

116TH CONGRESS
2D SESSION

H. R. 9012

To amend title 18, United States Code, to eliminate Federal Prison Industries advantages over the private sector and small business in the procurement of commercially available goods and services.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2020

Mr. HUIZENGA (for himself and Mr. BROOKS of Alabama) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to eliminate Federal Prison Industries advantages over the private sector and small business in the procurement of commercially available goods and services.

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 “Small Business Protec-
5 tion Act of 2020”.

1 **SEC. 2. MODIFICATIONS IN AUTHORITY OF FEDERAL PRIS-**
2 **ON INDUSTRIES.**

3 (a) ELIMINATION OF MANDATORY SOURCING FOR
4 GOVERNMENT CONTRACTS.—

5 (1) Section 4124 of title 18, United States
6 Code, is repealed.

7 (2) The table of sections at the beginning of
8 chapter 307 of title 18, United States Code, is
9 amended by striking the item relating to section
10 4124.

11 (b) ELIMINATION OF SMALL BUSINESS SET-ASIDES
12 FOR FEDERAL PRISON INDUSTRIES.—Section 4122 of
13 title 18, United States Code, is amended by adding at the
14 end the following:

15 “(f) Federal Prison Industries is ineligible to produce
16 any product under a contract awarded to a small business
17 concern pursuant to section 15(a) of the Small Business
18 Act.”.

19 (c) PROTECTION OF CLASSIFIED AND SENSITIVE IN-
20 FORMATION.—Section 4122 of title 18, United States
21 Code, as amended by subsection (b), is further amended
22 by adding at the end the following:

23 “(g) The head of an executive agency may not enter
24 into any contract with Federal Prison Industries under
25 which an inmate worker would have access to—

26 “(1) any data that is classified;

1 “(2) any geographic data regarding the location
2 of—

3 “(A) surface and subsurface infrastructure
4 providing communications or water or electrical
5 power distribution;

6 “(B) pipelines for the distribution of nat-
7 ural gas, bulk petroleum products, or other
8 commodities; or

9 “(C) other utilities; or

10 “(3) any personal or financial information
11 about any individual private citizen, including infor-
12 mation relating to such person’s real property how-
13 ever described, without the prior consent of the indi-
14 vidual.”.

15 (d) REPORT TO CONGRESS.—Not later than 180 days
16 after the date of the enactment of this Act, after consulta-
17 tion with the Small Business Administration and the Sec-
18 retary of the Department of Labor, the Attorney General
19 shall submit to Congress a report on the following:

20 (1) The progress made in the transition of Fed-
21 eral Prison Industries to only manufacturing items
22 or providing professional services solely made or of-
23 fered overseas.

24 (2) The loss of revenue for Federal Prison In-
25 dustries that resulted from the transition described

1 in paragraph (1), and the market share of items and
2 professional services described in paragraph (1) that
3 will be needed to make up such loss.

4 (3) The development of an expedited timeline
5 and the necessary action items needed for the transi-
6 tion described in paragraph (1).

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