

ee's education if the employee is voluntarily separated from the service to the agency before the end of the period described in subparagraph (A).

**(2) Payment of expenses**

**(A) Exemption**

An employee who leaves the service of the sponsoring agency to enter into the service of another agency in any branch of the Government shall not be required to make a payment under paragraph (1)(B), unless the head of the agency that sponsored the education of the employee notifies that employee before the date on which the employee enters the service of the other agency that payment is required under that paragraph.

**(B) Amount of payment**

If an employee is required to make a payment under paragraph (1)(B), the agency that sponsored the education of the employee shall determine the amount of the payment, except that such amount may not exceed the pro rata share of the expenses incurred for the time remaining in the 2-year period.

**(3) Recovery of payment**

If an employee who is required to make a payment under this subsection does not make the payment, a sum equal to the amount of the expenses incurred by the Government for the education of that employee is recoverable by the Government from the employee or his estate by—

(A) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or

(B) such other method as is provided by law<sup>1</sup> 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.)

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.

PART F—FEDERAL EMERGENCY PROCUREMENT  
FLEXIBILITY

**§ 421. Definition**

In this part, the term "executive agency" has the meaning given that term under section 403(1) of title 41.

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

<sup>1</sup> So in original. Probably should be "law".

**§ 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 403(11) of title 41.

(2) Section 259(d) of title 41.

(3) Section 2302(7) of title 10.

**(c) Small business reserve**

For a procurement carried out pursuant to subsection (a) of this section, 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) of this section.

(Pub. L. 107-296, title VIII, § 853, Nov. 25, 2002, 116 Stat. 2235.)

**§ 424. Increased micro-purchase threshold for certain procurements**

In the administration of section 428 of title 41 with respect to a procurement referred to in section 422 of this title, the amount specified in subsections (c), (d), and (f) of such section 428 shall be deemed to be \$7,500.

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

**§ 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 427 and 430 of title 41.
- (B) Section 2304(g) of title 10.
- (C) Section 253(g) of title 41.

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

**(1) In general**

The \$5,000,000 limitation provided in section 427(a)(2) of title 41, section 2304(g)(1)(B) of title 10, and section 253(g)(1)(B) 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) of this section 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) of this section 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) of this section.

(Pub. L. 107-296, title VIII, § 855, Nov. 25, 2002, 116 Stat. 2236.)

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.

**§ 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 title III of the Federal Property and Administrative Services Act of 1949 [41 U.S.C. 251 et seq.]:

(A) Paragraphs (1), (2), (6), and (7) of subsection (c) of section 303 (41 U.S.C. 253), relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (e) of such section).

(B) Section 303J (41 U.S.C. 253j), relating to orders under task and delivery order contracts.

**(2) Title 10**

In chapter 137 of title 10:

(A) Paragraphs (1), (2), (6), and (7) of subsection (c) of section 2304, relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (e) of such section).

(B) Section 2304c, relating to orders under task and delivery order contracts.

**(3) Office of Federal Procurement Policy Act**

Paragraphs (1)(B), (1)(D), and (2) of section 18(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)), 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) 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) of this section for a procurement referred to in section 422 of this title.

(Pub. L. 107-296, title VIII, § 856, Nov. 25, 2002, 116 Stat. 2237.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (a)(1), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Title III of the Act is classified generally to subchapter IV (§251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Tables.

**§ 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.

**(b) Content of report**

The report under subsection (a)(2) of this section shall include the following matters:

**(1) Assessment**

The Comptroller General's assessment of—

(A) the extent to which property and services procured in accordance with this subchapter have contributed to the capacity of the workforce of Federal Government employees within each executive agency to carry out the mission of the executive agency; and

(B) the extent to which Federal Government employees have been trained on the use of technology.

**(2) Recommendations**

Any recommendations of the Comptroller General resulting from the assessment described in paragraph (1).