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No. 203

House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Ms. McCOLLUM).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 16, 2019.

I hereby appoint the Honorable BETTY MCCOLLUM to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2019, the Chair would now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at noon), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. SCHAKOWSKY) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

In Your Word, You have implored us to have no fear, for You are with us.

Help us to put our trust in You and thus live up to our motto, which faces this assembly as a constant call to us. Bless all the peacemakers of our world. May Your eternal spirit be with them and with us always.

May Your special blessings be upon the Members of this assembly, in the important and difficult work they are given to do. Give them wisdom and charity, that they might work together for the common good.

May all that is done this day in the people's House be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 7(a) of House Resolution 758, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. DUNN) come forward and lead the House in the Pledge of Allegiance.

Mr. DUNN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HONORING THE LIFE OF JAMES MONTGOMERY

(Mr. DUNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNN. Madam Speaker, I rise today to recognize Mr. James Horace Montgomery of Lake City, Florida, who I am sad to say recently passed away at the age of 86.

Mr. Montgomery, affectionately known as "Mr. Mont," graduated from

Columbia High School in 1951 and would later teach at several schools in Lake City, including the high school he graduated from and Florida Gateway College. He dedicated 60 years in all to educating our youth and was a role model to every student with whom he crossed paths.

Mr. Montgomery also devoted much of his life to the First Presbyterian Church, singing in the choir for over 50 years. He was an Eagle Scout, served as a county commissioner for 28 years, and was on the North Florida Regional Council for 27 years.

Mr. Mont will be missed by his entire community, but his legacy and the impact that he made will never be forgotten.

Madam Speaker, please join me in recognizing and honoring the life of Mr. Montgomery.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 5430, UNITED STATES-MEXICO-CANADA AGREEMENT IMPLEMENTATION ACT

Ms. McCOLLUM. Madam Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 5430); that the bill be considered as read; that the bill be debatable for 2 hours equally divided and controlled by the majority leader and the minority leader or their respective designees; and that, pursuant to section 151 of the Trade Act of 1974, the previous question be considered as ordered on the bill to final passage without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Minnesota?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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declares the House in recess until approximately 2:45 p.m. today.

Accordingly (at 2 o'clock and 4 minutes p.m.), the House stood in recess.

□ 1445

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. SCHAKOWSKY) at 2 o'clock and 45 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

DEPARTMENT OF VETERANS AFFAIRS CONTRACTING PREFERENCE CONSISTENCY ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the 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 Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4920

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 "Department of Veterans Affairs Contracting Preference Consistency Act".

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), 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) 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 subsections (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 SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on H.R. 4920.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bipartisan legislation sponsored by Ranking Member ROE and me, and 17 other cosponsors, would provide critically needed relief for nonprofit companies that employ blind and disabled workers under the AbilityOne Program.

Approximately 2,000 blind and disabled Americans, including many veterans, are employed under VA's AbilityOne contracts. Without this legislation, these nonprofit companies will likely lose their VA contracts because they will lose their award preference. This bill would only exempt or grandfather the existing AbilityOne VA contracts from losing their preference so these employees would keep their jobs. It will not expand the program.

VA expends approximately \$27 billion on contracts and government purchase cards for goods and services. Of this spending, only about \$100 million is spent on contracts with AbilityOne nonprofit businesses. Approximately \$5 billion is spent on contracts with veteran-owned small businesses, many owned by disabled veterans.

In other words, VA's AbilityOne contracts are a very small percentage of the Department's spending. However, the program is vital for the 2,000 blind and otherwise disabled individuals employed through AbilityOne.

This committee has long championed the Veterans First Contracting Program and providing more opportunities for veteran-owned small businesses to do business with the Federal Government.

This legislation means we can support both the Veterans First and AbilityOne programs that employ and increase economic opportunities for veterans and individuals with disabilities.

This bill was approved unanimously by the Committee on Veterans' Affairs and is supported by the Blinded Veterans Association, National Federation of the Blind, American Council of the Blind, National Industries for the Blind, National Association for the Employment of People Who Are Blind, SourceAmerica, and National Council of SourceAmerica Employers.

Madam Speaker, I urge my colleagues to support this very important legislation, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 4920, the VA Contracting Preference Consistency Act.

I thank Chairman TAKANO for introducing the legislation, which would preserve employment opportunities for the blind and severely disabled who rely on VA contracts.

This bill addresses a technical conflict between the AbilityOne Program and the VA Veterans First program. I am sorry to say that this conflict exists because of Congress' oversight in the drafting of the Veterans Benefits, Health Care, and Information Technology Act of 2006. Whereas earlier legislation was clear about the legislation between the AbilityOne and the service-disabled, veteran-owned small businesses contracting programs, the 2006 act was silent. The result has been a series of lawsuits beginning in 2017.

I wish this conflict did not exist, but the fact is, it does, and it still does. It has put the jobs of over 2,000 individuals who are blind or severely disabled potentially at risk. These are vulnerable populations with an unemployment rate that hovers around 70 to 80 percent.

The bill's solution is simple and equitable. It preserves only the AbilityOne work that was being performed in VA as of December 22, 2006, when the Veterans Benefits, Health Care, and Information Technology Act of 2006 was enacted, creating the Veterans First Program. No new work will go into the AbilityOne Program. Rather, it will all be reserved for service-disabled, veteran-owned small businesses under the rule of two.

This is very similar to the VA's policy, which balanced the two programs for nearly 10 years. While that policy was effective in practice, it was struck down because it lacked a clear statutory basis.

Unfortunately, there has been a great deal of wrong information circulating about this legislation. Some had alleged that it would abolish the Vets First program or wipe away the Supreme Court's *Kingdomware* decision, and that is simply not true.

The Vets First program is a success story. The volume of VA contracting with veteran-owned small businesses