

118TH CONGRESS  
1ST SESSION

# H. R. 53

To amend title 41, United States Code, to prohibit the Federal Government from entering into contracts with an entity that discriminates against firearm or ammunition industries, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. BERGMAN (for himself, Mrs. CAMMACK, Mr. HUDSON, Mr. DAVIDSON, Mr. CRENSHAW, Ms. STEFANIK, Mr. BISHOP of North Carolina, Mr. NEWHOUSE, Mr. RESCHENTHALER, Mr. DUNCAN, Mr. LATURNER, Mr. FINSTAD, Mr. BUCK, Mr. PERRY, Mr. JOYCE of Pennsylvania, Mr. WITTMAN, Mr. VAN DREW, Mr. PFLUGER, Ms. TENNEY, Mr. SESSIONS, Mr. CRAWFORD, Mr. GRAVES of Louisiana, Mr. NORMAN, Mr. ELLZEY, Mr. JACKSON of Texas, Mrs. HARSHBARGER, Mr. MOOLENAAR, Mr. FEENSTRA, Mr. WALBERG, Mr. CARTER of Georgia, Mr. OWENS, Mr. HUIZENGA, Mr. CLOUD, Mr. GUEST, Mr. BIGGS, Mr. BOST, Mr. MOONEY, Mr. WEBER of Texas, Mr. AUSTIN SCOTT of Georgia, Mr. CLYDE, Mr. KELLY of Pennsylvania, Mr. NEHLS, Mr. BABIN, Mr. FLEISCHMANN, Mrs. BICE, Mr. KELLY of Mississippi, Mr. DUNN of Florida, Mr. FALLON, Mr. GROTHMAN, Mr. ISSA, Mr. HARRIS, Mrs. FISCHBACH, Mrs. MILLER of West Virginia, Mr. STEUBE, Mr. GOODEN of Texas, Mrs. McCLAIN, Mr. MOORE of Utah, Mr. LATTA, Mr. MOORE of Alabama, and Mr. COMER) introduced the following bill; which was referred to the Committee on Oversight and Accountability

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## A BILL

To amend title 41, United States Code, to prohibit the Federal Government from entering into contracts with an entity that discriminates against firearm or ammunition industries, 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 “Firearm Industry Non-  
 5 Discrimination Act” or the “FIND Act”.

6 **SEC. 2. PROHIBITION ON ENTERING INTO CONTRACTS**  
 7 **WITH ENTITIES DISCRIMINATING AGAINST**  
 8 **FIREARM OR AMMUNITION INDUSTRIES.**

9 (a) PROHIBITION.—Chapter 47 of title 41, United  
 10 States Code, is amended by adding at the end the fol-  
 11 lowing:

12 **“§ 4715. Prohibition on entering into contracts with**  
 13 **entities discriminating against firearm or**  
 14 **ammunition industries.**

15 “(a) PROHIBITION.—

16 “(1) IN GENERAL.—The head of an executive  
 17 agency shall include in each contract for the pro-  
 18 curement of goods or services awarded by the execu-  
 19 tive agency, a clause requiring the prime contractor  
 20 to certify that the contractor—

21 “(A) has no policy, practice, guidance, or  
 22 directive that discriminates against a firearm  
 23 entity or firearm trade association; and

24 “(B) will not adopt a policy, practice, guid-  
 25 ance, or directive that discriminates against a

1           firearm entity or firearm trade association dur-  
2           ing the term of the contract.

3           “(2) SUBCONTRACTS.—The head of an execu-  
4           tive agency shall include in each contract for the  
5           procurement of goods or services awarded by the ex-  
6           ecutive agency, a clause that prohibits the prime  
7           contractor on such contract from—

8                   “(A) awarding a first-tier subcontract with  
9                   a value greater than 10 percent of the total  
10                  value of the prime contract to an entity that  
11                  fails to certify in writing to the prime con-  
12                  tractor that the entity—

13                           “(i) has no policy, practice, guidance,  
14                           or directive that discriminates against a  
15                           firearm entity or firearm trade association;  
16                           and

17                           “(ii) will not adopt a policy, practice,  
18                           guidance, or directive that discriminates  
19                           against a firearm entity or firearm trade  
20                           association during the term of the con-  
21                           tract; and

22                   “(B) structuring subcontract tiers in a  
23                   manner designed to avoid violating subpara-  
24                   graph (A) by enabling a subcontractor to per-  
25                   form more than 10 percent of the total value of

1 the prime contract as a lower-tier subcon-  
2 tractor.

