

106TH CONGRESS
1ST SESSION

H. R. 2551

To amend title 18, United States Code, to require Federal Prison Industries to compete for its Federal contracts to minimize unfair competition with private firms (depriving law-abiding workers of job opportunities), to save taxpayer dollars by empowering Federal contracting officers to be able to acquire commercial products that better meet agencies' needs, more quickly and at less cost without having to obtain permission from Federal Prison Industries, to further empower contracting officers to compel Federal Prison Industries to fully perform its contract obligations to the same extent as all other contractors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 1999

Mr. HOEKSTRA (for himself, Mr. FRANK of Massachusetts, Mr. COLLINS, Mrs. MALONEY of New York, Mr. HILLEARY, Mr. COBLE, Mr. KENNEDY of Rhode Island, Mr. SENSENBRENNER, Mr. CLAY, Mr. CUNNINGHAM, Mr. CONYERS, Mr. CHAMBLISS, Mr. ROEMER, Mr. SMITH of Texas, Mr. FROST, Mr. BALLENGER, Mr. EDWARDS, Mr. GILMAN, Mr. STUMP, Mr. BARCIA, Mr. MCINTOSH, Mr. DOYLE, Mr. SOUDER, Ms. STABENOW, Mr. EHLERS, Mr. WEYGAND, Mr. MANZULLO, Mr. BERRY, Mrs. CUBIN, Mr. FILNER, Mr. UPTON, Ms. WOOLSEY, Mr. CAMP, Mr. KLINK, Mr. EWING, Mr. DEAL of Georgia, Mr. KNOLLENBERG, Mr. NETHERCUTT, Mr. NORWOOD, Mr. MCKEON, Mr. SCHAFFER, Mr. TANCREDO, Mr. NEY, Mr. ROYCE, Mrs. MYRICK, Mr. BARTLETT of Maryland, Mr. COBURN, Mr. LINDER, Mr. SHADEGG, Mr. SAM JOHNSON of Texas, Mr. KINGSTON, Mr. HOSTETTLER, Mr. TERRY, and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to require Federal Prison Industries to compete for its Federal contracts to minimize unfair competition with private firms (de-

prising law-abiding workers of job opportunities), to save taxpayer dollars by empowering Federal contracting officers to be able to acquire commercial products that better meet agencies' needs, more quickly and at less cost without having to obtain permission from Federal Prison Industries, to further empower contracting officers to compel Federal Prison Industries to fully perform its contract obligations to the same extent as all other contractors, 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 “Federal Prison Indus-

5 tries Competition in Contracting Act of 1999”.

6 **SEC. 2. GOVERNMENTWIDE PROCUREMENT POLICY RELAT-**
 7 **ING TO PURCHASES FROM FEDERAL PRISON**
 8 **INDUSTRIES.**

9 Section 4124 of title 18, United States Code, is
 10 amended to read as follows:

11 **“§4124. Governmentwide procurement policy relat-**
 12 **ing to purchases from Federal Prison In-**
 13 **dustries**

14 “(a) IN GENERAL.—Purchases from Federal Prison
 15 Industries, Incorporated, a wholly owned Government cor-
 16 poration, as defined in section 9101(3)(E) of title 31, may
 17 be made by a Federal department or agency only in ac-
 18 cordance with this section.

1 “(b) SOLICITATION AND EVALUATION OF OFFERS
2 AND CONTRACT AWARDS.—(1) When a procurement ac-
3 tivity of a Federal department or agency has a require-
4 ment for a specific product or service that is authorized
5 to be offered for sale by Federal Prison Industries, in ac-
6 cordance with section 4122 of this title, and is listed in
7 the catalog referred to in subsection (g), the procurement
8 activity shall solicit an offer from Federal Prison Indus-
9 tries, if the purchase is expected to be in excess of the
10 micro-purchase threshold (as defined by section 32(f) of
11 the Office of Federal Procurement Policy Act (41 U.S.C.
12 428(f))).

