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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. ______

To amend title 41, United States Code, to build upon and strengthen the Committee for Purchase From People Who Are Blind or Severely Disabled to ensure it continues as an essential procurement and employment program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HOYER introduced the following bill; which was referred to the Committee on ______________________________

A BILL

To amend title 41, United States Code, to build upon and strengthen the Committee for Purchase From People Who Are Blind or Severely Disabled to ensure it continues as an essential procurement and employment program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Procurement Improvement Act of 2026".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Disability is a universal human experience that may be acquired by anyone at any time.

(2) People who are blind or have significant disabilities are more likely to face barriers to employment and unemployment, as only 22.7 percent of people with a disability were employed in 2024.

(3) The AbilityOne Program is a key Federal mechanism with the purpose of increasing meaningful employment opportunities for people who are blind or have other significant disabilities by leveraging the Federal Government's priority procurement of certain products and services.

(4) In fiscal year 2025, the AbilityOne Program provided more than 41,000 private sector jobs for people who are blind or have significant disabilities with employment, demonstrating the value and capability of Americans with disabilities in fulfilling critical government missions.

(5) The AbilityOne Program serves as a critical domestic manufacturing base and trusted source of high quality, mission-essential products and services for Federal agencies.

(6) The AbilityOne Program provides a return on investment to the American taxpayer by sup-

porting people with disabilities to pursue meaningful employment, quality training and skills-development, and financial independence.

(7) The statutory framework of the AbilityOne Program has not changed in over 50 years, and updates within procurement and disability policy necessitate revisions to ensure continued alignment.

SEC. 3. CHANGES RELATING TO COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.

(a) IN GENERAL.—Chapter 85 of title 41, United States Code, is amended—

(1) in section 8501—

(A) in paragraph (1)—

(i) in the heading, by striking "BLIND" and inserting "BLIND INDIVIDUAL"; and

(ii) by striking "blind" and inserting "blind individual";

(B) by amending paragraph (3) to read as follows:

"(3) DIRECT LABOR.—The term 'direct labor' means all work required for the provision of products or services procured under this chapter, including work done by participating employees in roles classified as supervisory, technical, or administrative.'';

(C) by striking paragraphs (5), (6), (7), and (8);

(D) by redesignating paragraph (4) as paragraph (5);

(E) by inserting after paragraph (3), the following:

''(4) EMPLOYEE PROFESSIONAL DEVELOPMENT.—The term 'employee professional development' means an activity related to the upskilling, development, or implementation of individualized employee plans that target the desired career growth of participating employees.'';

(F) by redesignating paragraph (9) as paragraph (11); and

(G) by inserting after paragraph (5), as redesignated by subparagraph (F), the following:

''(6) INDIVIDUAL WITH A SIGNIFICANT DISABILITY.—The term 'individual with a significant disability' means an individual—

''(A) described under section 9 of the Rehabilitation Act of 1973 (29 U.S.C. 705));

''(B) who is receiving (or who is eligible to receive) a disability insurance benefit under section 223 of the Social Security Act (42 U.S.C. 423) or a supplemental security income benefit under title XVI of such Act (42 U.S.C. 1381 et seq.) on the basis of disability;

''(C) who is receiving (or who is eligible to receive) benefits under a State plan (or waiver of such plan) under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) on the basis of disability;

''(D) who has a documented disability diagnosed by the Department of Veterans Affairs that constitutes or results in a substantial impediment to employment; or

''(E) who, because of the nature and severity of their disability face barriers to employment, as determined by criteria established by the Commission and consistent with applicable Federal disability law, after consultation with appropriate entities of the Federal Government and taking into account the views of non-Federal Government entities representing individuals with disabilities.

''(7) PARTICIPATING EMPLOYEE.—The term 'participating employee' means an individual who is—

"(A) a blind individual or an individual with a significant disability; and

"(B) employed for work required for the provision of products or services procured under this chapter.

"(8) QUALIFIED NONPROFIT AGENCY.—The term 'qualified nonprofit agency' means an entity that meets all of the criteria described under section 8503(a)(3).

