117TH CONGRESS
2D SESSION

S.

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.

IN THE SENATE OF THE UNITED STATES

Mr. Daines (for himself, Mr. Marshall, Mrs. Hyde-Smith, Mr. Cassidy, Mr. Inhofe, and Mr. Scott of Florida) introduced the following bill; which was read twice and referred to the Committee on

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”.
SEC. 2. PROHIBITION ON ENTERING INTO CONTRACTS WITH ENTITIES DISCRIMINATING AGAINST FIREARM OR AMMUNITION INDUSTRIES.

(a) PROHIBITION.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

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

“(a) Prohibition.—

“(1) In general.—The head of an executive agency shall include in each contract for the procurement of goods or services awarded by the executive agency, a clause requiring the prime contractor to certify that the contractor—

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

“(B) will not adopt a policy, practice, guidance, or directive that discriminates against a firearm entity or firearm trade association during the term of the contract.

“(2) Subcontracts.—The head of an executive agency shall include in each contract for the procurement of goods or services awarded by the ex-
ecutive agency, a clause that prohibits the prime contractor on such contract from—

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

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

“(ii) will not adopt a policy, practice, guidance, or directive that discriminates against a firearm entity or firearm trade association during the term of the contract; and

“(B) structuring subcontract tiers in a manner designed to avoid violating subparagraph (A) by enabling a subcontractor to perform more than 10 percent of the total value of the prime contract as a lower-tier subcontract.

“(3) Penalties.—The clause included in contracts pursuant to paragraph (1) or paragraph (2)
shall provide that, in the event that the prime contractor violates the clause—

“(A) the prime contract shall be terminated for default; and

“(B) a suspension or debarment proceeding will be initiated for the contractor on the basis of the violation.

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

“(c) DEFINITIONS.—In this section:

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

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

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

“(I) on a case-by-case basis; or

“(II) using empirical data evaluated under quantifiable standards; or

“(ii) criteria other than criteria free from—

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

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

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

“(i) criteria free from—

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

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

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

“(iii) criteria related to noncompliance
with Federal, State, or local law; or
“(C) limit the operations of the firearm entity or trade association in manner not required by—

“(i) Federal, State, or local law; or

“(ii) Federal, State, or local regulation.

“(2) FIREARM ENTITY.—The term ‘firearm entity’ means any—

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

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

“(C) manufacturer or importer of, or dealer in, a secure gun storage or safety device, as defined in section 921(a) of title 18; and

“(D) manufacturer or importer of, or dealer in, a component part or accessory of a firearm or ammunition.

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

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

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

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

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

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

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