13 “(2) A contract award for such product or service
14 shall be made using competitive procedures in accordance
15 with the specifications and evaluation factors specified in
16 the solicitation (or other request for offers), unless a de-
17 termination is made by the Attorney General pursuant to
18 paragraph (3).

19 “(3) The procurement activity shall negotiate with
20 Federal Prison Industries on a noncompetitive basis for
21 the award of a contract if the Attorney General determines
22 that—

23 “(A) Federal Prison Industries cannot reason-
24 ably expect to receive the contract award on a com-
25 petitive basis; and

1 “(B) the contract award is necessary to main-
2 tain work opportunities otherwise unavailable at the
3 penal or correctional facility at which the contract is
4 to be performed to prevent circumstances that could
5 reasonably be expected to significantly endanger the
6 safe and effective administration of such facility.

7 “(4) A contract award shall be made with Federal
8 Prison Industries if the contracting officer for the procure-
9 ment activity determines that—

10 “(A) the prison-made product or service to be
11 furnished will meet the requirements of the procure-
12 ment activity (including any applicable
13 prequalification requirements and all specified com-
14 mercial or governmental standards pertaining to
15 quality, testing, safety, serviceability, and warran-
16 ties);

17 “(B) timely performance of the contract can be
18 reasonably expected; and

19 “(C) the contract price does not exceed a cur-
20 rent market price.

21 “(5) A determination by the Attorney General pursu-
22 ant to paragraph (3) shall be—

23 “(A) supported by specific findings by the war-
24 den of the penal or correctional institution at which

1 a Federal Prison Industries workshop is scheduled
2 to perform the contract;

3 “(B) supported by specific findings by Federal
4 Prison Industries regarding why it does not expect
5 to win the contract on a competitive basis; and

6 “(C) made and reported in the same manner as
7 a determination made pursuant to section 303(e)(7)
8 of the Federal Property and Administrative Services
9 Act of 1949 (41 U.S.C. 253(c)(7)).

10 “(6) If the Attorney General has not made the deter-
11 mination described in paragraph (3) within 30 days after
12 Federal Prison Industries has been informed of a con-
13 tracting opportunity by a procurement activity, the pro-
14 curement activity shall conduct a procurement for the
15 product in accordance with the procedures generally appli-
16 cable to such procurements by the procurement activity.

17 “(c) COMPETITIVE OFFERS FROM FEDERAL PRISON
18 INDUSTRIES.—A timely offer made by Federal Prison In-
19 dustries shall be considered for award in accordance with
20 the applicable specification and evaluation factors speci-
21 fied in any solicitation (or other request for offers).

22 “(d) PERFORMANCE BY FEDERAL PRISON INDUS-
23 TRIES.—Federal Prison Industries shall perform its con-
24 tractual obligations under a contract awarded by a Fed-

1 eral department or agency to the same extent as any other
2 contractor.

3 “(e) FINALITY OF CONTRACTING OFFICER’S DECI-
4 SION.—(1) A decision by a contracting officer regarding
5 the award of a contract to Federal Prison Industries or
6 relating to the performance of such contract shall be final,
7 unless reversed on appeal pursuant to paragraph (2) or
8 (3).

9 “(2) The Chief Executive Officer of Federal Prison
10 Industries may appeal to the head of a Federal depart-
11 ment or agency a decision by a contracting officer not to
12 award a contract to Federal Prison Industries pursuant
13 to subsection (b)(4). The decision of the head of a Federal
14 department or agency on appeal shall be final.

15 “(3) A dispute between Federal Prison Industries
16 and a procurement activity regarding performance of a
17 contract shall be subject to—

18 “(A) alternative means of dispute resolution
19 pursuant to subchapter IV of title 5; or

20 “(B) final resolution by the board of contract
21 appeals having jurisdiction over the procurement ac-
22 tivity’s contract performance disputes pursuant to
23 the Contract Disputes Act of 1978 (41 U.S.C. 601
24 et seq.).

