SEC. ___. EXTENSION OF SPECIAL EMERGENCY PROCUREMENT AUTHORITY TO PROCUREMENTS IN SUPPORT OF OPERATIONS PERFORMED BY SPECIAL OPERATIONS FORCES OUTSIDE CONTINENTAL UNITED STATES.

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 an operation performed by special operations forces outside the continental United States so long as the operation is covered by an order of the Secretary of Defense referred to as an 'execute order' and the procurement is of property or services which are special operations-peculiar as that term is defined in Department of Defense Directive 5100.03, entitled 'Support of the Headquarters of Combatant and Subordinate Unified Commands' and dated February 9, 2011.".

Section-by-Section Analysis

This proposal would amend section 1903(a) of title 41, United States Code, to extend the procurement flexibilities to be used by the United States Special Operations Command (USSOCOM). This authority will only be utilized when the USSOCOM Commander makes a determination that the use of increased thresholds in 41 U.S.C. 1903(b)(3) is necessary for the operation and the operation is further covered by an execute order (EXORD) issued by the Secretary of Defense . The authority would only be available to purchase property or services which is special operations-peculiar. This authority is required to meet the demand of expanding special operations forces mission conducted outside the continental United States (OCONUS) where no conventional logistical support infrastructure exists. This authority is needed for national security reasons.

The demand for special operations is expected to continue to grow. This growth is being driven to a large part by the changing nature of warfare, which is moving away from large conventional forces toward more widely dispersed, small-footprint Security Force Assistance activities in austere locations. This proposal is consistent with the current Administration's "Invest in a 21st Century Military" plan, as outlined under "The Obama-Biden Plan":

"**Rebuild the Military for 21st Century Tasks:** Obama and Biden believe that we must build up our special operations forces…invest in foreign language training, cultural awareness…and other needed counterinsurgency and stabilization skill sets; and create a more robust capacity to train, equip, and advise foreign security forces, so that local allies are better prepared to confront mutual threats."

As part of this new reality, the United States Special Operations Command (USSOCOM) has been directed to Expand the Global Special Operations Forces Network (EGSN). With this expansion, Special Operations Forces (SOF) will be operating in areas where there will be very little or no conventional logistical support infrastructure. In these areas, SOF operational contracting support (OCS) is paramount to overall mission success. This will directly affect the national security of the United States.

The increased thresholds sought are designed to provide the flexibility to empower USSOCOM to achieve its expanding mission demands with limited personnel resources. This will permit USSOCOM to meet its core operations and activities: from Countering Weapons of Mass Destruction (CWMD) to providing SOF Combat Support (CS) to Foreign Internal Defense training of Allied sovereign partners. Furthermore, a meaningful percentage of these missions will be sensitive, thus minimal announcements of operations can be made.

To date, there has been no mission failure. However, this forward leaning legislative proposal is intended to prevent failure. USSOCOM will not be able to effectively respond to the increased and dispersed nature of our expected OCONUS efforts utilizing the standard micro-purchase and simplified acquisition thresholds. This proposal is also consistent with and inspired by the Better Buying Power Initiatives.

This proposed legislation indirectly supports each and every one of the Defense Strategic Priorities as it will enable USSOCOM to continue to acquire necessary special operations-peculiar equipment, material, supplies, and services needed by its special operations forces to execute these Defense Strategic Priorities.

Budget Implications: This proposal would not increase the overall budget requirements of the Department of Defense. Specifically, no cost impact is expected as this is a currently executed program and the proposal will only result in a procedural change.

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2014	**FY 2015**	**FY 2016**	**FY 2017**	**FY 2018**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Total	0	0	0	0	0	N/A	N/A	N/A	N/A

Changes to Existing Law: This proposal would make the following changes to section 1903(a) of 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 an operation performed by special operations forces outside the continental United States so long as the operation is covered by an order of the Secretary of Defense referred to as an "execute order" and the procurement is of property or services which are special operations-peculiar as that term is defined in Department of Defense Directive 5100.03, entitled "Support of the Headquarters of Combatant and Subordinate Unified Commands" and dated February 9, 2011.

(b) INCREASED THRESHOLDS AND LIMITATION.—For a procurement to which this section applies under subsection (a)—

(1) the amount specified in section 1902(a), (d), and (e) of this title shall be deemed to be—

(A) $15,000 in the case of a contract to be awarded and performed, or purchase to be made, in the United States; and

(B) $25,000 in the case of a contract to be awarded and performed, or purchase to be made, outside the United States;

(2) the term "simplified acquisition threshold" means—

(A) $250,000 in the case of a contract to be awarded and performed, or purchase to be made, in the United States; and

(B) $1,000,000 in the case of a contract to be awarded and performed, or purchase to be made, outside the United States; and

(3) the $5,000,000 limitation in sections 1901(a)(2) and 3305(a)(2) of this title and section 2304(g)(1)(B) of title 10 is deemed to be $10,000,000.

(c) AUTHORITY TO TREAT PROPERTY OR SERVICE AS COMMERCIAL ITEM.—

(1) IN GENERAL.—The head of an executive agency carrying out a procurement of property or a service to which this section applies under subsection (a)(2) may treat the property or service as a commercial item for the purpose of carrying out the procurement.

(2) CERTAIN CONTRACTS NOT EXEMPT FROM STANDARDS OR REQUIREMENTS.—A contract in an amount of more than $15,000,000 that is awarded on a sole source basis for an item or service treated as a commercial item under paragraph (1) is not exempt from—

(A) cost accounting standards prescribed under section 1502 of this title; or

(B) cost or pricing data requirements (commonly referred to as truth in negotiating) under chapter 35 of this title and section 2306a of title 10.