

(B) such other method as is provided by lay¹ for the recovery of amounts owing to the Government.

(Pub. L. 107–296, title VIII, §845, as added Pub. L. 109–295, title VI, §623(a), Oct. 4, 2006, 120 Stat. 1418.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

The reference to the “Administrator” in text probably means the Administrator of the Federal Emergency Management Agency. Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109–295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109–295, set out as a note under section 313 of this title.

§ 416. Use of protective equipment or measures by employees

None of the funds made available in this or any other Act for fiscal year 2013 and thereafter may be used to propose or effect a disciplinary or adverse action, with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

(Pub. L. 113–6, div. D, title V, §540, Mar. 26, 2013, 127 Stat. 373.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, means div. D of Pub. L. 113–6, Mar. 26, 2013, 127 Stat. 342, known as the Department of Homeland Security Appropriations Act, 2013. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Department of Homeland Security Appropriations Act, 2013, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 417. Rotational cybersecurity research program

To enhance the Department’s cybersecurity capacity, the Secretary may establish a rotational research, development, and training program for—

(1) detail to the Cybersecurity and Infrastructure Security Agency (including the national cybersecurity and communications integration center authorized by section 659 of this title) of Coast Guard Academy graduates and faculty; and

(2) detail to the Coast Guard Academy, as faculty, of individuals with expertise and experience in cybersecurity who are employed by—

(A) the Agency (including the center);

(B) the Directorate of Science and Technology; or

(C) institutions that have been designated by the Department as a Center of Excellence for Cyber Defense, or the equivalent.

(Pub. L. 107–296, title VIII, §846, as added Pub. L. 116–283, div. G, title LVXXXII [LXXXII], §8278(a), Jan. 1, 2021, 134 Stat. 4687.)

PART F—FEDERAL EMERGENCY PROCUREMENT FLEXIBILITY

§ 421. Definition

In this part, the term “executive agency” has the meaning given that term under section 133 of title 41.

(Pub. L. 107–296, title VIII, §851, Nov. 25, 2002, 116 Stat. 2235.)

Editorial Notes

CODIFICATION

In text, “section 133 of title 41” substituted for “section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1))” on authority of Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 422. Procurements for defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack

The authorities provided in this part apply to any procurement of property or services by or for an executive agency that, as determined by the head of the executive agency, are to be used to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack, but only if a solicitation of offers for the procurement is issued during the 1-year period beginning on November 25, 2002.

(Pub. L. 107–296, title VIII, §852, Nov. 25, 2002, 116 Stat. 2235.)

§ 423. Increased simplified acquisition threshold for procurements in support of humanitarian or peacekeeping operations or contingency operations

(a) Temporary threshold amounts

For a procurement referred to in section 422 of this title that is carried out in support of a humanitarian or peacekeeping operation or a contingency operation, the simplified acquisition threshold definitions shall be applied as if the amount determined under the exception provided for such an operation in those definitions were—

(1) in the case of a contract to be awarded and performed, or purchase to be made, inside the United States, \$200,000; or

(2) in the case of a contract to be awarded and performed, or purchase to be made, outside the United States, \$300,000.

(b) Simplified acquisition threshold definitions

In this section, the term “simplified acquisition threshold definitions” means the following:

(1) Section 134 of title 41.

(2) Section 153 of title 41.

¹ So in original. Probably should be “law”.

(3) Section 3015 of title 10.

(c) Small business reserve

For a procurement carried out pursuant to subsection (a), section 644(j) of title 15 shall be applied as if the maximum anticipated value identified therein is equal to the amounts referred to in subsection (a).

(Pub. L. 107–296, title VIII, §853, Nov. 25, 2002, 116 Stat. 2235; Pub. L. 117–81, div. A, title XVII, §1702(c)(2), Dec. 27, 2021, 135 Stat. 2155.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 117–81 added pars. (1) to (3) and struck out former pars. (1) to (3) which read as follows:

“(1) Section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

“(2) Section 309(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(d)).