1 “(f) REPORTING OF PURCHASES.—Each Federal de-
2 partment or agency shall report purchases from Federal
3 Prison Industries to the Federal Procurement Data Sys-
4 tem (as referred to in section 6(d)(4) of the Office of Fed-
5 eral Procurement Policy Act (41 U.S.C. 405(d)(4))) in the
6 same manner as it reports to such System any acquisition
7 in an amount in excess of the simplified acquisition thresh-
8 old (as defined by section 4(11) of the Office of Federal
9 Procurement Policy Act (41 U.S.C. 403(11))).

10 “(g) CATALOG OF PRODUCTS.—Federal Prison In-
11 dustries shall publish and maintain a catalog of all specific
12 products and services that it is authorized to offer for sale.
13 Such catalog shall be periodically revised as products and
14 services are added or deleted by its board of directors (in
15 accordance with section 4122(b) of this title).”.

16 **SEC. 3. PUBLIC PARTICIPATION REGARDING EXPANSION**
17 **PROPOSALS BY FEDERAL PRISON INDUS-**
18 **TRIES.**

19 Section 4122(b) of title 18, United States Code, is
20 amended—

21 (1) by redesignating paragraph (6) as para-
22 graph (10); and

23 (2) by striking paragraphs (4) and (5) and in-
24 serting the following paragraphs:

1 “(4) A decision to authorize Federal Prison Indus-
2 tries to offer a new specific product or service or to expand
3 the production of an existing product or service shall be
4 made by its board of directors in conformance with the
5 requirements of subsections (b), (c), (d), and (e) of section
6 553 of title 5, and this chapter.

7 “(5)(A) Whenever Federal Prison Industries pro-
8 poses to offer for sale a new specific product or service
9 or to expand production of a currently authorized product
10 or service, the Chief Operating Officer of Federal Prison
11 Industries shall submit an appropriate proposal to the
12 board of directors and obtain the board’s approval before
13 initiating any such expansion. The proposal submitted to
14 the board shall include a detailed analysis of the probable
15 impact of the proposed expansion of inmate-work activities
16 by Federal Prison Industries on private sector firms and
17 their noninmate workers.

18 “(B)(i) The analysis required by subparagraph (A)
19 shall be performed by an interagency team on a reimburs-
20 able basis or by a private contractor paid by Federal Pris-
21 on Industries.

22 “(ii) If the analysis is to be performed by an inter-
23 agency team, such team shall be led by the Federal Pro-
24 curement Data Center with representatives of the Depart-

1 ment of Labor, the Department of Commerce, and the
2 Small Business Administration.

3 “(iii) If the analysis is to be performed by a private
4 contractor, the selection of the contractor and the admin-
5 istration of the contract shall be conducted by one of the
6 entities references in clause (ii) as an independent execu-
7 tive agent for the board of directors.

8 “(C) The analysis required by subparagraph (A) shall
9 identify and consider—

10 “(i) the number of vendors that currently meet
11 the requirements of the Federal Government for the
12 specific product or service;

13 “(ii) the proportion of the Federal Government
14 market for the specific product or service currently
15 furnished by small businesses during the previous 3
16 fiscal years;

17 “(iii) the share of the Federal market for the
18 specific product or service projected for Federal
19 Prison Industries for the fiscal year in which pro-
20 duction or performance will commence or expand
21 and the subsequent 3 fiscal years;

22 “(iv) whether the industry producing the spe-
23 cific product or service in the private sector—

24 “(I) has an unemployment rate higher
25 than the national average;

1 “(II) has a rate of employment for workers
2 that has consistently shown an increase during
3 the previous 5 years; or

4 “(III) has an import to domestic produc-
5 tion ratio of 25 percent or greater;

6 “(v) the total volume of domestic production
7 during each of the 5 previous years in the industry
8 producing the specific product or service in the pri-
9 vate sector;

