

HOUSE BILL NO. 777  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on General Laws  
on \_\_\_\_\_)  
(Patron Prior to Substitute—Delegate Hayes)

*A BILL to amend the Code of Virginia by adding a section numbered 2.2-4311.5, relating to Virginia Public Procurement Act; procurement of goods transported by privately owned commercial vessels; required contract provisions.*

**Be it enacted by the General Assembly of Virginia:**

**10 1. That the Code of Virginia is amended by adding a section numbered 2.2-4311.5 as follows:**

11        *§ 2.2-4311.5. Procurement of imported goods; use of privately owned commercial vessels; compliance*  
12        *with federal and state laws; required contract provisions.*

13       A. As used in this section, "privately owned commercial vessel" means an ocean-going vessel that is (i)  
14       registered and operated under the laws of the United States, (ii) used in the commercial trade of the United  
15       States, and (iii) owned and operated by a citizen of the United States or otherwise meets the requirements of  
16       46 U.S.C. § 12102 for purposes of documenting vessels under the flag of the United States.

17        *B. A state agency that enters into a public contract for goods that exceeds \$10,000 shall include in such*  
18        *public contract a provision requiring the contractor to comply with § 901(b) of the Merchant Marine Act of*  
19        *1936 (P.L. 74-835), as amended, regarding the use of privately owned commercial vessels for transporting*  
20        *such goods.*