

S. RES. 483

At the request of Mr. ALEXANDER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Res. 483, a resolution designating June 20, 2016, as “American Eagle Day” and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

S. RES. 486

At the request of Mr. RUBIO, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. Res. 486, a resolution commemorating “Cruise Travel Professional Month” in October 2016.

AMENDMENT NO. 4215

At the request of Mr. REID, the names of the Senator from Nevada (Mr. HELLER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 4215 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4222

At the request of Ms. MURKOWSKI, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of amendment No. 4222 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4426

At the request of Mr. KIRK, his name was added as a cosponsor of amendment No. 4426 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4441

At the request of Mr. KIRK, his name was added as a cosponsor of amendment No. 4441 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4544

At the request of Mr. BOOKER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 4544 intended to be proposed to S. 2943, an original bill to authorize appropri-

tions for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4550

At the request of Mr. GRAHAM, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of amendment No. 4550 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4574

At the request of Mr. WHITEHOUSE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 4574 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4629

At the request of Mr. RUBIO, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of amendment No. 4629 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4675

At the request of Mr. CRUZ, his name was added as a cosponsor of amendment No. 4675 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. BENNET, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Indiana (Mr. DONNELLY), the Senator from South Carolina (Mr. GRAHAM) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 4675 intended to be proposed to S. 2943, supra.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4679. Mr. CARPER submitted an amendment intended to be proposed by him to the

bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4679.** Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 812 and insert the following:

#### **SEC. 812. MICRO-PURCHASE THRESHOLD APPLICABLE TO GOVERNMENT PROCUREMENTS.**

(a) DEPARTMENT OF DEFENSE PROCUREMENTS.—

(1) INCREASED MICRO-PURCHASE THRESHOLD.—

(A) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

#### **“§ 2338. Micro-purchase threshold**

“Notwithstanding subsection (a) of section 1902 of title 41, the micro-purchase threshold for the Department of Defense for purposes of such section is \$5,000.”

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2338. Micro-purchase threshold.”

(2) CONFORMING AMENDMENT.—Section 1902(a) of title 41, United States Code, is amended by striking “For purposes” and inserting “Except as provided in section 2338 of title 10, for purposes”.

(b) OTHER PROCUREMENTS.—

(1) INCREASE IN THRESHOLD.—Section 1902 of title 41, United States Code, is amended—

(A) in subsection (a), by striking “\$3,000” and inserting “\$10,000”; and

(B) in subsections (d) and (e), by striking “not greater than \$3,000” and inserting “with a price not greater than the micro-purchase threshold”.

(c) OMB GUIDANCE.—The Director of the Office of Management and Budget shall update the guidance in Circular A-123, Appendix B, as appropriate, to ensure that agencies—

(1) follow sound acquisition practices when making purchases using the Government purchase card; and

(2) maintain internal controls that reduce the risk of fraud, waste, and abuse in Government charge card programs.

(d) CONVENIENCE CHECKS.—A convenience check may not be used for an amount in excess of one half of the micro-purchase threshold under section 1902(a) of title 41, United States Code, or a lower amount set by the head of the agency, and use of convenience checks shall comply with controls prescribed in OMB Circular A-123, Appendix B.

At the end of subtitle B of title VIII, add the following:

#### **SEC. 829K. PILOT PROGRAMS FOR AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL ITEMS USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.**

(a) AUTHORITY.—

(1) IN GENERAL.—The head of an agency may carry out a pilot program, to be known

as a “commercial solutions opening pilot program”, under which innovative commercial items may be acquired through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

(2) **HEAD OF AN AGENCY.**—In this section, the term “head of an agency” means the following:

- (A) The Secretary of Homeland Security.
- (B) The Administrator of General Services.

(3) **APPLICABILITY OF SECTION.**—This section applies to the following agencies:

- (A) The Department of Homeland Security.
- (B) The General Services Administration.

(b) **TREATMENT AS COMPETITIVE PROCEDURES.**—Use of general solicitation competitive procedures for the pilot program under subsection (a) shall be considered, in the case of the Department of Homeland Security and the General Services Administration, to be use of competitive procedures for purposes division C of title 41, United States Code (as defined in section 152 of such title).

(c) **LIMITATION.**—The head of an agency may not enter into a contract under the pilot program for an amount in excess of \$10,000,000.

(d) **GUIDANCE.**—The head of an agency shall issue guidance for the implementation of the pilot program under this section within that agency. Such guidance shall be issued in consultation with the Office of Management and Budget and shall be posted for access by the public.

(e) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than three years after the date of the enactment of this Act, the head of an agency shall submit to the congressional committees specified in paragraph (3) a report on the activities the agency carried out under the pilot program.

(2) **ELEMENTS OF REPORT.**—Each report under this subsection shall include the following:

(A) An assessment of the impact of the pilot program on competition.

