

109TH CONGRESS  
1ST SESSION

# H. R. 3766

To simplify Federal procurement procedures for emergency and disaster relief,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2005

Mr. MARCHANT (for himself and Mr. TOM DAVIS of Virginia) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committees on Armed Services and Transportation and Infrastructure, 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

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## A BILL

To simplify Federal procurement procedures for emergency  
and disaster relief, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SPECIAL PROCUREMENT FLEXIBILITIES FOR**  
4 **EMERGENCY AND DISASTER RELIEF.**

5 The Office of Federal Procurement Policy Act (41  
6 U.S.C. 403 et seq.) is amended by adding at the end the  
7 following new section:

1 **“SEC. 42. SPECIAL PROCUREMENT FLEXIBILITIES FOR**  
2 **EMERGENCY AND DISASTER RELIEF.**

3 “(a) GENERAL AUTHORITY.—(1) During a national  
4 emergency declared by Congress or the President or a  
5 major disaster declared by the President, the head of an  
6 executive agency may use procedures other than competi-  
7 tive procedures pursuant to the provisions in section  
8 2304(c)(7) of title 10, United States Code, or section  
9 303(c)(7) of the Federal Property and Administrative  
10 Services Act of 1949 (41 U.S.C. 253(c)(7)), without re-  
11 gard to subparagraph (B) of such sections.

12 “(2) The head of the agency may not use the author-  
13 ity in paragraph (1) unless the head of the agency deter-  
14 mines that use of such authority is necessary to facilitate  
15 the response to or recovery from the national emergency  
16 or major disaster. Such determination shall be in lieu of  
17 the determination required by section 2304(c)(7)(A) of  
18 title 10, United States Code, or section 303(c)(7)(A) of  
19 the Federal Property and Administrative Services Act of  
20 1949 (41 U.S.C. 253(c)(7)(A)).

21 “(b) ADDITIONAL AUTHORITIES.—The head of the  
22 executive agency may apply the following provisions of law  
23 as if the property or services to be acquired pursuant to  
24 the authority in subsection (a) are commercial items:

1           “(1) Sections 26 and 34 of the Office of Fed-  
2           eral Procurement Policy Act (41 U.S.C. 422 and  
3           430).

4           “(2) Section 2306a of title 10, United States  
5           Code.

6           “(3) Section 304A of the Federal Property and  
7           Administrative Services Act of 1949 (41 U.S.C.  
8           254b).”.

9   **SEC. 2. USE OF VOLUNTEERS.**

10          At the end of chapter 97 of title 5, United States  
11         Code, add the following new section:

12         **“§ 9702. Authority to use services of volunteers**

13                 “The Federal Emergency Management Agency may  
14         accept the services of volunteers and provide for their inci-  
15         dental expenses to carry out any activity of the Agency  
16         except policymaking or law or regulatory enforcement.”.

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