

## Union Calendar No.

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

# H. R. 4920

[Report No. 116-]

To amend title 38, United States Code, to provide for an exception to certain small business contracting requirements applicable to the Department of Veterans Affairs procurement of certain goods and services covered under the Ability One program, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2019

Mr. TAKANO (for himself, Mr. DAVID P. ROE of Tennessee, Ms. MENG, Mr. BRINDISI, Mr. HIGGINS of New York, Mr. CLEAVER, Mrs. BROOKS of Indiana, Mrs. WALORSKI, Ms. FOXX of North Carolina, Mr. PENCE, and Ms. KENDRA S. HORN of Oklahoma) introduced the following bill; which was referred to the Committee on Veterans' Affairs

DECEMBER --, 2019

Committed to the Committee of the Whole House on the State of the Union,  
and ordered to be printed

# **A BILL**

To amend title 38, United States Code, to provide for an exception to certain small business contracting requirements applicable to the Department of Veterans Affairs procurement of certain goods and services covered under the Ability One program, 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 “Department of Vet-  
5 erans Affairs Contracting Preference Consistency Act”.

6 **SEC. 2. EXCEPTION TO DEPARTMENT OF VETERANS AF-**  
7 **FAIRS SMALL BUSINESS CONTRACTING RE-**  
8 **QUIREMENT FOR CERTAIN GOODS AND SERV-**  
9 **ICES COVERED UNDER ABILITY ONE PRO-**  
10 **GRAM.**

11       (a) IN GENERAL.—Subsection (d) of section 8127 of  
12 title 38, United States Code, is amended—

13           (1) by striking “Except” and inserting “(1) Ex-  
14 cept”;

15           (2) by inserting “in paragraph (2) and” before  
16 “in subsections (b) and (c)”; and

17           (3) by adding at the end the following new  
18 paragraph:

19       “(2)(A) Notwithstanding paragraph (1), with respect  
20 to the procurement of a covered product or service, a con-  
21 tracting officer of the Department shall procure such  
22 product or service from a source designated under chapter  
23 85 of title 41, and in accordance with the regulations pre-  
24 scribed under such chapter.

1 “(B) In this paragraph, the term ‘covered product or  
2 service’ means—

3 “(i) a product or service that—

4 “(I) is included on the procurement list  
5 under section 8503(a) of title 41; and

6 “(II) was included on such procurement  
7 list on or before December 22, 2006; or

8 “(ii) a product or service that—

9 “(I) is a replacement for a product or serv-  
10 ice described under clause (i);

11 “(II) is essentially the same and meeting  
12 the same requirement as the product or service  
13 being replaced; and

14 “(III) a contracting officer determines  
15 meets the quality standards and delivery sched-  
16 ular of the Department.”.

17 (b) CONFORMING AMENDMENTS.—Such section is  
18 further amended in each of subsections (b) and (c), by  
19 striking “For” and inserting “Except as provided in sub-  
20 section (d)(2), for”.

21 (c) EFFECTIVE DATE.—The amendments made by  
22 this section shall apply with respect to a contract entered  
23 into on or after the date of the enactment of this Act.