

(b) CONTENTS.—In carrying out the assessment in subsection (a), the Administrator shall consider—

(1) technical uncertainty, market dynamics, and equity to both the Government and the contractor community;

(2) the use of positive fee incentives reflecting the level of cost, schedule, and performance risk accepted by the contractor;

(3) the use of negative fee incentives, including provisions providing for less than full cost recovery for work determined to be defective in materials or workmanship or which otherwise fail to conform to contract requirements;

(4) the appropriate use of rollovers;

(5) the appropriate use of retroactive award fee adjustments;

(6) the appropriate use of value engineering;

(7) the use of warranties to ensure that the end product or a specified subproduct of a contract meets the performance requirements of a contract; and

(8) the recovery of costs for the replacement or correction of articles which are defective in materials or workmanship, or which otherwise fail to conform to contract requirements.

SEC. 403. PROMULGATION OF REGULATIONS.

Within twelve months after the date of enactment of this Act, the Administrator, in coordination as necessary with the Office of Federal Procurement Policy and the Federal Acquisition Regulation Council, shall develop regulations for the administration of research and development contracts which propose specific changes to National Aeronautics and Space Administration Procurement Regulations and, as necessary, Federal Acquisition Regulations, in the form of mandatory and optional clauses which—

(1) establish policies and procedures for the use of performance-based contracts, incorporating positive and/or negative fee incentives to the maximum extent practicable; and

(2) establish policies and procedures—

(A) for limiting the use of clauses of the Federal Acquisition Regulations which otherwise obligate the Government to pay for the cost of correction of defects in materials and workmanship and work which otherwise fails to conform to contract requirements, and eliminating the use of such clauses where the defect or failure is within the control of the contractor; and

(B) to provide for less than full cost recovery for work determined to be defective in materials and workmanship or which otherwise fails to conform to contract requirements.

SEC. 404. REPORT.

Within one hundred and eighty days after the date of enactment of this Act, the Administrator shall report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the progress in implementing this title.

SEC. 405. DEFINITIONS.

For the purpose of this title—

(1) the term “performance-based contracting” means structuring all aspects of an acquisition around the purpose of the work to be performed as opposed to either the manner by which the work is to be performed or broad statements of work;

(2) the term “positive fee incentive” means that element of the potential total remuneration that a contractor may receive for contract performance over and above the allowable costs;

(3) the term “negative fee incentive” means a rebate payable to the National Aeronautics and Space Administration by a contracting party whose deliverable item or

service is not in conformance with contract requirements or otherwise deemed to be defective work; and

(4) the term “rollover” means the act of reallocating any positive fee incentives not earned by a contractor due to less than excellent performance to subsequent opportunities for award available in the contract.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*, Will the House pass said bill?

The SPEAKER pro tempore, Mr. EDWARDS of California, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶48.10 SUBCOMMITTEE TO SIT

On motion of Ms. OAKAR, by unanimous consent, the Subcommittee on International Finance and Trade of the Committee on Banking, Finance and Urban Affairs was granted permission to sit during the 5-minute rule on Wednesday, May 6, 1992.

¶48.11 PROVIDING FOR THE CONSIDERATION OF H.R. 2039

Mr. DERRICK, by direction of the Committee on Rules, reported (Rept. No. 102-512) the resolution (H. Res. 444) providing for the consideration of the bill (H.R. 2039) to authorize appropriations for the Legal Services Corporation, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶48.12 SENATE JOINT RESOLUTIONS REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 166. Joint resolution designating the week of October 4 through 10, 1992, as “National Customer Service Week”; to the Committee on Post Office and Civil Service.

¶48.13 ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4184. An Act to designate the Department of Veterans Affairs Medical Center located in Northampton, Massachusetts, as the “Edward P. Boland Department of Veterans Affairs Medical Center”.

And then,

¶48.14 ADJOURNMENT

On motion of Mr. DREIER, pursuant to the special order agreed to on April 30, 1992, at 4 o'clock and 33 minutes p.m., the House adjourned until 10 o'clock a.m., Wednesday, May 6, 1992.

¶48.15 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. CONYERS. Committee on Government Operations. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rep. 102-474, Pt. 5). Ordered to be printed.

Mr. ROSTENKOWSKI. Committee on Ways and Means. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rep. 102-474, Pt. 6). Ordered to be printed.

Mr. BROOKS. Committee on the Judiciary. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rep. 102-474, Pt. 7). Ordered to be printed.

Mr. MILLER of California. Committee on Interior and Insular Affairs. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rep. 102-474, Pt. 8). Ordered to be printed.