"(9) QUALIFIED NONPROFIT AGENCY FOR BLIND INDIVIDUALS.—The term 'qualified nonprofit agency for blind individuals' means a qualified nonprofit agency operated in the interest of blind individuals.

"(10) QUALIFIED NONPROFIT AGENCY FOR INDIVIDUALS WITH SIGNIFICANT DISABILITIES.—The term 'qualified nonprofit agency for individuals with significant disabilities' means a qualified nonprofit agency operated in the interest of individuals with significant disabilities."; and

(2) in section 8503—

(A) by amending subsection (a) to read as follows:

"(a) PROCUREMENT LIST.—

"(1) MAINTENANCE OF LIST.—The Commission shall maintain and publish in the Federal Register a procurement list. The list shall include the following products and services determined by the Commission to be suitable for the Federal Government to procure pursuant to this chapter:

"(A) Products produced by a qualified nonprofit agency for blind individuals or by a qualified nonprofit agency for individuals with significant disabilities.

"(B) The services those agencies provide.

"(2) CHANGES TO LIST.—

"(A) AUTHORITY.—Subject to subparagraphs (B) through (D), the Commission—

"(i) shall add products or services (or any portion thereof) to the procurement list; and

"(ii) may remove any such products or services (or any portion thereof) from the procurement list.

"(B) ADDITIONS TO LIST FOR LIMITED OR SPECIFIC TIME PERIOD.—

"(i) AUTHORITY.—The Commission may provide at the time that a covered product or service (or any portion thereof) is initially added to the procurement list that such product or service shall be automatically removed from the list at the end of a limited or specific time period not exceeding 5 years.

"(ii) DETERMINATION WITH RESPECT TO TIME-LIMITED ADDITIONS.—In the case that a covered product or service is added to the procurement list for a limited or specific time period under clause (i), the Commission shall determine whether to maintain such product or service on the procurement list upon the expiration of that limited or specific time period.

"(iii) COVERED PRODUCT OR SERVICE.—In this subparagraph, the term 'covered product or service' means the following:

"(I) Any product or service that is a new or emerging lines of business or pilot project.

"(II) Any product or service with respect to which the Commission determines that adding such product or service to the procurement list for a limited or specific time period under clause (i) would encourage the procurement of such product or service by entities of the Federal Government that have historically low procurement of products or services pursuant to this chapter.

"(C) NOTICE.—The Commission shall provide public notice in advance of a change to the procurement list carried out pursuant to subparagraph (A)—

"(i) on the website of the Commission and through the single, governmentwide point of entry (as defined under current section 2.101 of the Federal Acquisition Regulation);

"(ii) not less than—

"(I) 14 calendar days before such change, in the case of an addition of a product or service to the procurement list; and

"(II) 7 calendar days before such change, in the case of a removal of a product or service from the procurement list;

"(iii) in a manner that reasonably describes—

"(I) the proposed change; and

"(II) any limitations or conditions established by the Commission with respect to such change; and

"(iv) that includes—

"(I) the anticipated effective date of the change; and

"(II) the method that interested parties may use to provide comments to the Commission regarding the proposed change.

"(D) ASSESSMENT PRIOR TO REMOVAL FROM PROCUREMENT LIST.—With respect to any product or service on the procurement list that the Federal Government still intends to procure, the Commission shall consider, at a minimum, before removing such product or service from the procurement list the following:

"(i) Whether the product or service is suitable for continued inclusion on the procurement list, including whether—

"(I) the qualified nonprofit agency authorized provide the product or service is capable of satisfactorily providing that product or service; or

"(II) any other qualified nonprofit agency is capable of providing the product or service to the Federal Government in the quantity or timeframe needed by the Federal Government.

"(ii) The impact of the removal of such product or service from the procurement list on the employment mission of the Commission.

"(iii) The economic impact of the removal of the product or service from the list on the participating employees of the qualified nonprofit agency authorized to provide the product or service.

