



**DEPARTMENT OF DEFENSE  
OFFICE OF GENERAL COUNSEL  
1600 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1600**



1 6 DEC 1997

The Honorable Emily C. Hewitt  
General Counsel  
General Services Administration  
Washington, D.C. 20405

Dear Ms. Hewitt:

As you are well aware, questions have been raised by some DoD activities regarding their authority to obtain information technology resources from GSA programs that are funded through the Information Technology Fund without using the authority of the Economy Act., 31 U.S.C. §§1535 and 1536. This office agrees with your conclusion that DoD activities may obtain information technology resources from GSA programs that are funded through the Information Technology Fund without relying on the Economy Act.

In our view, DoD activities may obtain information technology from GSA programs that are funded through the Information Technology Fund as provided by the Office of Management and Budget in its memorandum of August 2, 1996. In that memorandum, GSA is designated under section 5112(e) of Division E of the Clinger-Cohen Act of 1996 (Pub. L. 104-106)(formerly the Information Technology Management Reform Act of 1996 (ITMRA)) as an executive agent for certain Government-wide acquisitions of information technology. This designation is effective through September 30, 1998 and applies to the Federal Systems Integration and Management Center (FEDSIM) and Federal Computer Acquisition Center (FEDCAC) programs, as well as to other then-existing government-wide information technology acquisition programs. The scope of the designation is limited to programs that are funded on a reimbursable basis through the Information Technology Fund established at 40 U.S.C. §757 and that have been, or may be, approved by OMB as part of the annual cost and capital plan for that fund.

I trust this letter will resolve lingering questions regarding application of the Economy Act to DoD use of GSA programs funded through the Information Technology Fund. In addition, we intend to provide assistance, as needed, as OMB continues to review a variety of matters dealing with the procurement of information technology pursuant to the Clinger-Cohen Act. If you, your staff, or other GSA officials need further assistance on this issue, please call Robert S. Gorman of my staff at (703) 697-5073.

Sincerely

  
Harvey J. Nathan