

I of division F of the Consolidated Appropriations Act of 2016 (Public Law 114–113; 129 Stat. 2493), after receipt by the Under Secretary for Management of notification under that subsection.

“(2) SIGNIFICANT VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule specified in the acquisition program baseline for a major acquisition program, the Under Secretary for Management shall include in the notification required in paragraph (1) a written certification, with supporting explanation, that—

“(A) the program is essential to the accomplishment of the mission of the Department;

“(B) there are no alternatives to the capability or asset provided by the program that will provide equal or greater capability in a more cost-effective and timely manner;

“(C) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

“(D) the management structure for the program is adequate to manage and control cost, schedule, and performance.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 835 the following:

“Sec. 836. Congressional notification and other requirements for major acquisition program breach.”.

### SEC. 3. REPORT ON BID PROTESTS.

(a) DEFINITIONS.—In this section—

(1) the term “appropriate committees of Congress” has the meaning given the term in section 836(a) of the Homeland Security Act of 2002, as added by section 2(a); and

(2) the term “Department” means the Department of Homeland Security.

(b) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department shall conduct a study, in consultation with the Government Accountability Office when necessary, and submit to the appropriate committees of Congress a report on the prevalence and impact of bid protests on the acquisition process of the Department, in particular bid protests filed with the Government Accountability Office and the United States Court of Federal Claims.

(c) CONTENTS.—The report required under subsection (b) shall include—

(1) with respect to contracts with the Department—

(A) trends in the number of bid protests filed with Federal agencies, the Government Accountability Office, and Federal courts and the rate of those bid protests compared to contract obligations and the number of contracts;

(B) an analysis of bid protests filed by incumbent contractors, including the rate at which those contractors are awarded bridge contracts or contract extensions over the period during which the bid protest remains unresolved;

(C) a comparison of the number of bid protests and the outcome of bid protests for—

(i) awards of contracts compared to awards of task or delivery orders;

(ii) contracts or orders primarily for products compared to contracts or orders primarily for services;

(iii) protests filed pre-award to challenge the solicitation compared to those filed post-award;

(iv) contracts or awards with single protestors compared to multiple protestors; and

(v) contracts with single awards compared to multiple award contracts;

(D) a description of trends in the number of bid protests filed as a percentage of con-

tracts and as a percentage of task or delivery orders by the value of the contract or order with respect to—

(i) contracts valued at more than \$300,000,000;

(ii) contracts valued at not less than \$50,000,000 and not more than \$300,000,000;

(iii) contracts valued at not less than \$10,000,000 and not more than \$50,000,000; and

(iv) contracts valued at less than \$10,000,000;

(E) an assessment of the cost and schedule impact of successful and unsuccessful bid protests, as well as delineation of litigation costs, filed on major acquisitions with more than \$100,000,000 in annual expenditures or \$300,000,000 in lifecycle costs;

(F) an analysis of how often bid protestors are awarded the contract that was the subject of the bid protest;

(G) a summary of the results of bid protests in which the Department took unilateral corrective action, including the average time for remedial action to be completed;

(H) the time it takes the Department to implement corrective actions after a ruling or decision with respect to a bid protest, and the percentage of those corrective actions that are subsequently protested, including the outcome of any subsequent bid protest;

(I) an analysis of those contracts with respect to which a company files a bid protest and later files a subsequent bid protest; and

(J) an assessment of the overall time spent on preventing and responding to bid protests as it relates to the procurement process; and

(2) any recommendations by the Inspector General of the Department relating to the study conducted under this section.

### AUTHORITY FOR COMMITTEES TO MEET

Mr. SULLIVAN. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

#### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 9:30 a.m., in SR–328A to conduct a hearing on S. 2099.

#### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 9:30 a.m., in SR–328A to conduct a hearing on the following nominations: Glen R. Smith, of Iowa, to be a Member of the Farm Credit Administration Board, and Stephen Alexander Vaden, of Tennessee, to be General Counsel of the Department of Agriculture.

#### COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, November 9, 2017 at 10 a.m. to conduct a hearing on the following nominations: Robert H. McMahon, of Georgia, to be an Assistant Secretary, R. D. James, of Mis-

souri, and Bruce D. Jette, of Virginia, both to be an Assistant Secretary of the Army, and Shon J. Manasco, of Texas, to be an Assistant Secretary of the Air Force, all of the Department of Defense.

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 10:30 a.m. to conduct a hearing on the nomination of Kirstjen Nielsen, of Virginia, to be Secretary of Homeland Security, Ernest W. Dubester, of Virginia, Colleen Kiko, of North Dakota, and James Thomas Abbott, of Virginia, each to be a Member of the Federal Labor Relations Authority, and Jonathan H. Pittman, to be an Associate Judge of the Superior Court of the District of Columbia.

#### COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 10 a.m., in room SD–226 to conduct a hearing on S. 2070 and the following nominations: Gregory G. Katsas, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, Jeffrey Uhlman Beaverstock, to be United States District Judge for the Southern District of Alabama, Emily Coody Marks, and Brett Joseph Talley, both to be a United States District Judge for the Middle District of Alabama, Holly Lou Teeter, to be United States District Judge for the District of Kansas, and Bobby L. Christine, to be United States Attorney for the Southern District of Georgia, and David J. Freed, to be United States Attorney for the Middle District of Pennsylvania, both of the Department of Justice.

### PRIVILEGES OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that Martin Pippins, a detailee on the Senate Committee on Finance, be granted floor privileges for the duration of this Congress.

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

Mr. PETERS. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following member of my staff, Sarah Anderson, for today's session.

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

### STATE VETERANS HOME ADULT DAY HEALTH CARE IMPROVEMENT ACT OF 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 324 and the Senate proceed to its immediate consideration.

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