SEC. 813. SPECIAL EMERGENCY PROCUREMENT AUTHORITY FOR DOMESTIC EMERGENCY OPERATIONS.

Section 1903(a) of title 41, United States Code, is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) in support of a declared emergency or major disaster (as defined in paragraphs (1) and (2), respectively, of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).".

Section-by-Section Analysis

Section 1903 of title 41, United States Code, authorizes the expanded application of certain procurement flexibilities, such as those authorized for micro-purchases and purchases under the simplified acquisition threshold, to support contingency operations or to facilitate the defense against or recovery from nuclear, biological, chemical, or radiological attacks. These flexibilities allow contracting officers to respond quickly when supporting contingency operations or responding to terrorist attacks by expediting the procurement process and reducing administrative burden and cost associated with smaller dollar procurements, especially when multiple actions are required. Currently, the authorities provided by section 1903 are not available to support domestic emergencies unless a contingency operation has been declared or the work facilitates the defense against or recovery from nuclear, biological, chemical, or radiological attacks. This proposal would amend section 1903 to extend the availability of special emergency procurement authorities to Presidentially-declared domestic emergencies and major disasters, as defined in of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

Budget Implications: This proposal does not have budgetary impact as it addresses procurement processes (i.e. thresholds for individual contract awards) and does not alter amounts appropriated for procurement of items or services.

Changes to Existing Law: This proposal would make the following changes to section 1903 of title 41, United States Code:

TITLE 41, UNITED STATES CODE

§1903. Special emergency procurement authority

(a) APPLICABILITY.—The authorities provided in subsections (b) and (c) apply with respect to a procurement of property or services by or for an executive agency that the head of the executive agency determines are to be used—

(1) in support of a contingency operation (as defined in section 101(a) of title 10); ~~**or**~~

(2) to facilitate the defense against or recovery from nuclear, biological, chemical, or radiological attack against the United States**; or**~~.~~

(3) in support of a declared emergency or major disaster (as defined in paragraphs (1) and (2), respectively, of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

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