

Calendar No. 669

115TH CONGRESS
2D SESSION**S. 3251****[Report No. 115–383]**

To require executive agencies to consider rental in any analysis for equipment acquisition, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2018

Mr. PETERS (for himself, Mr. LANKFORD, and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

NOVEMBER 26, 2018

Reported by Mr. JOHNSON, without amendment

A BILL

To require executive agencies to consider rental in any analysis for equipment acquisition, and for other purposes.

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 “Federal Acquisition
5 Savings Act of 2018”.

1 **SEC. 2. AGENCY ANALYSIS OF EQUIPMENT ACQUISITION.**

2 (a) AGENCY ANALYSIS OF EQUIPMENT ACQUI-
3 TION.—

4 (1) IN GENERAL.—Except as provided for
5 under subsection (d), the head of each executive
6 agency shall acquire equipment using the method of
7 acquisition most advantageous to the Federal Gov-
8 ernment based on a case-by-case analysis of com-
9 parative costs and other factors, including those fac-
10 tors listed in section 7.401 of the Federal Acquisi-
11 tion Regulation.

12 (2) METHODS OF ACQUISITION.—The methods
13 of acquisition to be compared in the analysis under
14 paragraph (1) shall include, at a minimum, pur-
15 chase, short-term rental or lease, long-term rental or
16 lease, interagency acquisition, and acquisition agree-
17 ments with a State or a local government as de-
18 scribed in subsection (c).

19 (3) AMENDMENT OF FEDERAL ACQUISITION
20 REGULATION.—Not later than 180 days after the
21 date of the enactment of this Act, the Federal Ac-
22 quisition Regulatory Council shall amend the Fed-
23 eral Acquisition Regulation to implement the re-
24 quirement of this subsection, including a determina-
25 tion of the factors for executive agencies to consider

1 for purposes of performing the analysis under para-
2 graph (1).

3 (4) RULE OF CONSTRUCTION.—Nothing in this
4 subsection shall be construed to affect the require-
5 ments of chapter 37 of title 41, United States Code,
6 section 2305 of title 10, United States Code, or sec-
7 tion 1535 of title 31, United States Code.

8 (b) DATE OF IMPLEMENTATION.—The analysis in
9 subsection (a) shall be applied to contracts for the acqui-
10 sition of equipment entered into on or after the date that
11 the Federal Acquisition Regulation is amended pursuant
12 to paragraph (3) of such subsection.

13 (c) ACQUISITION AGREEMENTS WITH STATES OR
14 LOCAL GOVERNMENTS.—

15 (1) IN GENERAL.—Notwithstanding any other
16 provision of law, including chapter 37 of title 41,
17 United States Code, the Small Business Act (15
18 U.S.C. 631 et seq.), and section 2305 of title 10,
19 United States Code, the head of an executive agency
20 may enter into an acquisition agreement authorized
21 by this section directly with a State or a local gov-
22 ernment if the agency head determines that the
23 agreement otherwise satisfies the requirements of
24 subsection (a)(1).

1 (2) TERMS AND CONDITIONS.—Any agreement
2 under paragraph (1) shall contain such terms and
3 conditions as the head of the agency deems nec-
4 essary or appropriate to protect the interests of the
5 United States.

6 (d) EXCEPTIONS.—The analysis otherwise required
7 under subsection (a) is not required—

8 (1) when the President has issued an emer-
9 gency declaration or a major disaster declaration
10 pursuant to the Robert T. Stafford Disaster Relief
11 and Energy Assistance Act (42 U.S.C. 5121 et seq.);

12 (2) in other emergency situations if the agency
13 head makes a determination that obtaining such
14 equipment is necessary in order to protect human
15 life or property; or

16 (3) when otherwise authorized by law.

17 (e) STUDY OF AGENCY ANALYSES.—Not later than
18 2 years after the date of the enactment of this Act, the
19 Comptroller General of the United States shall submit to
20 the Committee on Oversight and Government Reform of
21 the House of Representatives and the Committee on
22 Homeland Security and Governmental Affairs of the Sen-
23 ate a comprehensive report on the decisions made by the
24 executive agencies with the highest levels of acquisition
25 spending, and a sample of executive agencies with lower

1 levels of acquisition spending, to acquire high-value equip-
2 ment by lease, rental, or purchase pursuant to subpart 7.4
3 of the Federal Acquisition Regulation.

4 (f) DEFINITIONS.—In this section:

5 (1) EXECUTIVE AGENCY.—The term “executive
6 agency” has the meaning given that term in section
7 102 of title 40, United States Code.

8 (2) INTERAGENCY ACQUISITION.—The term
9 “interagency acquisition” has the meaning given
10 that term in section 2.101 of the Federal Acquisition
11 Regulation.

12 (3) STATE.—The term “State” has the mean-
13 ing given the term in section 6501 of title 31,
14 United States Code.

15 (4) LOCAL GOVERNMENT.—The term “local
16 government” means any unit of local government
17 within a State, including a county, municipality,
18 city, borough, town, township, parish, local public
19 authority, school district, special district, intrastate
20 district, council of governments, or regional or inter-
21 state government entity, and any agency or instru-
22 mentality of a local government.

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