

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2312

To amend title 10, United States Code, to provide a special rule with respect to purchases by the Department of Defense of textile and apparel products of Federal Prison Industries.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2011

Mr. JONES (for himself and Mr. KISSELL) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to provide a special rule with respect to purchases by the Department of Defense of textile and apparel products of Federal Prison Industries.

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 “Department of Defense  
5       Textile and Apparel Procurement Fairness Act”.

1 **SEC. 2. SPECIAL RULE RELATING TO PURCHASES BY THE**  
2 **DEPARTMENT OF DEFENSE OF TEXTILE AND**  
3 **APPAREL PRODUCTS OF FEDERAL PRISON**  
4 **INDUSTRIES.**

5 (a) SPECIAL RULE.—Section 2410n of title 10,  
6 United States Code, is amended by adding at the end the  
7 following new subsection:

8 “(h) TEXTILE AND APPAREL PRODUCTS.—(1)(A)  
9 Notwithstanding subsection (b), the Secretary of Defense  
10 may not purchase a textile or apparel product for which  
11 Federal Prison Industries has a significant market share.

12 “(B) For purposes of this paragraph, Federal Prison  
13 Industries shall be treated as having a significant market  
14 share for a textile or apparel product if the Secretary, in  
15 consultation with the Administrator for Federal Procure-  
16 ment Policy, determines that the Federal Prison Indus-  
17 tries share of the Department of Defense market for the  
18 product is greater than 5 percent.

19 “(C) Federal Prison Industries may not submit an  
20 offer for a contract with the Department of Defense for  
21 any textile or apparel product reserved for small busi-  
22 nesses.

23 “(D) Not later than January 1 of each year, the Sec-  
24 retary of Defense shall submit to Congress a report relat-  
25 ing to textile and apparel product purchases pursuant to

1 this subsection. The report shall contain information on  
2 the following:

3           “(i) Market research determinations that led to  
4 the award of contracts for textile or apparel prod-  
5 ucts to Federal Prison Industries.

6           “(ii) A detailed statement on the disbursement  
7 of funds to Federal Prison Industries under all con-  
8 tracts for textile and apparel products with the De-  
9 partment of Defense during the preceding fiscal  
10 year.

11           “(iii) The effect of Federal Prison Industries’  
12 preference (in section 4124(d) of title 18) on textile  
13 and apparel products in the private sector.

14           “(E) Federal Prison Industries may not continue to  
15 perform under a contract for a textile or apparel product  
16 under its preference (in section 4124(d) of title 18) if,  
17 after receiving the award of that contract, Federal Prison  
18 Industries subsequently subcontracts the work intended to  
19 be done by Federal prisoners to another entity.

20           “(F) If the Department of Defense reduces the quan-  
21 tity of items to be delivered under any indefinite delivery-  
22 indefinite quantity contract for a textile or apparel prod-  
23 uct, the Department shall reduce Federal Prison Indus-  
24 tries’ share of the contract by the same percentage that  
25 it reduces industry’s share of the contract.

1           “(2) In this subsection, the term ‘product’ means an  
2 individual end item purchased by the Department or an  
3 item with an individual National Stock Number.”.

4           (b) CONFORMING AMENDMENT.—Subsection (b)(1)  
5 of such section is amended by striking “The Secretary”  
6 and inserting “Except as provided in subsection (h), the  
7 Secretary”.

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