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HOUSE OF REPRESENTATIVES

REPORT
110–494

LOCAL PREPAREDNESS ACQUISITION ACT

DECEMBER 17, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WAXMAN, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany H.R. 3179]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom 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, report favorably thereon without amendment and recommend that the bill do pass.

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69–006

PURPOSE AND SUMMARY

H.R. 3179, the Local Preparedness Acquisition Act, was introduced by Rep. Towns on July 25, 2007. H.R. 3179 authorizes state and local governments to purchase homeland security and public safety equipment from Federal Supply Schedules of the General Services Administration (GSA). Participation in the cooperative purchasing program is voluntary for both state and local governments and vendors, and requires no federal appropriations.

BACKGROUND AND NEED FOR LEGISLATION

The GSA Federal Supply Schedules are catalogues of more than 4 million commercial goods and services currently available to federal agencies at negotiated discount prices. Section 211 of the E-Government Act of 2002 (Pub. L. 107–347) enacted the cooperative purchasing program, authorizing state and local governments to purchase information technology equipment from GSA schedules. This authority was expanded in 2006 to authorize cooperative purchasing for disaster recovery (Pub. L. 109–364 § 833). The cooperative purchasing program has helped state and local governments save money and streamline the acquisition process.

H.R. 3179 further expands cooperative purchasing authority to items such as fire alarm systems, door entry control devices, intrusion detection sensors, bomb detection equipment, perimeter security and video surveillance systems, and other homeland security goods and services from GSA Schedule 84.

This expanded authority will allow state and local governments to purchase essential homeland security and public safety goods and services under streamlined acquisition procedures using prenegotiated, favorable pricing.

LEGISLATIVE HISTORY

H.R. 3179, legislation 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, was introduced on July 25, 2007, and referred to the Committee on Oversight and Government Reform.

The Committee held a markup to consider H.R. 3179 on November 8, 2007, and ordered the bill to be favorably reported by voice vote.

SECTION-BY-SECTION

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 add Federal Supply Schedule 84 to the GSA cooperative purchasing program.

EXPLANATION OF AMENDMENTS

No amendments were adopted in Committee.

COMMITTEE CONSIDERATION

On Thursday, November 8, 2007, the Committee met in open session and favorably ordered H.R. 3179 to be reported to the House by a voice vote.

ROLLCALL VOTES

No rollcall votes were held.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to terms and conditions of employment or access to public services and accommodations. The bill does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report, including improving public safety and preparedness through streamlined acquisition of necessary equipment.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress to enact the law proposed by H.R. 3179. Article I, section 8, clause 18 of the Constitution of the United States grants the Congress the power to enact this law.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., section 5(b).

UNFUNDED MANDATES STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by section 101(a)(2) of the Unfunded Mandates Reform Act, Pub. L. 104–4) requires a statement on whether the provisions of the report include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

EARMARK IDENTIFICATION

H.R. 3179 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 3179. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3179 from the Director of the Congressional Budget Office:

NOVEMBER 19, 2007.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform,
House of Representatives, 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 more goods and services at discount prices through federal supply schedules. Under current law, those governments may purchase a variety of information technology through the federal supply schedules. This legislation would expand the cooperative purchasing program to include specified supplies and services for law enforcement, fire fighting, and other security activities.

Under the bill, 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 those governments for informa-

tion 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, the net budgetary impact of the bill 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.

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.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 502 OF TITLE 40, UNITED STATES CODE

§ 502. Services for other entities

(a) * * *

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(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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