SEC. 811. SPECIAL EMERGENCY PROCUREMENT AUTHORITY.

(a) LIMITED AUTHORITY FOR USE OF OUTSIDE-THE-UNITED-STATES-THRESHOLDS.—Subject to subsection (b), the Under Secretary of Defense for Acquisition, Technology, and Logistics may authorize the head of a contracting activity located in the United States, when awarding a contract or making a purchase in direct support of Operation Enduring Freedom or Operation New Dawn, to use the overseas increased micro-purchase threshold and the overseas increased simplified acquisition threshold in the same manner as if the contract were to be to be awarded and performed, or the purchase was to be made, outside the United States.

(b) LIMITATIONS.—

(1) ONLY ONE CONTRACTING ACTIVITY AT A TIME.—The authority of the Under Secretary under subsection (a) may be exercised with respect to only one contracting activity at any time.

(2) NON-DELEGATION.—The authority of the Under Secretary under subsection (a) may not be delegated.

(c) DEFINITIONS.—In this section:

(1) OVERSEAS INCREASED MICRO-PURCHASE THRESHOLD.—The term "overseas increased micro-purchase threshold" means the amount specified in paragraph (1)(B) of section 1903(b) of title 41, United States Code.

(1) OVERSEAS INCREASED SIMPLIFIED ACQUISITION THRESHOLD.—The term "overseas increased simplified acquisition threshold" means the amount specified in paragraph (2)(B) of section 1903(b) of title 41, United States Code.

Section-by-Section Analysis

The purpose of this proposal is to ensure contracting activities supporting Operation Enduring Freedom and Operation New Dawn inside the United States, via reach-back, under the authority of the Head of the Contracting Activity (HCA) for Iraq, Afghanistan, Kuwait, and

Pakistan, are afforded the same emergency acquisition flexibilities, regardless of the location(s) of the contracting activities providing the contingency contracting support. Currently, the CENTCOM Contracting Command (formerly Joint Contracting Command – Iraq/Afghanistan) Commander is the HCA for Iraq, Afghanistan, Kuwait, and Pakistan. The Commander also has a stateside reach-back cell located in Rock Island, IL, where she is also HCA. The purpose of the reach-back cell is to reduce the footprint in this theater of operations and support operations utilizing stateside civilians and military personnel.

The law regarding acquisitions in support of a contingency operation establishes simplified acquisitions thresholds of "$250,000 in case of any contract to be awarded and performed, or purchase to be made, inside the United States; and "$1,000,000 in the case of any contract to be awarded and performed, or purchase to be made, outside the United States." (41 U.S.C. 1903(b)(2)(A) and (B), respectively). The same holds true for the micro-purchase threshold: "$15,000 in the case of any contract to be awarded and performed, or purchase to be made inside the United States; and $25,000 in the case of any contract to be awarded and performed, or purchase to be made, outside the United States." (41 U.S.C. 1903(b)(1)(A) and (B), respectively).

This proposal seeks to provide the same simplified acquisition threshold and micro-purchase threshold for contracts awarded inside the United States, via reach-back, as those awarded outside the United States, under certain circumstances when authorized by the Under Secretary of Defense for Acquisition, Technology and Logistics.

Budget Implications: This proposal would not increase costs to the government to revise the Micro-Purchase and Simplified Acquisition Threshold definitions to ensure the same emergency acquisition law and policy are applicable, regardless of the location(s) of contracting activities awarding contracts in support of overseas contingency operations, for contracts awarded under the authority of the Head of the Contracting Activity for Iraq, Afghanistan, Kuwait, and Pakistan.

Changes to Existing Law: This proposal would make no changes to the text of existing law.