Mr. BEILENSON. Committee on Rules. House Resolution 444. Resolution providing for the consideration of H.R. 2039, a bill to authorize appropriations for the Legal Services Corporation, and for other purposes (Rep. 102-512). Referred to the House Calendar.

Mr. JONES of North Carolina. Committee on Merchant Marine and Fisheries. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rept. 102-474, Pt. 9). Ordered to be printed.

¶48.16 SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

The Committee on Agriculture discharged from further consideration of H.R. 776; H.R. 776 referred to the Committee of the Whole House on the State of the Union.

¶48.17 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TAUZIN (for himself, Mr. JONES of North Carolina, Mr. STUDDS, Mr. DAVIS, Mr. FIELDS, and Mr. JEFFERSON):

H.R. 5055. A bill to authorize appropriations for the Coast Guard for fiscal year 1993, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ALLEN (for himself, Mr. BILLEY, Mr. MORAN, Mr. BATEMAN, Mr. PAYNE of Virginia, Mr. WOLF, Mr. SISISKY, Mr. OLIN, Mr. BOUCHER, Mr. PICKETT, Mr. HUBBARD, Mr. HORTON, Mr. APPELATE, Mr. JEFFERSON, Mr. SKEEN, Mr. FALCOMA, Mr. ZIMMER, Mr. DEFazio, Mr. OBERSTAR, Mr. HARRIS, Mr. FORD of Tennessee, Mr. COYNE, and Mr. HUGHES):

H.R. 5056. A bill to establish a commission to commemorate the 250th anniversary of the birth of Thomas Jefferson; to the Committee on Post Office and Civil Service.

By Mr. BROWN (for himself, Mrs. MORELLA, and Mr. EVANS):

H.R. 5057. A bill to facilitate the development of an integrated, nationwide telecommunications system dedicated to instruction by guaranteeing the acquisition of a communications satellite system used solely for communications among State and local instructional institutions and agencies and instructional resource providers; to the Committee on Education and Labor.

By Mr. CLAY:

H.R. 5058. A bill to authorize appropriations for the American Folklife Center for fiscal years 1993, 1994, 1995, 1996, and 1997; to the Committee on House Administration.

H.R. 5059. A bill to extend the boundaries of the grounds of the National Gallery of Art

to include the National Sculpture Garden; to the Committee on House Administration.

By Mr. DELLUMS (for himself, Mr. ABERCROMBIE, Mr. BONIOR, Mr. DEFAZIO, Mr. EVANS, Mr. HAYES of Illinois, Mr. MARKEY, Mr. MCDERMOTT, Mr. MFUME, Ms. NORTON, Ms. PELOSI, Mr. SANDERS, Mrs. SCHROEDER, Mr. SERRANO, Mr. STARK, Mr. WASHINGTON, Ms. WATERS, and Mr. WEISS):

H.R. 5060. A bill to amend title 10, United States Code, to establish procedures for the determination of whether members of the Armed Forces should be discharged from military service or reassigned to other duties as conscientious objectors; to the Committee on Armed Services.

By Mr. FASCELL:

H.R. 5061. A bill to establish Dry Tortugas National Park in the State of Florida; to the Committee on Interior and Insular Affairs.

By Mr. IRELAND:

H.R. 5062. A bill to amend title 10, United States Code, to strengthen the requirements with respect to the preparation of independent cost estimates for major defense acquisition programs; to the Committee on Armed Services.

H.R. 5063. A bill to abolish the centralized cost centers that were established by the military departments for the purpose of preparing independent cost estimates for major defense acquisition programs; to the Committee on Armed Services.

By Mr. KOSTMAYER (for himself and Mr. MILLER of California):

H.R. 5064. A bill to amend the Land and Water Conservation Fund Act of 1965 to increase the ability of State and local governments to protect and enhance open spaces, enhance the capability of State and local governments to provide recreational opportunities, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MORRISON:

H.R. 5065. A bill to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes; to the Commission on Energy and Commerce.

By Mr. SCHEUER:

H.R. 5066. A bill to amend the Federal Water Pollution Control Act to expand the research of the Long Island Sound Office of the Environmental Protection Agency; jointly, to the Committees on Science, Space, and Technology and Public Works and Transportation.

By Mr. SENSENBRENNER:

H.R. 5067. A bill to amend temporarily the Harmonized Tariff Schedule of the United States to correct the duty treatment of timing apparatus with opto-electronic display only; to the Committee on Ways and Means.

By Mr. SOLARZ (for himself, Mr. LAGOMARSINO, and Mr. GILMAN):

H.J. Res. 478. Joint resolution designating September 18, 1992, as "National POW/MIA Recognition Day," and authorizing display of the National League of Families POW/MIA flag; jointly, to the Committees on Post Office and Civil Service and Veterans' Affairs.

