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.

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.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Vet-
iers Affairs Contracting Preference Consistency Act”.

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

(a) In General.—Subsection (d) of section 8127 of
title 38, United States Code, is amended—

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

(2) by inserting “in paragraph (2) and” before

“in subsections (b) and (e)”; and

(3) by adding at the end the following new

paragraph:

“(2)(A) Notwithstanding paragraph (1), with respect
to the procurement of a covered product or service, a con-
tracting officer of the Department shall procure such
product or service from a source designated under chapter
85 of title 41, and in accordance with the regulations pre-
scribed under such chapter.
“(B) In this paragraph, the term ‘covered product or service’ means—

“(i) a product or service that—

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

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

“(ii) a product or service that—

“(I) is a replacement for a product or service described under clause (i);

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

“(III) a contracting officer determines meets the quality standards and delivery schedule of the Department.”.

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

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