

106TH CONGRESS
1ST SESSION

S. 1575

To change the competition requirements with respect to the purchase of the products of the Federal Prison Industries by the Secretary of Defense.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 1999

Mr. FRIST introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To change the competition requirements with respect to the purchase of the products of the Federal Prison Industries by the Secretary of Defense.

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 “Victims Restitution
5 Fairness Act”.

6 **SEC. 2. APPLICABILITY OF COMPETITION REQUIREMENTS**
7 **TO PURCHASES FROM A REQUIRED SOURCE.**

8 (a) **CONDITIONS FOR COMPETITION.**—Chapter 141
9 of title 10, United States Code, is amended by adding at
10 the end the following:

1 **“§ 2410n. Products of Federal Prison Industries: pro-**
2 **cedural requirements**

3 “(a) MARKET RESEARCH.—Before purchasing a
4 product listed in the latest edition of the Federal Prison
5 Industries catalog under section 4124(d) of title 18, the
6 Secretary of Defense shall conduct market research to de-
7 termine whether the Federal Prison Industries product is
8 comparable in price, quality, and time of delivery to prod-
9 ucts available from the private sector.

10 “(b) LIMITED COMPETITION REQUIREMENT.—If the
11 Secretary determines that a Federal Prison Industries
12 product is not comparable in price, quality, and time of
13 delivery to products available from the private sector, the
14 Secretary shall use competitive procedures for the procure-
15 ment of the product. In conducting such a competition,
16 the Secretary shall consider a timely offer from Federal
17 Prison Industries for award in accordance with the speci-
18 fications and evaluation factors specified in the solicita-
19 tion.

20 “(c) EXEMPTIONS.—Notwithstanding any other pro-
21 vision of law, the Secretary shall not be required—

22 (1) to purchase from Federal Prison Industries
23 any product that is—

24 (A) integral to, or embedded in, a product
25 that is not available from Federal Prison Indus-
26 tries; or

1 (B) a national security system; or

2 (2) to make a purchase from Federal Prison In-
3 dustries in a total amount that is less than the
4 micropurchase threshold, as defined in section 32(f)
5 of the Office of Federal Procurement Policy Act (41
6 U.S.C. 428(f)).

7 “(d) NATIONAL SECURITY SYSTEM DEFINED.—In
8 this section, the term ‘national security system’ means any
9 telecommunications or information system operated by the
10 United States Government, the function, operation, or use
11 of which—

12 “(1) involves intelligence activities;

13 “(2) involves cryptologic activities related to na-
14 tional security;

15 “(3) involves command and control of military
16 forces;

17 “(4) involves equipment that is an integral part
18 of a weapon or a weapon system; or

19 “(5) is critical to the direct fulfillment of mili-
20 tary or intelligence missions, except for a system
21 that is to be used for routine administrative and
22 business applications (including payroll, finance, lo-
23 gistics, and personnel management applications).”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following:

“2410n. Products of Federal Prison Industries: procedural requirements.”.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated from the Judgment
6 Fund as established under section 1304 of title 31, United
7 States Code, such sums as are necessary to offset any
8 losses resulting in the Crime Victims Fund as a result of
9 the enactment of section 2410n of title 10, United States
10 Code, added by subsection (a).

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