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110TH CONGRESS *2d Session*	SENATE	REPORT 110–344

LOCAL PREPAREDNESS ACQUISITION ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

TO ACCOMPANY

H.R. 3179

TO AMEND TITLE 40, UNITED STATES CODE, TO AUTHORIZE THE USE OF FEDERAL SUPPLY SCHEDULES FOR THE ACQUISITION OF LAW ENFORCEMENT, SECURITY, AND CERTAIN OTHER RELATED ITEMS BY STATE AND LOCAL GOVERNMENTS



JUNE 5, 2008.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

69–010 WASHINGTON : 2008

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

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Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, submitted the following

R E P O R T

[To accompany H.R. 3179]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 3179) to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

H.R. 3179 would allow State and local governments to purchase homeland security and public safety equipment and services from the Schedules Program of the General Services Administration (GSA). This procurement authority will help State and local governments reduce the administrative costs of negotiating their own contracts by authorizing them to use the pre-negotiated contracts of GSA.

II. Background and Need for the Legislation

The GSA Schedules Program is also known as the Federal Supply Schedule (FSS) or Multiple Award Schedules (MAS) Program. Under the FSS/MAS Program, federal agencies are able to purchase goods and services under contracts that are pre-negotiated by GSA. These contracts cover more than 11 million commercial goods and services and are listed in broad categories known as schedules.

Under current law, State and local governments are authorized by Congress to purchase goods and services off the GSA schedules, in limited circumstances, under special procurement authority. Section 211 of the E-Government Act of 2002 (Pub. L. 107–347) authorized State and local governments to purchase information technology equipment from GSA schedules. Congress again granted similar purchasing authority in section 833 of the National Defense Authorization Act for Fiscal Year 2007 by authorizing State and local governments to use the GSA schedules for purchases related to recovery from disasters, acts of terrorism, or nuclear, biological, chemical or radiological attack. (Pub. L. 109–364). H.R. 3179 authorizes State and local purchasing under GSA Schedule 84, which covers products and services related to law enforcement and security. Schedule 84 includes items such as fire alarm systems, door entry control devices, intrusion detection sensors, bomb detection equipment, perimeter security and video surveillance systems. The Committee believes that these authorities have helped State and local governments streamline their acquisition procedures and save money. Use of the GSA schedules allows State and local governments to reduce time and resources spent on negotiating and awarding contracts for needed goods and services and gives them access to the pre-negotiated prices on the FSS/MAS Schedules. The Committee believes that it is appropriate to extend such purchasing authority to help State and local governments meet growing homeland security and public safety needs.

The Committee also believes that enactment of H.R. 3179 will expand opportunities for small businesses under Schedule 84. According to GSA officials, over 85 percent of the vendors listed on Schedule 84 are small businesses. The Committee expects GSA to offer training to small businesses who seek to participate in the new purchasing program.

Participation in the purchasing program is voluntary for State and local governments, as well as vendors, and requires no federal appropriations. H.R. 3179 does not mandate use of GSA contracts, but rather allows State and local governments, should they find it is in their best interest and should vendors choose to participate in the program, to use these contracts under their own procurement rules and procedures.

III. Legislative History

H.R. 3179 was introduced by Representative Edolphus Towns on July 25, 2007 and was referred to the Committee on Oversight and Government Reform. The Committee on Oversight and Government Reform held a markup to consider H.R. 3179 on November 8, 2007 and ordered the bill to be reported favorably by voice vote. The House passed H.R. 3179 by voice vote on December 17, 2007.

On January 22, 2008, H.R. 3179 was referred to the Senate Committee on Homeland Security and Governmental Affairs. On April 10, 2008, the Committee considered H.R. 3179 and ordered the bill reported favorably without amendment. Senators present were Lieberman, Levin, Akaka, Carper, Landrieu, McCaskill, Tester, Collins, Voinovich and Sununu.

IV. SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The short title of the bill is the Local Preparedness Acquisition Act.

Section 2. Authorization for acquisition of law enforcement, security, and certain other related items by state and local governments through Federal Supply Schedules

This section amends 40 U.S.C. 502(c) to allow State and local governments to purchase security- and law enforcement-related goods and services off GSA Schedule 84 (or any amended or subsequent version of that Federal supply classification group).

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill. The Congressional Budget Office states that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandate Reform Act and would benefit state, local, and tribal governments. Any costs those entities incur would be incurred voluntarily. The enactment of this legislation will not have significant regulatory impact.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

APRIL 14, 2008.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3179, the Local Preparedness Acquisition Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

PETER R. ORSZAG.

Enclosure.

H.R. 3179—Local Preparedness Acquisition Act

H.R. 3179 would allow state, local, and tribal governments to purchase additional goods and services at discount prices through federal supply schedules. Under current law, those governments may purchase a variety of information technologies through the federal supply schedules. This legislation would expand the purchasing program to include specified supplies and services for law enforcement, fire fighting, and other security activities.

Under H.R. 3179, any purchases of such supplies and services would be an exchange between state, local, and tribal governments and commercial suppliers. However, the General Services Administration (GSA) charges a 0.75 percent fee on all sales to recover the procurement and administrative costs of operating the supply schedule program. Based on information from GSA regarding the current cooperative program with state, local, and tribal governments for information technology services and the anticipated demand under the expanded program, CBO estimates that increasing the number of purchases would increase offsetting collections by about $2 million a year. Because such fees are spent by GSA without further appropriation, the net budgetary impact of the legislation would be negligible.

H.R. 3179 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit state, local, and tribal governments. Any costs those entities incur would be incurred voluntarily.

On November 19, 2007, CBO provided a cost estimate for H.R. 3179, as ordered reported by the House Committee on Oversight and Government Reform on November 8, 2007. The two pieces of legislation are identical, as are their estimated costs.

The CBO staff contacts for this estimate are Matthew Pickford (for federal costs), and Elizabeth Cove (for the state and local impact). This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

VII. CHANGES TO EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by H.R. 3179 as reported are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS

* * * * * * *

CHAPTER 5—PROPERTY MANAGEMENT

* * * * * * *

§ 502 Services for other entities

(a) * * *

* * * * * * *

(c) USE OF CERTAIN SUPPLY SCHEDULES.—

(1) IN GENERAL.—The Administrator may provide for the use by State or local governments of Federal supply schedules of the General Services Administration [for automated] *for the following:*

(*A*) *Automated* data processing equipment (including firmware), software, supplies, support equipment, and services (as contained in Federal supply classification code group 70).

(*B*) *Alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services (as contained in Federal supply classification code group 84 or any amended or subsequent version of that Federal supply classification group).*

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