

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 87) authorizing the use of Emancipation Hall for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

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

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. MURKOWSKI. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 87) was agreed to.

#### DEPARTMENT OF VETERANS AFFAIRS CONTRACTING PREFERENCE CONSISTENCY ACT

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 4920 and the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 4920) 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.

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.

Ms. MURKOWSKI. I further ask that the Tester substitute amendment 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 with no intervening action or debate.

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

The amendment (No. 1555), in the nature of a substitute, was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Contracting Preference Consistency Act of 2020".

#### SEC. 2. EXCEPTION TO DEPARTMENT OF VETERANS AFFAIRS SMALL BUSINESS CONTRACTING REQUIREMENT FOR CERTAIN GOODS AND SERVICES COVERED UNDER ABILITY ONE PROGRAM.

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

(1) by striking "Except" and inserting "(1) Except";

(2) by inserting "in paragraph (2) and" before "in subsections (b) and (c)"; and

(3) by adding at the end the following new paragraph:

"(2)(A) Notwithstanding paragraph (1) and except as provided by subparagraph (B) of this paragraph, with respect to the procurement of a covered product or service, a contracting officer of the Department shall procure such product or service from a source designated under chapter 85 of title 41, and in accordance with the regulations prescribed under such chapter.

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

"(I) awarded under paragraph (1) after December 22, 2006; and

"(II) in effect on the day before the date of the enactment of the Department of Veterans Affairs Contracting Preference Consistency Act of 2020.

"(ii) Clause (i) shall cease to apply to a covered product or service described in such clause upon a determination of the Secretary that when the current contract for the covered product or service is terminated or expires there is no reasonable expectation that—

"(I) two or more small business concerns owned and controlled by veterans will submit offers as described in paragraph (1); and

"(II) the award can be made at a fair and reasonable price that offers best value to the United States.

"(C) In this paragraph, the term 'covered product or service' means—

"(i) a product or service that—

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

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

"(ii) a product or service that—

"(I) is a replacement for a product or service described under clause (i);

"(II) is essentially the same and meeting the same requirement as the product or service being replaced; and

"(III) a contracting officer determines meets the quality standards and delivery schedule of the Department."

(b) CONFORMING AMENDMENTS.—Such section is further amended in each of sub-

sections (b) and (c), by striking "For" and inserting "Except as provided in subsection (d)(2), for".

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

The bill (H.R. 4920), as amended, was ordered to a third reading, was read the third time, and passed.

#### ORDERS FOR MONDAY, MARCH 16, 2020

Ms. MURKOWSKI. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, March 16; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be approved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate resume consideration of the motion to proceed to H.R. 6172; and that notwithstanding rule XXII, the cloture motion filed during today's session ripen at 5:30 p.m.

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

#### ADJOURNMENT UNTIL MONDAY, MARCH 16, 2020, AT 3 P.M.

Ms. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:53 p.m., adjourned until Monday, March 16, 2020, at 3 p.m.

#### NOMINATIONS

Executive nomination received by the Senate:

##### DEPARTMENT OF ENERGY

MARK WESLEY MENEZES, OF VIRGINIA, TO BE DEPUTY SECRETARY OF ENERGY, VICE DAN R. BROUILLETTE, RESIGNED.

#### CONFIRMATION

Executive nomination confirmed by the Senate March 12, 2020:

##### FEDERAL ENERGY REGULATORY COMMISSION

JAMES P. DANLY, OF TENNESSEE, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2023.