10 “(vi) whether the specific product is an import-
11 sensitive product;

12 “(vii) the requirements of the Federal Govern-
13 ment and the demands of entities other than the
14 Federal Government for the specific product or serv-
15 ice during the previous 3 fiscal years;

16 “(viii) the projected growth or decline in the de-
17 mand of the Federal Government for the specific
18 product or service;

19 “(ix) the capability of the projected demand of
20 the Federal Government for the specific product or
21 service to sustain both Federal Prison Industries
22 and private vendors; and

23 “(x) whether authorizing the production of the
24 new product or performance of a new service will
25 provide inmates with the maximum opportunity to

1 acquire knowledge and skill in trades and occupa-
2 tions that will provide them with a means of earning
3 a livelihood upon release.

4 “(C)(i) The board of directors may not approve a pro-
5 posal to authorize the production and sale of a new spe-
6 cific product or continued sales of a previously authorized
7 product unless—

8 “(I) the product to be furnished is a prison-
9 made product; or

10 “(II) the service to be furnished is to be per-
11 formed by inmate workers.

12 “(ii) The board of directors may not approve a pro-
13 posal to authorize the production and sale of a new prison-
14 made product or to expand production of a currently au-
15 thorized product if the product is—

16 “(I) produced in the private sector by an indus-
17 try which has reflected during the previous year an
18 unemployment rate above the national average; or

19 “(II) an import-sensitive product.

20 “(iii) The board of directors may not approve a pro-
21 posal for inmates to provide a service in which an inmate
22 worker has access to—

23 “(I) personal or financial information about in-
24 dividual private citizens, including information relat-
25 ing to such person’s real property, however de-

1 scribed, without giving prior notice to such persons;
2 or

3 “(II) data that is classified, or that will become
4 classified after being merged with other data.

5 “(iv)(I) Federal Prison Industries is prohibited from
6 furnishing construction services relating to buildings,
7 structures, or other real property.

8 “(II) For purposes of this clause, the term ‘construc-
9 tion’ has the meaning given such term by section 36.102
10 of the Federal Acquisition Regulation (48 CFR part
11 36.102), as in effect on January 1, 1999, including the
12 repair, alteration, or maintenance of real property in
13 being.

14 “(6) To provide further opportunities for participa-
15 tion by interested parties, the board of directors shall—

16 “(A) give additional notice of a proposal to au-
17 thorize the production and sale of a new product or
18 expand the production of a currently authorized
19 product in a publication designed to most effectively
20 provide notice to private vendors and labor unions
21 representing private sector workers who could rea-
22 sonably be expected to be affected by approval of the
23 proposal, which notice shall offer to furnish copies of
24 the analysis required by paragraph (5) and shall so-
25 licit comment on the analysis;

1 “(B) solicit comments on the analysis required
2 by paragraph (5) from trade associations rep-
3 resenting vendors and labor unions representing pri-
4 vate sector workers who could reasonably be ex-
5 pected to be affected by approval of the proposal to
6 authorize the production and sale of a new product
7 or expand the production of a currently authorized
8 product; and

9 “(C) afford an opportunity, on request, for a
10 representative of an established trade association,
11 labor union, or other representatives of private in-
12 dustry to present comments on the proposal directly
13 to the board of directors.

14 “(7) The board of directors shall be provided copies
15 of all comments received on the expansion proposal.

16 “(8) Based on the comments received on the initial
17 expansion proposal, the Chief Operating Officer of Federal
18 Prison Industries may provide the board of directors a re-
19 vised expansion proposal. If such revised proposal provides
20 for expansion of inmate work opportunities in an industry
21 different from that initially proposed, such revised pro-
22 posal shall be subject to the public comment requirements
23 of paragraph (6).

