carry out a program to accelerate and expand the research, development, and implementation of technologies and procedures to counteract terrorist acts against civil aviation.	Procurement		G		
Terms of Gifts (49 USC 47152)	Specifies the terms applicable to a gift of an interest in surplus property.	Procurement		G		
Training Schools (49 USC 40108)	Authorizes the FAA Administrator to operate schools to train officers and employees of the Administration to carry out duties, powers, and activities of the Administrator.	Procurement		G		
Vietnam Era Veterans Readjustment Act (38 USC 2012)	Requires contractors and subcontractors, when entering contracts subject to the Act, to list all suitable employment openings with the appropriate local employment service office and take affirmative action to employ, and advance in employment, qualified special disabled veterans and veterans of the Vietnam Era without discrimination based on their disability or Veteran's status. (Also see Executive Order	Procurement		G		*

	11701)					
Waiving and Adding Terms (49 USC 47153)	Authorizes the Secretary of Transportation to waive, without charge, a term of a gift of an interest in property under this subchapter.	Procurement		G		
Walsh Healey Public Contracts Act (41 U.S.C. 35)	Provides conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes.	Procurement	P	G		
Wendell H. Ford Aviation Investment & Reform Act (A.O. 106-181, Apr 5, 2000)	Subjects the FAA to the Procurement Integrity Act (41USC 423), except that Subsections (f), Definitions, and (g), Limitation on Protests, shall not apply.	Procurement		G		

END OF PART I

Red Line Content: Acquisition Management Policy: Appendix E: Part I - Statutes

Title	Description Summary	Functional area affected	Promulgated by AMS:			
			P=Policy, G=Guidance, C=Clause			
			*=See Office of Chief Counsel			
Administrative Procedures Act (5 USC 500 et seq)	Authorizes a duly qualified individual to represent a person before an agency.	All				*
Agreement on civil <u>Civil aircraft</u> <u>Aircraft</u> (19 USC 2513)	Exempts civil aircraft from Buy American Act.	Procurement				*
Air Commerce and Safety (49 USC 40121(c)-(2))	Establishes legal authority for joint activities between DoD and the FAA to improve or replenish the national air traffic control system.	Procurement		G		
Airport Improvement (AIP) Grants (49 USC 47101)	Establishes U.S. Policy <u>policy</u> for Airport <u>airport</u> development and improvement.	Agreements		G		
<u>Air Traffic Management System Performance Improvement Act of 1996, PL. 104-264 (49 USC 40121).</u>	Administrator must consider terminating Facilities and Equipment acquisition program that exceeds 10% of cost or schedule baseline or fails to achieve 90% of performance goals. When cost or schedule breach is 50% or more, Administrator must terminate program, or make a written determination to continue program and send the determination to Congress.	All	P			
Air Transportation Security; (49 USC 44903)	Authorizes the Administrator to prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy.	Procurement		G		

Anti-Deficiency Act (31 USC 1341)	Prohibits expenditure in excess of funds available.	Procurement	P	G	C	
Anti-Kickback Act (41 USC 51-58)	Prohibits offering or accepting kickbacks; criminal penalties apply.	Ethics Procurement Real Estate			C	*
Anti-Lobbying Act (31 USC 1352)	Prohibits use of Federal funds for lobbying.	Procurement				*
Assistance to Foreign Aviation Authorities (49 USC 40113(e))	Authorizes the Administrator to provide safety-related training and operational services to foreign aviation authorities with or without reimbursement, if the Administrator determines that providing such services promotes aviation safety.	Procurement		G		
Authority to Transfer an Interest in Surplus Property (49 USC 47151)	Authorizes a department, agency, or instrumentality of the executive branch of the United States <u>U.S.</u> Government or a wholly owned Government corporation to give a State, political subdivision of a State, or tax-supported organization any interest in property subject to sections 47152, Terms of Gifts and 47153, Waiving and Adding Terms, of this title.	Procurement		G		
Bayh-Dole Act (35 USC 200)	Provides policy regarding inventions made with Government Assistance <u>assistance</u>	Procurement				*
Bona fide Fiscal year need statutes (31 USC 1301)	Requires appropriations to be applied only to the objects for which the appropriations were made except as otherwise provided by law.	Budget Procurement			C	*
Bribery and Conflict of Interest Laws (18 USC 201)	Prescribes fines and punishment for bribery of public officials and witnesses.	All				*
Bribery and Conflict of Interest Laws (18 USC 208)	Prescribes acts and penalties affecting a personal financial interest.	All	P			
Buy American Act (41 USC 10)	Requires American manufactured materials and supplies for public use. (Also see Executive Order 10582)	Procurement	P	G	C	
Buy American (FAA) (49 USC 50101)	Mandates a preference for raw and manufactured American materials.	Procurement			C	*
Cargo Preference Act (46 USC 1241)	Mandates preference for shipping cargo on U.S. ships.	Procurement			C	
Caribbean Basin Economic Recovery Act (19 USC 2701)	Exempts certain Caribbean countries from Buy American provisions of 19 USC 2701.	Procurement		G		
Clean Air Act (42 USC 7401 et seq)	Encourages or otherwise promotes reasonable Federal, State, and local governmental actions, consistent with the provisions of this chapter, for pollution prevention.	Procurement Environment	P	G	C	
Clean Water Act (33 USC 1251 et seq)	Restores and maintains the chemical, physical, and biological integrity of the Nation's waters.	Procurement Environment	P	G	C	
Common Carrier	Specifies liability when property is delivered in	Procurement				*

