

108TH CONGRESS  
1ST SESSION

# S. 981

To limit the period for which the Federal Government may procure property or services using noncompetitive procedures during emergency and urgent situations.

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IN THE SENATE OF THE UNITED STATES

MAY 1, 2003

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To limit the period for which the Federal Government may procure property or services using noncompetitive procedures during emergency and urgent situations.

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 “Business and Taxpayer  
5 Procurement Protection Act”.

6 **SEC. 2. LIMITATION ON CONTRACTS AWARDED ON A NON-**  
7 **COMPETITIVE BASIS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-  
9 sion of law or regulation, including the Federal Property

1 and Administrative Services Act of 1949, section 2304 of  
2 title 10, United States Code, and the Federal Acquisition  
3 Regulation—

4 (1) any procurement for property or services  
5 that is not subject to competitive procedures under  
6 a provision of law or regulation set forth in sub-  
7 section (b) may not exceed 90 days; and

8 (2) if any property or services procured under  
9 the limitations of paragraph (1) are required beyond  
10 the 90 days referred to in paragraph (1), such prop-  
11 erty or services shall—

12 (A) during the 90-day period, be the sub-  
13 ject of a full and open competition in accord-  
14 ance with the appropriate law or regulation;  
15 and

16 (B) shall not be procured using procedures  
17 other than competitive procedures under a pro-  
18 vision of law or regulation set forth in sub-  
19 section (b).

20 (b) APPLICABILITY.—The provisions of law and regu-  
21 lations referred to in subsection (a) are the following:

22 (1) Subsections (c)(2), (c)(3)(A), (c)(7), and  
23 (d)(1)(B)(ii) of section 303 of the Federal Property  
24 and Administrative Services Act of 1949 (41 U.S.C.  
25 253).

1           (2) Subsections (c)(2), (c)(3)(A), (c)(7), and  
2           (d)(1)(B)(ii) of section 2304 of title 10, United  
3           States Code.

4           (3) Any other provision of law or regulation  
5           that provides for the use of noncompetitive proce-  
6           dures for the same or a similar reason as those re-  
7           ferred to in paragraphs (1) and (2).

8           **SEC. 3. EFFECTIVE DATE.**

9           This Act shall apply with respect to contracts entered  
10          into after the date of the enactment of this Act.

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