

26105133D

1 **HOUSE BILL NO. 777**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend the Code of Virginia by adding in Article 2 of Chapter 2 of Title 2.2 a section numbered*  
5 *2.2-203.2:6 and by adding sections numbered 2.2-4311.5 and 2.2-4328.4, relating to Virginia Public*  
6 *Procurement Act; required procurement of goods transported by privately owned commercial vessels.*

7 Patron—Hayes

8 Committee Referral Pending

9 **Be it enacted by the General Assembly of Virginia:**10 **1. That the Code of Virginia is amended by adding in Article 2 of Chapter 2 of Title 2.2 a section**  
11 **numbered 2.2-203.2:6 and by adding sections numbered 2.2-4311.5 and 2.2-4328.4 as follows:**12 **§ 2.2-203.2:6. Additional duties of the Secretary; procurement of imported goods; use of privately**  
13 **owned commercial vessels; compliance with federal and state law.**14 **A. As used in this section, "privately owned commercial vessel" means the same as that term is defined in**  
15 **§ 2.2-4328.4.**16 **B. Beginning November 1, 2026, and annually thereafter, the Secretary shall conduct an annual review of**  
17 **compliance by state agencies with the requirement to procure goods transported on privately owned**  
18 **commercial vessels.**19 **§ 2.2-4311.5. Procurement of imported goods; use of privately owned commercial vessels; compliance**  
20 **with federal and state law; required contract provisions.**21 **A. As used in this section, "privately owned commercial vessel" means the same as that term is defined in**  
22 **§ 2.2-4328.4.**23 **B. A state agency that enters into a public contract for goods that exceeds \$10,000 shall include in such a**  
24 **public contract provisions requiring the contractor to comply with § 901(b) of the Merchant Marine Act (P.L.**  
25 **74-835) of 1936, as amended, and § 2.2-4328.4 regarding the use of privately owned commercial vessels for**  
26 **transporting such goods.**27 **§ 2.2-4328.4. Use of privately owned commercial vessels; goods procured by the Commonwealth.**28 **A. As used in this section, "privately owned commercial vessel" means an ocean-going vessel (i)**  
29 **registered and operated under the laws of the United States, (ii) used in commercial trade of the United**  
30 **States, and (iii) owned and operated by a citizen of the United States or meets the requirements of 46 U.S.C.**  
31 **12102 for purposes of documenting vessels under the United States flag.**32 **B. When a state agency procures any goods that may be transported on ocean-going vessels, it shall take**  
33 **steps necessary and practicable to ensure that 50 percent of the gross tonnage of the goods are transported**  
34 **on privately owned commercial vessels, to the extent those vessels are available at fair and reasonable rates**  
35 **for commercial vessels in the United States, in a manner ensuring fair and reasonable participation of**  
36 **commercial vessels of the United States.**37 **C. The Director of the Department of General Services shall establish guidelines to assist state agencies**  
38 **in compliance with this section.**

INTRODUCED

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