Liability (49 USC 11707)	violation of routing instructions.					
Contract Work Hours and Safety Standards Act (40 USC 328)	Establishes a standard workday of 8 hours and hour workday and standard workweek of 40 hours hour workweek for laborers and mechanics; with compensation of not less than one and one-half times the basic rate of pay for work in excess of exceeding the standard workweek.	Procurement	P	G	C	
Convict Labor Act (18 USC 23-436)	Prohibits convicts from performing government Government contracts. (Also see Executive Orders 11755 and 12943)	Procurement	P	G		
Cooperative Research and Development Agreements (15 USC 3710a)	Supports the full use of the results of the Nation's Federal investment in research and development. To this end the Federal Government shall strive where appropriate to transfer federally Federally owned or originated technology to State and local governments and to the private sector.	Agreements		G		
Copeland Act (18 USC 874 and 40 USC 276c) a.k.a. Anti-Kickback Act	Makes it unlawful to induce any person, employed in the construction or repair of public buildings or public works financed in whole or in part by the U.S., to give up any part of the compensation to which they are entitled.	Procurement	P	G	C	
Davis Bacon Act (40 USC 276a)	Requires construction contractors to pay prevailing wages for laborers and mechanics.	Procurement	P	G	C	
Department of Transportation, General Duties and Powers (49 USC 322(c))	Provides general authority for FAA to enter into reimbursable agreements with other agencies and for cooperative agreements to use the services, records, and facilities of State, territorial, municipal and other agencies. However, 49 USC 106 (l) and (m) provides broader authority and should be cited in place of Section 322(c) for FAA agreements.	Agreements		G		
Disclosure of Confidential Information (18 USC 1905)	Prohibits the disclosure of confidential information by public officials; (i.e. trade secrets).	Ethics Procurement	P	G		
Drug Free Workplace (41 USC 10)	Prohibits award of contracts to entities who have not certified that it is a drug free workplace. AMS does not reference 41 USC 10. However it is the FAA policy to only award contracts to entities who have certified that it is a drug free workplace.	Procurement	P	G	C	
Economy Act (31 USC 1535)	Authorizes the head of an agency or major organizational unit within to place an order with a major organizational unit within the same agency or another agency for goods or services under conditions specified in the statute.	Procurement		G		
Energy Policy and Conservation Act (42 USC 6361(a)(1))	Requires agencies to develop mandatory standards with respect to for energy conservation and energy efficiency to govern the procurement policies and decisions of the Federal Government and all Federal agencies and to cause such standards to be implemented.	Procurement Environment	P	G		

Explosive Detection (49 USC 44913)	Governs the deployment and purchase of explosive detection equipment under 14 USC 108.7(b)(8) or 108.20 when the Administrator of the Federal Aviation Administration <u>FAA Administrator</u> certifies that the equipment alone, or as part of an integrated system, can detect under realistic air carrier operating conditions the amounts, configurations, and types of explosive material that would likely be used to cause catastrophic damage to commercial aircraft.	Procurement		G		
False Claims Act (31 USC 3729)	Specifies civil penalties for false claims against the U.S.	All		G		*
Fastener Quality Act - June 8, 1999 (15 U.S.C. 5402)	Requires fasteners (i.e. bolts, nuts, screws) to be manufactured in accordance with a fastener quality assurance system; or manufactured to a proprietary standard, such as ISO 9000, QS9000, VDA6.1, or AS9000.	Procurement	P			
Federal Aviation Administration (49 USC 106)	Authorizes the Administrator to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration.	Procurement	P	G		
Federal Claims Collection (31 USC 3711)	Establishes provisions for collecting claims of the U.S. for money or property arising out of the activities of, or referred to the agency.	Procurement				*
Federal Excise Taxes (26 USC 4041)	Imposes tax on diesel fuel in certain cases.	Procurement	P	G		
Federal Facilities Compliance Act	Mixed Waste is regulated as hazardous and radioactive waste under the Resource Conservation and Recovery Act (RCRA) and the Atomic Energy Act (AEA), respectively.	Environment				*
Federal Prison Industries (18 USC 4121)	Prescribes requirement for purchases from Federal Prison facilities.	Procurement	P	G	C	
Federal Workforce Restructuring Act of 1994 - P.L. 103-226 (5 USC 5597)	To provide temporary authority to Government agencies relating to voluntary separation, incentive payments, and for other purposes and limitation on procurement of Service Contracts with involuntarily separated employees.	Procurement	P	G	C	
Freedom of Information Act of 1986 (5 USC 552)	Regulates the release of public information; agency rules, opinions, orders, records, and proceedings.	All		G		*
General Facilities and Personnel Authority(49 USC 44502)	Provides general authority to the Administrator of the Federal Aviation Administration to acquire, establish, improve, operate, and maintain air navigation facilities; and provide facilities and personnel to regulate and protect air traffic.	Procurement Real Estate	P	G		
Gift and Bequests (49 USC 326)	Authorizes the Administrator to accept any conditional or unconditional gift or donation of money or property, real or personal, or of services for the FAA	All		G		

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Judicial Review (49 USC 46110)	Prescribes judicial review process for a person disclosing a substantial interest in an order issued by the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) under this part.	Procurement	P		C	
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