"(E) PRIORITY FOR PRODUCTS FROM QUALIFIED NONPROFIT AGENCIES FOR THE BLIND.—When an entity of the Federal Government purchases products produced and offered for sale by qualified nonprofit agencies, priority shall be given to products produced and offered for sale by qualified nonprofit agencies for blind individuals.

"(3) AUTHORIZATION AND DEAUTHORIZATION OF QUALIFIED NONPROFIT AGENCIES TO PROVIDE A SPECIFIC PRODUCT OR SERVICE ON THE PROCUREMENT LIST.—

"(A) IN GENERAL.—For each product or service added to the procurement list described under paragraph (1), the Commission, in accordance with the regulations promulgated by the Commission pursuant to subparagraph (C)—

"(i) shall authorize one or more entity that meets all of the criteria under subparagraph (B) to provide all or a portion of such product or service to the Federal Government in accordance with section 8504; and

"(ii) may revoke any such authorization.

"(B) QUALIFIED NONPROFIT AGENCY.—The criteria described under this subparagraph are as follows:

"(i) The entity is—

"(I) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

“(II) an agency of a State.

“(ii) During the fiscal year the entity employs participating employees for at least 51 percent of the hours of the direct labor performed under this chapter.

“(iii) The entity provides employee professional development for participating employees employed by the entity.

“(iv) The entity pays each participating employee at a rate which is consistent with that paid to nondisabled peers doing the same job or similar work.

“(C) REGULATIONS.—Not later than one year after the date of the enactment of the American Procurement Improvement Act of 2026, the Commission shall issue regulations establishing criteria and procedures for—

“(i) authorizing qualified nonprofit agencies to provide all or a portion of a product or service on the procurement list in accordance with section 8504, that includes a requirement for the Commission to consider, at minimum, the technical capability, past performance, and provision of employee professional development of a qualified nonprofit agency in making such authorization;

"(ii) revoking such an authorization, that includes, a requirement for the Commission to consider, at a minimum, before revoking such authorization—

"(I) the technical capability of the qualified nonprofit agency authorized to provide the product or service;

"(II) the performance of the qualified nonprofit agency with respect to providing the product or service, as documented in the Contractor Performance Assessment Reporting System, or any successor system;

"(III) the provision of employee professional development by the qualified nonprofit agency; and

"(IV) whether any of the participating employees of the qualified nonprofit agency would lose employment as a result of such revocation;

"(iii) establishing a process to determine whether the criteria and procedures established under clause (ii) for revoking such an authorization are met;

"(iv) establishing a mechanism for revoking an authorization of a qualified nonprofit agency from providing an item or service on the procurement list due to fraud, a contract termination, or an emergency situation; and

"(v) determining whether products or services on the procurement list meet any criteria set forth under chapter 83 of title 41, United States Code (commonly referred to as the Buy American Act), the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.), or the Make PPE in America Act (Public Law 117–58), or any exception or exemption set forth under such laws.

"(D) FAR REVISION.—Not later than one year after the date of enactment of the American Procurement Improvement Act of 2026, the Federal Acquisition Regulation shall be revised to encourage—

"(i) agencies to proactively identify and propose new products and services for addition to the procurement list at any time through the Commission, consistent with the objective of increasing employment opportunities for people who are blind or have significant disabilities; and

"(ii) subcontracting with, by, and between qualified nonprofit agencies.

"(4) NOTICE OF UNSATISFACTORY PERFORMANCE.—In the case that the head of an agency determines using standard government performance measures that a qualified nonprofit agency authorized to provide a product or service on the procurement list has unsatisfactorily provided such product or service to such agency under this chapter, the head of that agency shall—

"(A) provide to the qualified nonprofit agency written notice of such determination and an opportunity to respond to such notice; and

"(B) document such unsatisfactory performance in the Contractor Performance Assessment Reporting System, or any successor system.";

(B) by amending subsection (b) to read as follows:

"(b) PRICE OF PRODUCTS AND SERVICES ON LIST.—

"(1) DETERMINATION.—In determining the price of a product or service on the procurement list that is offered for sale to the Federal Government by a qualified nonprofit agency for blind individuals or qualified nonprofit agency for individuals with significant disabilities, the Commission—

"(A) shall take in account—

"(i) the fair market price of such product or service; and

"(ii) the mission of the Commission to maximize employment opportunities for blind individuals or individuals with significant disabilities, including through employee professional development; and

"(B) may not prioritize purchasing such product or service at the lowest price possible over carrying out such mission; and

"(2) REVISIONS.—The Commission from time to time shall revise its price determinations with respect to those products and services in accordance with changing market conditions.

