

B. Statutory Compliance

Appendix B provides a list of certain provisions of federal law with which Outside Counsel must comply.

Those provisions are listed on the following pages.

1. ProvisionsB-3

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Acts of October 23, 1989 (Byrd Amendment) as amended
31 U.S.C. § 1352

Prohibits federal government contractors from using monies received from federal contracts, grants, loans or cooperative agreements to lobby Congress or the Executive Branch in order to influence the award, extension or modification of a contract, grant or financial transaction. *The Implementation Statement and certification and disclosure forms can be found in Appendix F.*

Age Discrimination in Employment Act
29 U.S.C. §§ 621-634

Prohibits employers from discriminating on the basis of age.

Americans with Disabilities Act
42 U.S.C. §§ 12101-12117

Prohibits discrimination in employment based on a physical or mental handicap.

Anti-Kickback Act of 1986
41 U.S.C. §§ 51-58

Prohibits the solicitation, payment and inclusion in contract price of kickbacks related to a federal contract.

Assignment of Claims Act of 1940
41 U.S.C. § 15; 31 U.S.C. § 3727

Controls the assignment of federal contract claims.

Civil Rights Act of 1964, as amended
42 U.S.C. §§ 2000e et seq.

Prohibits employers from discriminating in hiring, discharging, compensation, or terms, conditions, and privileges of employment based on race, color, religion, sex or national origin.

Conspiracy to Defraud the Government
18 U.S.C. § 286

Identifies penalties for conspiracy to defraud.

**Contractor Conflicts of Interest
12 C.F.R. Part 366**

Implements the requirements of 12 U.S.C. §§ 1822(f)(3) and (4). *Refer to [Appendix C\(3\)](#).*

**Debt Collection Improvement Act of 1996
31 U.S.C. § 3332**

Requires all federal payments, including vendor payments and expense reimbursements, be made by electronic funds transfer (EFT). *Refer to [Appendix O](#).*

**Drug-Free Workplace Act of 1988
41 U.S.C. §§ 701-707**

Requires drug-free workplace.

**Executive Order 11246, 30 Fed. Reg. 12319 (1965), as amended by
Executive Order 11375, 32 Fed. Reg. 14303 (1967)
Executive Order 11478, 34 Fed. Reg. 12985 (1969)
Executive Order 12086, 43 Fed. Reg. 46501 (1978)**

Nondiscrimination and Affirmative Action for Women and Minorities.

Executive Order 12138, 44 Fed. Reg. 29637 (1979)

Women's Business Enterprises.

Executive Order 12928, 59 Fed. Reg. 48377 (1994)

Promotes procurement with small businesses owned and controlled by socially and economically disadvantaged individuals, historically Black colleges and universities, and minority institutions.

**False Claims Act of 1863
31 U.S.C. § 3729**

Identifies penalties for knowingly presenting false claims.

False, Fictitious or Fraudulent Claims
18 U.S.C. § 287

Identifies penalties for making or presenting false, fictitious or fraudulent claims.

False Statements or Entries
18 U.S.C. § 1001

Identifies penalties for making false statements or entries.

Federal Property and Administrative Services Act of 1949
41 U.S.C. §§ 254(a) and 254d

Prohibits payment of contingent fees in federal contracts (§ 254(a)) and requires retention of contractor records and authorizes examination and audit of contractor records (§ 254d).

Financial Institutions Reform, Recovery, and Enforcement Act of 1989
12 U.S.C. § 1833e(c)

Requires establishment of Minority Outreach Program.

Forfeiture of Fraudulent Claims
28 U.S.C. § 2514

Identifies penalties for participation in fraudulent claims.

Inspector General Act of 1978 as amended
5 U.S.C. app. §§ 1-12

Establishes and identifies the authority of the office of inspector general.

Interests of Members of Congress
41 U.S.C. § 22

Prohibits participation by members of Congress in government contracts.

Internal Revenue Code
26 U.S.C. §§ 6041, 6041A, 6050M

Taxpayer Identification Number (TIN) and returns relating to persons receiving contracts from federal executive agencies.

International Air Transportation Competition Act of 1979
49 U.S.C. § 40118

Regulates use of federal funds for air transportation.

Minority and Women Outreach Program – Contracting
12 C.F.R. Part 361

Implements the requirements of 12 U.S.C. § 1833e(c).

Obstruction of Federal Audit
18 U.S.C. § 1516

Identifies penalties for obstructing a federal audit.

Rehabilitation Act of 1973
29 U.S.C. § 793

Employment under federal contracts for disabled workers.

Service of Process
12 C.F.R. §§ 309.7 (b) – (c)

Identifies FDIC's notification and authorization requirements.

Vietnam Era Veterans' Readjustment Assistance Act of 1974
38 U.S.C. § 4212

Veterans' employment emphasis under federal contracts.

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