

**AMENDMENT TO H.R. 3231, AS REPORTED**  
**OFFERED BY MS. LOFGREN OF CALIFORNIA AND**  
**MR. CANNON OF CALIFORNIA**

Page 62, after line 21, insert the following:

1 **SEC. 13A. PROCUREMENTS OF INFORMATION TECHNOLOGY**  
2 **TO IMPROVE PERFORMANCE OR EFFICIENCY.**

3 (a) IN GENERAL.—The authorities provided in this  
4 section apply to any procurement of information tech-  
5 nology products or services, including the management of  
6 information technology improvement programs, necessary  
7 to improve the performance or efficiency of the Immigra-  
8 tion and Naturalization Service, the Office of the Asso-  
9 ciate Attorney General for Immigration Affairs, the Bu-  
10 reau of Citizenship and Immigration Services, and the Bu-  
11 reau of Immigration Enforcement. Such procurements of  
12 information technology products or services may include  
13 those necessary to improve the ability of the entities re-  
14 ferred to in the preceding sentence to share information  
15 with other public agencies and law enforcement authorities  
16 authorized to receive such information.

17 (b) SIMPLIFIED PROCEDURES FOR THE PROCURE-  
18 MENT OF INFORMATION TECHNOLOGY.—

19 (1) DEEMING PRODUCTS AND SERVICES AS  
20 COMMERCIAL ITEMS.—Any product or service pro-



1       cured by the Attorney General as described in sub-  
2       section (a) may be deemed to be a commercial item  
3       (as defined in section 4(12) of the Office of Federal  
4       Procurement Act (41 U.S.C. 403)) for purposes of  
5       sections 31 and 34 of the Office of Federal Procure-  
6       ment Policy Act (41 U.S.C. 427, 430) and section  
7       303(g) of the Federal Property and Administrative  
8       Services Act of 1949 (41 U.S.C. 253(g)).

9               (2) INAPPLICABILITY OF LIMITATION ON USE  
10       OF SIMPLIFIED ACQUISITION PROCEDURES.—

11               (A) IN GENERAL.—The \$5,000,000 limita-  
12       tion provided in section 31(a)(2) of the Office  
13       of Federal Procurement Policy Act (41 U.S.C.  
14       427(a)(2)), and section 303(g)(1)(B) of the  
15       Federal Property and Administrative Services  
16       Act of 1949 (41 U.S.C. 253(g)(1)(B)) shall not  
17       apply to purchases of products or services  
18       deemed to be a commercial item under para-  
19       graph (1).

20               (B) GUIDANCE.—The Attorney General  
21       and the Administrator of Federal Procurement  
22       Policy shall jointly issue guidance and proce-  
23       dures for the use of simplified acquisition proce-  
24       dures for a purchase of products or services in



1 excess of \$5,000,000 under the authority of this  
2 section.

3 (c) STREAMLINED PROCEDURES FOR THE PROCURE-  
4 MENT OF INFORMATION TECHNOLOGY.—The Attorney  
5 General shall, when appropriate, use streamlined acquisi-  
6 tion authorities and procedures authorized by law for a  
7 procurement described in subsection (a), including au-  
8 thorities and procedures that are provided under the fol-  
9 lowing provisions of law:

10 (1) FEDERAL PROPERTY AND ADMINISTRATIVE  
11 SERVICES ACT OF 1949.—In title III of the Federal  
12 Property and Administrative Services Act of 1949:

13 (A) Paragraphs (1), (2), (6), and (7) of  
14 subsection (c) of section 303 (41 U.S.C. 253),  
15 relating to use of procedures other than com-  
16 petitive procedures under certain circumstances  
17 (subject to subsection (e) of such section).

18 (B) Section 303J (41 U.S.C. 253j), relat-  
19 ing to orders under task and delivery order con-  
20 tracts.

21 (2) OFFICE OF FEDERAL PROCUREMENT POL-  
22 ICY ACT.—Paragraphs (1)(B), (1)(D), and (2) of  
23 section 18(c) of the Office of Federal Procurement  
24 Policy Act (41 U.S.C. 416(c)), relating to inapplica-  
25 bility of a requirement for procurement notice.

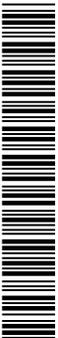


1 (d) NONDISCRIMINATION AGAINST SMALL-BUSINESS  
2 CONCERNS.—This section shall be applied in a manner  
3 that does not discriminate against small-business concerns  
4 (within the meaning of such term as used in the Small  
5 Business Act (15 U.S.C. 632 et seq.)) or any type of  
6 small-business concern.

7 (e) PERIOD OF AUTHORITY.—The authorities pro-  
8 vided in this section shall apply with respect to any pro-  
9 curement of information technology products or services  
10 described in subsection (a) during fiscal years 2002  
11 through 2004.

12 (f) REVIEW AND REPORT BY COMPTROLLER GEN-  
13 ERAL.—Not later than 180 days after the end of fiscal  
14 year 2004, the Comptroller General shall submit to the  
15 Committees on Government Reform and the Judiciary of  
16 the House of Representatives and the Committees on Gov-  
17 ernmental Affairs and the Judiciary of the Senate a report  
18 on the use of the authorities provided in this section. The  
19 report shall contain the following:

20 (1) An assessment of the extent to which prod-  
21 ucts and services acquired using authorities provided  
22 under this section contributed to the capacity of the  
23 entities referred to in subsection (a) to carry out  
24 their missions.



- 1           (2) Any recommendations of the Comptroller
- 2           General taking into account the assessment per-
- 3           formed under paragraph (1).