3 “(3) PENALTIES.—The clause included in con-  
4 tracts pursuant to paragraph (1) or paragraph (2)  
5 shall provide that, in the event that the prime con-  
6 tractor violates the clause—

7 “(A) the prime contract shall be termi-  
8 nated for default; and

9 “(B) a suspension or debarment pro-  
10 ceeding will be initiated for the contractor on  
11 the basis of the violation.

12 “(b) EXCEPTION.—Subsection (a) shall not apply to  
13 a contract for the procurement of goods or services that  
14 is a sole-source contract.

15 “(c) DEFINITIONS.—In this section:

16 “(1) DISCRIMINATE.—The term ‘discriminate’  
17 means to—

18 “(A) make a judgement about a policy,  
19 practice, guidance, or directive on the basis  
20 of—

21 “(i) partial criteria or a category-  
22 based assessment analysis, rather than—

23 “(I) on a case-by-case basis; or

24 “(II) using empirical data evalu-  
25 ated under quantifiable standards; or

1                   “(ii) criteria other than criteria free  
2                   from—

3                   “(I) favoritism or prejudice  
4                   against or dislike for the firearm enti-  
5                   ty or trade association or the products  
6                   or services sold by the firearm entity  
7                   or trade association; or

8                   “(II) favoritism for market alter-  
9                   natives to the business of the firearm  
10                  entity or the trade association;

11                  “(B) refuse to provide services, or deny,  
12                  cancel, or limit services, to the firearm entity or  
13                  trade association on the basis of criteria other  
14                  than—

15                  “(i) criteria free from—

16                  “(I) favoritism or prejudice  
17                  against or dislike for the firearm enti-  
18                  ty or trade association or the products  
19                  or services sold by the firearm entity  
20                  or trade association; or

21                  “(II) favoritism for market alter-  
22                  natives to the business of the firearm  
23                  entity or the trade association;

1                   “(ii) criteria related to credit history  
2                   and financial risk specific to a customer or  
3                   potential customer; or

4                   “(iii) criteria related to noncompliance  
5                   with Federal, State, or local law; or

6                   “(C) limit the operations of the firearm en-  
7                   tity or trade association in manner not required  
8                   by—

9                   “(i) Federal, State, or local law; or

10                   “(ii) Federal, State, or local regula-  
11                   tion.

12                   “(2) FIREARM ENTITY.—The term ‘firearm en-  
13                   tity’ means any—

14                   “(A) person who is licensed under section  
15                   923 of title 18 to import, manufacture, or deal  
16                   in firearms;

17                   “(B) seller of ammunition, as defined in  
18                   section 7903 of title 15;

19                   “(C) manufacturer or importer of, or deal-  
20                   er in, a secure gun storage or safety device, as  
21                   defined in section 921(a) of title 18; and

22                   “(D) manufacturer or importer of, or deal-  
23                   er in, a component part or accessory of a fire-  
24                   arm or ammunition.

1           “(3) FIREARM TRADE ASSOCIATION.—The term  
2           ‘firearm trade association’ has the meaning in sec-  
3           tion 7903 of title 15.

4           “(4) FIRST-TIER SUBCONTRACT.—The term  
5           ‘first-tier subcontract’ means a subcontract entered  
6           into by a subcontractor with the prime contractor  
7           for the purposes of carrying out the prime contract.

8           “(5) LOWER-TIER SUBCONTRACTOR.—The term  
9           ‘lower-tier subcontractor’ means any person entering  
10          into a contract with a subcontractor of a prime con-  
11          tractor for the purposes of carrying out the prime  
12          contract.

13          “(6) PRIME CONTRACT; PRIME CONTRACTOR.—  
14          The terms ‘prime contract’ and ‘prime contractor’  
15          have the meaning given those terms in section 8701  
16          of title 41.”.

17          (b) APPLICATION.—Section 4715 of title 41, United  
18          States Code, as added by subsection (a), shall apply with  
19          respect to contracts awarded on or after the date of the  
20          enactment of this Act.

21          (c) CLERICAL AMENDMENT.—The table of sections  
22          for chapter 47 of title 41, United States Code, is amended  
23          by adding at the end the following:

“4715. Prohibition on entering into contracts with entities discriminating  
against firearm or ammunition industries.”.