

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2635

To amend title 31, United States Code, to provide increased contracting opportunities for private firms by encouraging agencies of the Federal Government to enter into contracts for commercial activities performed for State and local government, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 1993

Mr. THOMAS of Wyoming (for himself, Mr. BOEHNER, and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on Government Operations

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## A BILL

To amend title 31, United States Code, to provide increased contracting opportunities for private firms by encouraging agencies of the Federal Government to enter into contracts for commercial activities performed for State and local government, 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 “Fair Competition Act  
5       of 1993”.

1 **SEC. 2. FINDINGS AND POLICY.**

2 (a) FINDINGS.—The Congress finds and declares the  
3 following:

4 (1) Federal, State, and local government agen-  
5 cies have a significant need for services that can be  
6 provided by private enterprise.

7 (2) The Federal Government, and State and  
8 local government agencies using Federal funds, have  
9 built significant capabilities that duplicate or are  
10 competitive with private firms.

11 (3) There is significant capacity within the pri-  
12 vate sector, including many small businesses, that  
13 has long been under utilized by Federal, State, and  
14 local governments and is capable of providing serv-  
15 ices to government agencies.

16 (4) The Federal Government should not com-  
17 pete with the private sector when providing services  
18 to State and local governments.

19 (5) Expanded use of private firms can increase  
20 competition and lower the costs of government agen-  
21 cies.

22 (b) POLICY.—It is the policy of the Federal Govern-  
23 ment to rely to the maximum extent possible on private  
24 sector sources to provide property and services needed by  
25 the Federal Government.

1 **SEC. 3. AMENDMENT RELATING TO INTERGOVERNMENTAL**  
2 **RELATIONS.**

3 Section 6505(a) of title 31, United States Code, is  
4 amended—

5 (1) by inserting “(1)” after “(a)”; and

6 (2) by adding at the end the following:

7 “(2) An executive agency may not provide commercial  
8 activities (as defined in Office of Management and Budget  
9 Circular A-76, as in effect on the date of the enactment  
10 of the Fair Competition Act of 1993) to a State or local  
11 government, unless a public notification and search of po-  
12 tential private sector providers by the executive agency de-  
13 termines that an activity is of such a unique nature that  
14 no private sector provider can perform such services.”.

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