"(3) NEGOTIATED PRICE.—Notwithstanding paragraph (1), in the case that the head of an entity of the Federal Government intends to procure a product or service on the procurement list and negotiates a price of the product or service with the qualified nonprofit agency authorized to provide such product or service, the Commission may establish that the price of product or service with respect to such procurement is the price negotiated between the head and the qualified nonprofit agency.";

(C) by amending subsection (c) to read as follows:

"(c) CENTRAL NONPROFIT AGENCY OR AGENCIES.— The Commission—

"(1) shall designate one or more central nonprofit agencies to assist in the implementation of this chapter; and

"(2) may not provide any program service fee to a central nonprofit agency designated under paragraph (1) until such agency has entered into a written agreement with the Commission regarding the responsibilities of the agency under such designation.";

(D) in subsection (d)—

(i) by amending paragraph (1) to read as follows:

"(1) shall issue regulations to carry out this chapter, including the regulations required by subsection (g); and"; and

(ii) in paragraph (2), by striking "prescribe" and inserting "issue";

(E) by striking subsection (e); and

(F) by inserting after subsection (d) the following:

"(e) GRACE PERIOD, PHASE-IN PERIOD.—In the case that an entity meets all the criteria described under subsection (a)(3)(B) except for the criterion described in clause (ii) of such subsection with respect to a fiscal year because the entity has vacant positions as a result of participating employees of the entity gaining employment outside of a qualified nonprofit agency in such fiscal year, the entity may make a written request to the Commission for a specified grace period to fill any such positions with other participating employees in order to maintain the status of the entity as a qualified nonprofit agency with respect to such fiscal year.

"(f) MECHANISMS FOR MONITORING TERMINATIONS.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of the American Procurement Improvement Act of 2026, the Commission shall initiate mechanisms to monitor whether any participating employees employed by a qualified nonprofit agency are involuntarily terminated or constructively terminated as a result of the criterion described under subsection (a)(3)(B)(ii).

"(2) CORRECTIVE ACTION.—In the case that the Commission determines under paragraph (1) that any participating employee previously employed by a qualified nonprofit agency was involuntarily or constructively terminated as a result of the criteria under subsection (a)(3)(B)(ii), the Commission shall take corrective action with respect to the agency, including by rescinding any authorization made under section 8503(a) with respect to the agency.

"(g) MECHANISM FOR IMPLEMENTING EMPLOYEE PROFESSIONAL DEVELOPMENT.—

"(1) AUTHORITY.—The Commission may establish a best-practices initiative to expand the availability of employee professional development resources through complementary Federal, State, and local programs and entities for qualified nonprofit agencies.

"(2) MINIMUM REQUIREMENTS.—Any initiative established pursuant to paragraph (1), shall, at a minimum—

"(A) leverage available and underutilized public services to create efficiencies in the administration of the initiative; and

"(B) establish a mechanism for entities to request and receive technical assistance to develop the capacity to provide employee professional development."; and

(3) in section 8504—

(A) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—An entity of the Federal Government intending to procure a product or service on the procurement list referred to in section 8503 shall procure the product or service from the qualified nonprofit agency authorized by the Commission to provide such product or service in accordance with regulations of the Commission and at the price the Commission establishes."; and

(B) by adding at the end the following:

"(c) ANNUAL REPORTS.—Not later than September 30 of each fiscal year, each entity of the Federal Government that procured a product or service from the list referred to in section 8503 in the prior fiscal year shall make publicly available a report on, of total amount of funds obligated for contracts entered by the Federal Government in that fiscal year for procurement of products and services, the percentage of such products and services procured by that entity from the list referred to in section 8503.''.

