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 Tiffany Jiun-Tyan Wu, of Virginia  
 Sarahann Y. Yeh, of Virginia  
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## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CONSTRUCTION CONSENSUS PROCUREMENT IMPROVEMENT ACT OF 2019

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 203, S. 1434.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1434) to prohibit the use of reverse auctions for design and construction services procurements, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the Portman amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1269) was considered and agreed to as follows:

(Purpose: To modify the definition of reverse auction to cover the awarding of contracts and orders that are based solely on the price obtained through the auction process)

On page 3, line 12, strike “, in whole or in part, based” and insert “is solely based”.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1434

*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 “Construction Consensus Procurement Improvement Act of 2019”.

#### SEC. 2. PROHIBITION ON USE OF A REVERSE AUCTION FOR THE AWARD OF A CONTRACT FOR DESIGN AND CONSTRUCTION SERVICES.

(a) FINDING.—Congress finds that, in contrast to a traditional auction in which the buyers bid up the price, sellers bid down the price in a reverse auction.

(b) PROHIBITION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to prohibit the use of reverse auctions for awarding contracts for design and construction services.

(c) DEFINITIONS.—In this section:

(1) The term “design and construction services” means—

(A) site planning and landscape design;  
 (B) architectural and engineering services (as defined in section 1102 of title 40, United States Code);

(C) interior design;

(D) performance of substantial construction work for facility, infrastructure, and environmental restoration projects;

(E) delivery and supply of construction materials to construction sites; or

(F) construction or substantial alteration of public buildings or public works.

(2) The term “reverse auction” means, with respect to any procurement by an executive agency—

(A) a real-time auction conducted through an electronic medium among 2 or more offerors who compete by submitting bids for a supply or service contract, or a delivery order, task order, or purchase order under the contract, with the ability to submit revised lower bids at any time before the closing of the auction; and

(B) the award of the contract, delivery order, task order, or purchase order to the offeror is solely based on the price obtained through the auction process.

### END PLUSH RETIREMENTS ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 274, S. 439.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 439) to allow Members of Congress to opt out of the Federal Employees Retirement System, and allow Members who opt out of the Federal Employees Retirement System to continue to participate in the Thrift Savings Plan.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Government Affairs.

Mr. MCCONNELL. I ask unanimous consent that the Cardin amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1270) was agreed to as follows:

(Purpose: To improve the bill)

On page 2, strike lines 1 through 3 and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Members of Congress Pension Opt Out Clarification Act”.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 439

*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 “Members of Congress Pension Opt Out Clarification Act”.

#### SEC. 2. MAKING FERS OPTIONAL FOR MEMBERS.

(a) IN GENERAL.—

(1) AMENDMENT.—Section 8401(20) of title 5, United States Code, is amended by striking “, and who (in the case)” and all that follows through “2004”.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply with respect to an individual who first serves as a Member of the House of Representatives, including a Delegate or Resident Commissioner to the Congress, on or after the date of enactment of this Act.

(b) CONTINUED PARTICIPATION IN TSP.—

(1) AMENDMENT.—Section 8401(20) of title 5, United States Code, as amended by subsection (a), is further amended—

(A) by striking “term ‘Member’ has” and inserting the following: “term ‘Member’—“(A) has”;

(B) by inserting “, subject to subparagraph (B),” after “except that”;

(C) by adding “and” after the semicolon at the end; and

(D) by adding at the end the following:

“(B) for purposes of subchapter III, has the same meaning as provided in section 2106, without regard to whether the individual elects not to participate in the Federal Employees’ Retirement System.”.

(2) CONFORMING AMENDMENT TO TSP.—Section 8431(a) of title 5, United States Code, is amended by inserting “except as provided in section 8401(20)(B),” after “subchapter.”.

(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to an individual who makes an election described in section 8401(20) of title 5, United States Code, not to participate in the Federal Employees’ Retirement System before, on, or after the date of enactment of this Act.

### DEPARTMENT OF VETERANS AFFAIRS PROVIDER ACCOUNTABILITY ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be discharged from further consideration of S. 221 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 221) to amend title 38, United States Code, to require the Under Secretary of Health to report major adverse personnel actions involving certain health care employees to the National Practitioner Data Bank and to applicable State licensing boards, and for other purposes.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the Gardner substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?