(B) A comparison of acquisition timelines for—

(i) procurements made using the pilot program; and

(ii) procurements made using other competitive procedures that do not use general solicitations.

(C) A recommendation on whether the authority for the pilot program should be made permanent.

(3) **SPECIFIED CONGRESSIONAL COMMITTEES.**—The congressional committees specified in this paragraph are the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(f) **INNOVATIVE DEFINED.**—In this section, the term “innovative” means—

(1) any new technology, process, or method, including research and development; or

(2) any new application of an existing technology, process, or method.

(g) **TERMINATION.**—The authority to enter into a contract under a pilot program under this section terminates on September 30, 2022.

#### SEC. 829L. INNOVATION SET ASIDE PILOT PROGRAM.

(a) **IN GENERAL.**—The Director of the Office of Management and Budget may, in consultation with the Administrator of the Small Business Administration, conduct a pilot program to increase the participation of new, innovative entities in Federal contracting through the use of innovation set-asides.

(b) **AUTHORITY.**—(1) Notwithstanding the competition requirements in chapter 33 of title 41, United States Code, and the set-aside requirements in section 15 of the Small

Business Act (15 U.S.C. 644), a Federal agency other than the Department of Defense, with the concurrence of the Director, may set aside a contract award to one or more new entrant contractors. The Director shall consult with the Administrator prior to providing concurrence.

(2) Notwithstanding any law addressing compliance requirements for Federal contracts—

(A) except as provided in subparagraph (B), a contract award to a new entrant contractor under the pilot program shall be subject to the same relief afforded under section 1905 of title 41, United States Code, to contracts the value of which is not greater than the simplified acquisition threshold; and

(B) for up to five pilots, the Director may authorize an agency to make an award to a new entrant contractor subject to the same compliance requirements that apply to a contractor receiving an award from the Secretary of Defense under section 2371 of title 10 United States Code.

(c) **CONDITIONS FOR USE.**—The authority provided in subsection (b) may be used under the following conditions:

(1)(A) The agency has a requirement for new methods, processes, or technologies, which may include research and development, or new applications of existing methods, processes or technologies, to improve quality, reduce costs, or both; or

(B) Based on market research, the agency has determined that the requirement cannot be easily provided through an existing Federal contract;

(2) The agency intends either to make an award to a small business concern or to give special consideration to a small business concern before making an award to other than a small business; and

(3) The length of the resulting contract will not exceed 2 years.

(d) **NUMBER OF PILOTS.**—The Director may authorize the use of up to 25 innovation set-asides acquisitions.

(e) **AWARD AMOUNT.**—

(1) Except as provided in paragraph (2), the amount of an award under the pilot program under this section may not exceed \$2,000,000 (including any options).

(2) The Director may authorize not more than 5 set-asides with an award amount greater than \$2,000,000 but not greater than \$5,000,000 (including any options).

(f) **GUIDANCE AND REPORTING.**—

(1) The Director shall issue guidance, as necessary, to implement the pilot program under this section.

(2) Within 3 years after the date of the enactment of this Act, the Director, in consultation with the Administrator shall submit to Congress a report on the pilot program under this section. The report shall include the following:

(A) The number of awards (or orders under the Schedule) made under the authority of this section.

(B) For each award (or order)—

(i) the agency that made the award (or order);

(ii) the amount of the award (or order); and

(iii) a brief description of the award (or order), including the nature of the requirement and the innovation produced from the award (or expected if contract performance is not completed).

(g) **SUNSET.**—The authority to award an innovation set-aside under this section shall terminate on December 31, 2020.

(h) **DEFINITION.**—For purposes of this section, the term “new entrant contractor”, with respect to any contract under the program, means an entity that has not been awarded a Federal contract within the 5-year period ending on the date on which a solicitation for that contract is issued under the program.

#### SEC. 829M. OTHER TRANSACTION AUTHORITY FOR DEPARTMENT OF HOMELAND SECURITY.

Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking “Until September 30, 2016,” and inserting “Until September 30, 2021,”; and

(2) in subsection (c)(1), by striking “September 30, 2016,” and inserting “September 30, 2021,”.

#### PRIVILEGES OF THE FLOOR

Mr. TESTER. Mr. President, I ask unanimous consent that Max DiPietro, an Air Force Fellow in my office, be granted floor privileges for the remainder of this Congress.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 487 only, with no other executive business in order.

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

The clerk will report the nomination.

The bill clerk read the nomination of Jennifer M. O'Connor, of Maryland, to be General Counsel of the Department of Defense.

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCONNELL. I know of no further debate on the nomination.

The PRESIDING OFFICER. Hearing no further debate, the question is, Will the Senate advise and consent to the O'Connor nomination?

The nomination was confirmed.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### SAFE PIPES ACT

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate a message from the House to accompany S. 2276.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 2276) entitled “An Act to amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes,” do pass with an amendment.