

In the Senate of the United States,

March 12, 2020.

Resolved, That the bill from the House of Representatives (H.R. 4920) entitled “An Act 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.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Department of Veterans*

3 *Affairs Contracting Preference Consistency Act of 2020”.*

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

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

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

10 (2) by inserting “in paragraph (2) and” before
 11 “in subsections (b) and (c)”; and

12 (3) by adding at the end the following new para-
 13 graph:

14 “(2)(A) Notwithstanding paragraph (1) and except as
 15 provided by subparagraph (B) of this paragraph, with re-
 16 spect to the procurement of a covered product or service,
 17 a contracting officer of the Department shall procure such
 18 product or service from a source designated under chapter
 19 85 of title 41, and in accordance with the regulations pre-
 20 scribed under such chapter.

21 “(B)(i) Subject to clause (ii), subparagraph (A) shall
 22 not apply in the case of a covered product or service for
 23 which a contract was—

24 “(I) awarded under paragraph (1) after Decem-
 25 ber 22, 2006; and

1 “(II) in effect on the day before the date of the
2 enactment of the Department of Veterans Affairs Con-
3 tracting Preference Consistency Act of 2020.

4 “(ii) Clause (i) shall cease to apply to a covered prod-
5 uct or service described in such clause upon a determination
6 of the Secretary that when the current contract for the cov-
7 ered product or service is terminated or expires there is no
8 reasonable expectation that—

9 “(I) two or more small business concerns owned
10 and controlled by veterans will submit offers as de-
11 scribed in paragraph (1); and

12 “(II) the award can be made at a fair and rea-
13 sonable price that offers best value to the United
14 States.

15 “(C) In this paragraph, the term ‘covered product or
16 service’ means—

17 “(i) a product or service that—

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

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

22 “(ii) a product or service that—

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

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

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

7 (b) *CONFORMING AMENDMENTS.*—Such section is fur-
8 ther amended in each of subsections (b) and (c), by striking
9 “*For*” and inserting “*Except as provided in subsection*
10 *(d)(2), for*”.

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

Attest:

Secretary.

116TH CONGRESS
2D SESSION

H.R. 4920

AMENDMENT