

(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).

(B) Section 3406, relating to orders under task and delivery order contracts.

(3) Office of Federal Procurement Policy Act

Paragraphs (1)(B), (1)(D), and (2)(A) of section 1708(b) of title 41, relating to inapplicability of a requirement for procurement notice.

(b) Waiver of certain small business threshold requirements

Subclause (II) of section 637(a)(1)(D)(i) of title 15 and clause (ii) of section 657a(b)(2)(A)¹ of title 15 shall not apply in the use of streamlined acquisition authorities and procedures referred to in paragraphs (1)(A) and (2)(A) of subsection (a) for a procurement referred to in section 422 of this title.

(Pub. L. 107-296, title VIII, § 856, Nov. 25, 2002, 116 Stat. 2237; Pub. L. 117-81, div. A, title XVII, § 1702(c)(4), Dec. 27, 2021, 135 Stat. 2155.)

Editorial Notes

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (a)(1) heading, is act June 30, 1949, ch. 288, 63 Stat. 377. Title III of the Act was classified generally to subchapter IV (§ 251 et seq.) of chapter 4 of former Title 41, Public Contracts, and was substantially repealed and restated in division C (§ 3101 et seq.) of subtitle I of Title 41, Public Contracts, by Pub. L. 111-350, §§ 3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855. For complete classification of this Act to the Code, see Short Title of 1949 Act note set out under section 101 of Title 41 and Tables. For disposition of sections of former Title 41, see Disposition Table preceding section 101 of Title 41.

The Office of Federal Procurement Policy Act, referred to in subsec. (a)(3) heading, is Pub. L. 93-400, Aug. 30, 1974, 88 Stat. 796, which was classified principally to chapter 7 (§ 401 et seq.) of former Title 41, Public Contracts, and was substantially repealed and restated in division B (§ 1101 et seq.) of subtitle I of Title 41, Public Contracts, by Pub. L. 111-350, §§ 3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855. For complete classification of this Act to the Code, see Short Title of 1974 Act note set out under section 101 of Title 41 and Tables. For disposition of sections of former Title 41, see Disposition Table preceding section 101 of Title 41.

Subsec. (b) of section 657a of title 15, referred to in subsec. (b), was redesignated subsec. (c) of that section by Pub. L. 115-91, div. A, title XVII, § 1701(a)(1), Dec. 12, 2017, 131 Stat. 1795.

AMENDMENTS

2021—Subsec. (a). Pub. L. 117-81 added pars. (1) to (3) and struck out former pars. (1) to (3) which listed provisions in titles 10 and 41 to be followed for procurements.

§ 427. Review and report by Comptroller General**(a) Requirements**

Not later than March 31, 2004, the Comptroller General shall—

(1) complete a review of the extent to which procurements of property and services have been made in accordance with this part; and

(2) submit a report on the results of the review to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

¹ See References in Text note below.