24 “(9) The board of directors shall consider a proposal
25 to authorize the sale of a new product or service (or to

1 modify the volume of sales for a currently authorized prod-
2 uct or service) and take any action with respect to such
3 proposal, during a meeting that is open to the public, un-
4 less closed pursuant to section 5526 of title 5.

5 “(10) In conformity with the requirements of para-
6 graphs (5) through (9) of this subsection, the board of
7 directors may—

8 “(A) authorize the donation of products pro-
9 duced by Federal industries and available for sale;
10 or

11 “(B) authorize the production of a new specific
12 product for donation.”.

13 **SEC. 4. SALES TO PRIVATE SECTOR FIRMS.**

14 (a) **IN GENERAL.**—In accordance with subsections
15 (a) and (b) of section 1761 of title 18, United States Code,
16 Federal Prison Industries is prohibited from offering
17 products or services as a subcontractor or supplier to a
18 private for-profit business concern, notwithstanding that
19 the product or service being furnished by such concern will
20 ultimately be supplied to the United States Government,
21 the government of the District of Columbia, an agency of
22 a State government or any political subdivision of a State
23 government, or an eligible not-for-profit organization.

24 (b) **CLARIFYING AMENDMENT.**—Section 1761 of title
25 18, United States Code, is amended—

1 (1) in subsection (a), by striking “any goods,
2 wares, or merchandise manufactured, produced,
3 mined” and inserting “products manufactured, serv-
4 ices furnished, or minerals mined”;

5 (2) in subsection (a), by striking “any goods,
6 wares, or merchandise manufactured, produced,
7 mined” and inserting “products manufactured, serv-
8 ices furnished, or minerals mined”.

9 **SEC. 5. DEDUCTIONS FOR VICTIM RESTITUTION AND**
10 **OTHER PURPOSES.**

11 Section 4126 of title 18, United States Code, is
12 amended—

13 (1) by redesignating subsections (d), (e), and
14 (f) as subsections (e), (f), and (g); and

15 (2) by inserting after subsection (c) the fol-
16 lowing new subsection:

17 “(d) Wages earned by an inmate worker of Federal
18 Prison Industries shall be paid in the name of the inmate
19 worker. Deductions, aggregating to not more than 80 per-
20 cent of gross wages, shall be taken from the wages due
21 for—

22 “(1) applicable taxes (Federal, State, and
23 local);

24 “(2) payment of fines and restitution pursuant
25 to court order;

1 “(3) payment of additional restitution for vic-
2 tims of the inmate’s crimes (at a rate not less than
3 10 percent of gross wages);

4 “(4) allocations for support of the inmate’s
5 family pursuant to statute, court order, or agree-
6 ment with the inmate;

7 “(5) allocations to a fund in the inmate’s name
8 to facilitate such inmate’s assimilation into society,
9 payable at the conclusion of incarceration; and

10 “(6) such other deductions as may be specified
11 by the Director of the Bureau of Prisons.”.

12 **SEC. 6. ALLOCATION OF PROFITS TO VOCATIONAL TRAIN-**
13 **ING.**

14 (a) Section 4126 of title 18, United States Code (as
15 amended by section 5) is further amended by adding at
16 the end the following new subsection:

17 “(h) Not less than 20 percent of the gross profits
18 of the corporation at the end of each fiscal year shall be
19 allocated to fund vocational training for inmates without
20 regard to the type of work activities to which they are as-
21 signed.”.

22 **SEC. 7. FEDERAL PRISON INDUSTRIES REPORT TO CON-**
23 **GRESS.**

24 Section 4127 of title 18, United States Code, is
25 amended to read as follows:

1 **“§ 4127. Federal Prison Industries report to Congress**

2 “(a) IN GENERAL.—Pursuant to chapter 91 of title
3 31, the board of directors of Federal Prison Industries
4 shall submit an annual report to Congress on the conduct
5 of the business of the corporation during each fiscal year
6 and the condition of its funds during the fiscal year.