“(3) Section 2302(7) of title 10.”

§ 424. Increased micro-purchase threshold for certain procurements

In the administration of section 1902 of title 41 with respect to a procurement referred to in section 422 of this title, the amount specified in subsections (a), (d), and (e) of such section 1902 shall be deemed to be \$7,500.

(Pub. L. 107–296, title VIII, §854, Nov. 25, 2002, 116 Stat. 2236.)

Editorial Notes

CODIFICATION

In text, “section 1902 of title 41” substituted for “section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428)” and “subsections (a), (d), and (e) of such section 1902” substituted for “subsections (c), (d), and (f) of such section 32” on authority of Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 425. Application of certain commercial items authorities to certain procurements

(a) Authority

(1) In general

The head of an executive agency may apply the provisions of law listed in paragraph (2) to a procurement referred to in section 422 of this title without regard to whether the property or services are commercial items.

(2) Commercial item laws

The provisions of law referred to in paragraph (1) are as follows:

(A) Sections 1901 and 1906 of title 41.

(B) Section 3205 of title 10.

(C) Section 3305 of title 41.

(b) Inapplicability of limitation on use of simplified acquisition procedures

(1) In general

The \$5,000,000 limitation provided in section 1901(a)(2) of title 41, section 3205(a)(2) of title 10, and section 3305(a)(2) of title 41 shall not apply to purchases of property or services to which any of the provisions of law referred to in subsection (a) are applied under the authority of this section.

(2) OMB guidance

The Director of the Office of Management and Budget shall issue guidance and procedures for the use of simplified acquisition procedures for a purchase of property or services in excess of \$5,000,000 under the authority of this section.

(c) Continuation of authority for simplified purchase procedures

Authority under a provision of law referred to in subsection (a)(2) that expires under section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 10 U.S.C. 2304 note) shall, notwithstanding such section, continue to apply for use by the head of an executive agency as provided in subsections (a) and (b).

(Pub. L. 107–296, title VIII, §855, Nov. 25, 2002, 116 Stat. 2236; Pub. L. 117–81, div. A, title XVII, §1702(c)(3), Dec. 27, 2021, 135 Stat. 2155.)

Editorial Notes

REFERENCES IN TEXT

Section 4202(e) of the Clinger-Cohen Act of 1996, referred to in subsec. (c), is section 4202(e) of Pub. L. 104–106, which is set out as a note under section 2304 of Title 10, Armed Forces.

AMENDMENTS

2021—Subsec. (a)(2). Pub. L. 117–81, §1702(c)(3)(A), added subpars. (A) to (C) and struck out former subpars. (A) to (C) which read as follows:

“(A) Sections 1901 and 1906 of title 41.

“(B) Section 2304(g) of title 10.

“(C) Section 3305 of title 41.”

Subsec. (b)(1). Pub. L. 117–81, §1702(c)(3)(B), substituted “provided in section 1901(a)(2) of title 41, section 3205(a)(2) of title 10, and section 3305(a)(2) of title 41 shall not” for “provided in section 1901(a)(2) of title 41, section 2304(g)(1)(B) of title 10, and section 3305(a)(2) of title 41 shall not”.

§ 426. Use of streamlined procedures

(a) Required use

The head of an executive agency shall, when appropriate, use streamlined acquisition authorities and procedures authorized by law for a procurement referred to in section 422 of this title, including authorities and procedures that are provided under the following provisions of law:

(1) Federal Property and Administrative Services Act of 1949

In division C of subtitle I of title 41:

(A) Paragraphs (1), (2), (6), and (7) of subsection (a) of section 3304 of title 41, relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (d) of such section).

(B) Section 4106 of title 41, relating to orders under task and delivery order contracts.

(2) Title 10

In part V of subtitle A of title 10:

(A) Paragraphs (1), (2), (6), and (7) of subsection (a) of section 3204, relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (d) of such section).