(b) RELATION TO INTERGOVERNMENTAL SUPPORT AGREEMENTS.—Section 2679 of title 10, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

''(e) EFFECT ON CHAPTER 85 OF TITLE 41.—The Secretary concerned shall ensure that intergovernmental support agreements authorized by this section are not used to circumvent requirements of chapter 85 of title 41.''.

(c) TREATMENT OF PARTICIPATING EMPLOYEES UNDER FEDERAL, STATE, AND LOCAL LABOR AND EMPLOYMENT LAWS.—A participating employee of a qualified nonprofit agency (as such terms are defined under chapter 85 of title 41, United States Code) shall be considered an employee of the qualified nonprofit agency for the purposes of all Federal, State, and local labor or employment laws, regardless of whether the participating employee is a client of rehabilitative services.

(d) IMPROVING PROCUREMENT EFFICIENCY.—

(1) GOVERNMENTWIDE CONTRACT VEHICLE.—Notwithstanding chapter 85 of title 41, United States Code, in the case that two or more qualified nonprofit agencies perform the same service, the Administrator of General Services, in consultation with the Commission for the Employment of Individuals Who are Blind or Have Significant Disabilities, may use a governmentwide contract vehicle for a single contract cycle to procure such service from such agencies.

(2) LIMITATION; AUTHORITY.—Orders awarded under a vehicle described under paragraph (1) may not exceed $50,000,000 total contract value and may be awarded competitively.

(3) RELATIONSHIP TO RANDOLPH-SHEPPARD ACT.—This subsection does not apply the operation of any vending facility on Federal property subject to the Randolph-Sheppard Act (20 U.S.C. 107 et seq.).

(e) TECHNICAL AND CONFORMING CHANGES.—Chapter 85 of title 41, United States Code, is amended—

(1) in the heading, by striking "**COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**" and inserting "**COMMISSION FOR THE EMPLOYMENT OF INDIVIDUALS WHO ARE BLIND OR HAVE SIGNIFICANT DISABILITIES**";

(2) in the table of sections—

(A) in the item related to section 8502, by striking "Committee for Purchase From People Who Are Blind or Severely Disabled" and inserting "Commission for the Employment of Individuals Who are Blind or Have Significant Disabilities"; and

(B) in the item related to section 8503, by striking "Committee" and inserting "Commission";

(3) by striking—

(A) "Committee" each place such term appears and inserting "Commission";

(B) "other severely disabled individuals" each place such term appears and inserting "individuals with significant disabilities";

(C) ''other severely disabled'' each place such term appears and inserting ''individuals with significant disabilities'';

(D) ''severely disabled individuals'' each place such term appears and inserting ''individuals with significant disabilities'';

(E) ''the disabled'' each place such term appears and inserting ''individuals with disabilities'';

(F) ''the blind'' and each place such term appears and inserting ''blind individuals''; and

(G) ''of this title'' each place such term appears;

(4) in section 8501 in paragraph (2)—

(A) in the heading, by striking ''COMMITTEE'' and inserting ''COMMISSION''; and

(B) by striking ''Committee for Purchase From People Who Are Blind or Severely Disabled'' and inserting ''Commission for the Employment of Individuals Who are Blind or Have Significant Disabilities''; and

(5) in section 8502—

(A) in the heading, by striking ''**Committee for Purchase From People Who are Blind or Severely Disabled**'' and inserting "**Commission for the Employment of Individuals Who are Blind or Have Significant Disabilities**";

(B) in subsection (a), by striking "Committee for Purchase From People Who Are Blind or Severely Disabled" and inserting "Commission for the Employment of Individuals Who are Blind or Have Significant Disabilities";

(C) in subsection (b)(5), by striking "severely disabled individuals (other than blind individuals)" and inserting "individuals with significant disabilities"; and

(D) in subsections (c) and (e), by striking "(2), (3), (4), or (5)" and inserting "(2) or (3)".

(f) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Committee for the Purchase From People Who are Blind or Severely Disabled is deemed to refer to the Commission for the Employment of Individuals Who are Blind or Have Significant Disabilities.