7 “(b) CONTENTS OF REPORT.—In addition to the
8 matters required by section 9106 of title 31, and such
9 other matters as the board considers appropriate, a report
10 under subsection (a) shall include—

11 “(1) a statement of the amount of obligations
12 issued under section 4129(a)(1) of this title during
13 the fiscal year;

14 “(2) an estimate of the amount of obligations
15 that will be issued in the following fiscal year;

16 “(3) an analysis of—

17 “(A) the corporation’s total sales for each
18 specific product and type of service sold to the
19 Federal agencies and the commercial market;

20 “(B) the total purchases by each Federal
21 agency of each specific product and type of
22 service;

23 “(C) the corporation’s share of such total
24 Federal Government purchases by specific prod-
25 uct and type of service; and

1 “(D) the number and disposition of dis-
2 putes submitted to the heads of the Federal de-
3 partments and agencies pursuant to section
4 4124(e) of this title;

5 “(4) an analysis of the inmate workforce that
6 includes—

7 “(A) the number of inmates employed;

8 “(B) the number of inmates utilized to
9 produce products or furnish services sold in the
10 commercial market;

11 “(C) the number and percentage of em-
12 ployed inmates by the term of their incarcer-
13 ation; and

14 “(D) the various hourly wages paid to in-
15 mates employed with respect to the production
16 of the various specific products and types of
17 services authorized for production and sale to
18 Federal agencies and in the commercial market;
19 and

20 “(5) data concerning employment obtained by
21 former inmates upon release to determine whether
22 the employment provided by Federal Prison Indus-
23 tries during incarceration provided such inmates
24 with knowledge and skill in a trade or occupation

1 that enabled such former inmate to earn a livelihood
2 upon release.

3 “(c) PUBLIC AVAILABILITY.—Copies of an annual re-
4 port under subsection (a) shall be made available to the
5 public at a price not exceeding the cost of printing the
6 report.”.

7 **SEC. 8. DEFINITIONS.**

8 Chapter 307 of title 18, United States Code, is
9 amended by adding at the end the following new section:

10 **“§ 4130. Definitions**

11 “As used in this chapter—

12 “(1) the term ‘assembly’ means the process of
13 uniting or combining articles or components (includ-
14 ing ancillary finished components or assemblies) so
15 as to produce a significant change in form or utility,
16 without necessarily changing or altering the compo-
17 nent parts;

18 “(2) the term ‘current market price’ means,
19 with respect to a specific product, the fair market
20 price of the product within the meaning of section
21 15(a) of the Small Business Act (15 U.S.C. 644(a)),
22 at the time that the contract is to be awarded,
23 verified through appropriate price analysis or cost
24 analysis, including any costs relating to transpor-
25 tation or the furnishing of any ancillary services;

1 “(3) the term ‘import-sensitive product’ means
2 a product which, according to Department of Com-
3 merce data, has experienced competition from im-
4 ports at an import to domestic production ratio of
5 25 percent or greater;

6 “(4) the term ‘labor-intensive manufacture’
7 means a manufacturing activity in the private sector
8 in which the ratio of the value of direct labor to the
9 value of the product prior to shipment exceeds 20
10 percent;

11 “(5) the term ‘manufacture’ means the process
12 of fabricating from raw or prepared materials, so as
13 to impart to those materials new forms, qualities,
14 properties, and combinations;

15 “(6) the term ‘prison-made products’ means
16 specific products that require labor-intensive manu-
17 facture or assembly employing Federal prison in-
18 mates for not less than 75 percent of the hours of
19 direct labor required for the production of the prod-
20 uct;

21 “(7) the term ‘reasonable share of the market’
22 means a share of the total purchases by the Federal
23 departments and agencies, as reported to the Fed-
24 eral Procurement Data System for—

1 “(A) any specific product during the 3 pre-
2 ceding fiscal years, that does not exceed 20 per-
3 cent of the Federal market for the specific
4 product; and

