To authorize the Secretary of Homeland Security to permit a class deviation to the Federal Acquisition Regulation to support domestic emergency operations.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2011

Mr. LONG (for himself, Mr. KING of New York, Mr. MARINO, and Mr. MCCaul) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To authorize the Secretary of Homeland Security to permit a class deviation to the Federal Acquisition Regulation to support domestic emergency operations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “FEMA Flexibility Act of 2011”.

...
SEC. 2. DEPARTMENT OF HOMELAND SECURITY SPECIAL
EMERGENCY PROCUREMENT AUTHORITY
FOR DOMESTIC EMERGENCY OPERATIONS.

(a) In General.—Title V of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

"SEC. 525. SPECIAL EMERGENCY PROCUREMENT AUTHORITY FOR DOMESTIC EMERGENCY OPERATIONS.

“(a) In General.—Notwithstanding any other provision of law, the Secretary is authorized to permit a class deviation to the Federal Acquisition Regulation with respect to the micropurchase threshold and may do so in such official’s sole discretion to support domestic emergency operations.

“(b) Delegation of Authority.—The Secretary may carry out this section by acting through the Under Secretary for Management.

“(c) Limitation.—In any class deviation under subsection (a), the micropurchase threshold may not exceed $15,000.

“(d) Domestic Emergency Operation Defined.—In this section, the term ‘domestic emergency operation’ means assistance activities carried out in support of—"
“(1) an emergency or major disaster, as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

“(2) any occasion or instance for which the Secretary determines Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States; or

“(3) any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, that in the determination of the Secretary causes damage of sufficient severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title V the following new item:
“Sec. 525. Special emergency procurement authority for domestic emergency operations.”.