

112TH CONGRESS
1ST SESSION

H. R. 3058

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.

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. SHORT TITLE.**

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

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

4 (a) IN GENERAL.—Title V of the Homeland Security
5 Act of 2002 is amended by adding at the end the following
6 new section:

7 **“SEC. 525. SPECIAL EMERGENCY PROCUREMENT AUTHOR-**
8 **ITY FOR DOMESTIC EMERGENCY OPER-**
9 **ATIONS.**

10 “(a) IN GENERAL.—Notwithstanding any other pro-
11 vision of law, the Secretary is authorized to permit a class
12 deviation to the Federal Acquisition Regulation with re-
13 spect to the micropurchase threshold and may do so in
14 such official’s sole discretion to support domestic emer-
15 gency operations.

16 “(b) DELEGATION OF AUTHORITY.—The Secretary
17 may carry out this section by acting through the Under
18 Secretary for Management.

19 “(c) LIMITATION.—In any class deviation under sub-
20 section (a), the micropurchase threshold may not exceed
21 \$15,000.

22 “(d) DOMESTIC EMERGENCY OPERATION DE-
23 FINED.—In this section, the term ‘domestic emergency op-
24 eration’ means assistance activities carried out in support
25 of—

1 “(1) an emergency or major disaster, as those
2 terms are defined in section 102 of the Robert T.
3 Stafford Disaster Relief and Emergency Assistance
4 Act (42 U.S.C. 5122);

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

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

23 (b) CLERICAL AMENDMENT.—The table of contents
24 in section 1(b) of such Act is amended by adding at the
25 end of the items relating to title V the following new item:

“Sec. 525. Special emergency procurement authority for domestic emergency operations.”.