5 “(B) any specific service during the 3 pre-
6 ceding fiscal years, that does not exceed 5 per-
7 cent of the Federal market for the specific serv-
8 ice;

9 “(8) the term ‘services’ has the meaning given
10 the term ‘service contract’ by section 37.101 of the
11 Federal Acquisition Regulation (48 CFR part
12 36.102), as in effect on July 1, 1997;

13 “(9) the term ‘specific product’ means a prod-
14 uct that is designed and manufactured to meet re-
15 quirements distinct in function and predominant ma-
16 terial of manufacture from another product, as de-
17 scribed by—

18 “(A) the 6-digit classification for the prod-
19 uct in the 1997 North American Industry Clas-
20 sification System (or any revisions to such sys-
21 tem) published by the Office of Management
22 and Budget; and

23 “(B) for purposes of reporting on sales by
24 Federal Prison Industries, the current National
25 Stock Number assigned to such product under

1 the Federal Stock Classification System (includ-
2 ing group, part number and section), as deter-
3 mined by the General Services Administration;
4 and

5 “(10) the term ‘specific service’ means a type of
6 service included within one of the categories of serv-
7 ices used by Federal agencies in reporting to the
8 Federal Procurement Data System, as described in
9 the current edition of the Product and Service Code
10 Manual issued by the Federal Procurement Data
11 Center of the General Services Administration as
12 Executive Agent for the Administrator for Federal
13 Procurement Policy (as referred to in section 6(d)(4)
14 of the Office of Federal Procurement Policy Act (41
15 U.S.C. 405(d)(4))).”.

16 **SEC. 9. IMPLEMENTATION IN THE FEDERAL ACQUISITION**
17 **REGULATION.**

18 (a) PROPOSED REVISIONS.—Proposed revisions to
19 the Governmentwide Federal Acquisition Regulation to
20 implement the amendments made by this Act shall be pub-
21 lished not later than 60 days after the date of the enact-
22 ment of this Act and provide not less than 60 days for
23 public comment.

24 (b) FINAL REGULATIONS.—Final regulations shall be
25 published not later than 180 days after the date of the

1 enactment of this Act and shall be effective on the date
2 that is 30 days after the date of publication.

3 (c) PUBLIC PARTICIPATION.—The proposed regula-
4 tions required by subsection (a) and the final regulations
5 required by subsection (b) shall afford an opportunity for
6 public participation in accordance with section 22 of the
7 Office of Federal Procurement Policy Act (41 U.S.C.
8 418b).

9 **SEC. 10. RULE OF CONSTRUCTION.**

10 Subsection (e) of section 4124 of title 18, United
11 States Code, as amended by section 2, is not intended to
12 alter any rights of any offeror other than Federal Prison
13 Industries to file a bid protest in accordance with other
14 law or regulation in effect on the date of the enactment
15 of this Act.

16 **SEC. 11. EFFECTIVE DATE AND APPLICABILITY.**

17 (a) EFFECTIVE DATE.—Except as provided in sub-
18 section (b), this Act and the amendments made by this
19 Act shall take effect on the date of enactment of this Act.

20 (b) APPLICABILITY.—Section 4124 of title 18, United
21 States Code, as amended by section 2, shall apply to any
22 requirement for a product or service offered by Federal
23 Prison Industries needed by a Federal department or
24 agency after the effective date of the final regulations

1 issued pursuant to section 6(b), or after September 30,
2 2000, whichever is earlier.

3 **SEC. 12. CLERICAL AMENDMENTS.**

4 The table of sections for chapter 307 of title 18,
5 United States Code, is amended—

6 (1) by amending the item relating to section
7 4124 to read as follows:

“4124. Governmentwide procurement policy relating to purchases from Federal
Prison Industries.”;

8 (2) by amending the item relating to section
9 4127 to read as follows:

“4127. Federal Prison Industries report to Congress.”;

10 and

11 (3) by adding at the end the following new
12 item:

“4130. Definitions.”.

○