By Mr. SOLOMON:

H. Con. Res. 315. Concurrent resolution expressing the sense of the Congress with respect to certain proposals of the Environmental Protection Agency to require centralized motor vehicle emissions inspection at facilities which provide no other services; to the Committee on Energy and Commerce.

By Mr. HOLLOWAY:

H. Res. 445. Resolution to terminate funding for certain select committees of the House of Representatives; to the Committee on House Administration.

H. Res. 446. Resolution to abolish certain select committees of the House of Representatives; to the Committee on Rules.

48.18 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. OLIN introduced a bill (H.R. 5068) for the relief of Dallas M. Patterson; which was referred to the Committee on the Judiciary.

48.19 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 304: Mr. RAVENEL.
H.R. 371: Mr. LAROCO.
H.R. 776: Mr. RAMSTAD.
H.R. 784: Mr. NICHOLS.
H.R. 845: Mr. SIKORSKI.
H.R. 875: Mr. MACHTLEY.
H.R. 936: Mr. FAWELL.
H.R. 1245: Mr. BATEMAN and Mr. BROOMFIELD.

H.R. 1378: Mr. DEFAZIO.
H.R. 1393: Mr. HOCHBRUECKNER.
H.R. 1406: Mr. HOPKINS.
H.R. 1460: Mr. DURBIN.
H.R. 1468: Mr. CALLAHAN.
H.R. 1472: Mr. KILDEE.
H.R. 1527: Mr. PALLONE, Mr. MCHUGH, and Mr. SHAYS.

H.R. 1536: Mr. FRANKS of Connecticut.
H.R. 1566: Mr. CRAMER, Mr. NEAL of North Carolina, Mr. VALENTINE, Mr. MCDADE, Mr. ROWLAND, Mr. GINGRICH, and Mr. HUCKABY.
H.R. 1969: Mrs. BOXER and Mr. SERRANO.
H.R. 2086: Mr. ABERCROMBIE, Mr. BILIRAKIS, Ms. MOLINARI, Mr. SOLOMON, and Mr. DEFAZIO.

H.R. 2104: Mr. GALLO.
H.R. 2200: Mr. DOOLITTLE.
H.R. 2363: Mr. SCHEUER and Mr. KENNEDY.
H.R. 2806: Mr. RAVENEL and Mr. QUILLEN.
H.R. 2862: Mr. MC MILLAN of North Carolina.

H.R. 2867: Mr. BUNNING and Mr. RAMSTAD.
H.R. 2924: Mr. PERKINS.
H.R. 3121: Mr. BROWN.
H.R. 3122: Mr. OWENS of Utah and Mr. CALAHAN.

H.R. 3150: Mr. PERKINS.
H.R. 3164: Mr. AU COIN and Mr. RAVENEL.
H.R. 3166: Mr. DICKINSON, Mr. ROE, Mr. TANNER, Mr. INHOFE, Mr. VANDER JAGT, Mrs. MEYERS of Kansas, and Mr. CLEMENT.
H.R. 3373: Mr. MORRISON, Mr. HEFNER, Mr. CAMP, Mr. ALLEN, Mrs. ROUKEMA, Mr. GALLEGLY, Mr. MATSUI, and Mrs. UNSOELD.
H.R. 3517: Mr. FROST and Mr. ROSE.
H.R. 3518: Mr. BILBRAY, Mr. JEFFERSON, Mr. PENNY, Mr. BEILENSON, and Ms. SLAUGHTER.
H.R. 3712: Mr. BURTON of Indiana and Mr. RHODES.

H.R. 3838: Mr. VANDER JAGT, Mr. DORGAN of North Dakota, Mr. DONNELLY, Mrs. LLOYD, Mr. DOOLEY, Mr. IRELAND, Mr. BROWDER, Mr. YOUNG of Alaska, Mr. LEWIS of Florida, Mr. SLATTERY, Mr. SMITH of Texas, Mr. RAMSTAD, Mr. DREIER of California, Mr. JONES of North Carolina, Mr. COX of California, Mr. BARTON of Texas, Mr. DOOLITTLE, Mr. HASTERT, Mr. MCCLOSKEY, and Mr. ARMEY.

H.R. 3937: Mr. SANDERS.
H.R. 3986: Mr. MANTON and Mr. OWENS of New York.

H.R. 4002: Mr. CARDIN.
H.R. 4178: Mr. RICHARDSON, Mr. GORDON, Mrs. MORELLA, and Ms. MOLINARI.
H.R. 4234: Mr. JOHNSON of Texas.
H.R. 4304: Mr. ZELIFF, Mr. TANNER, Mr. EVANS, and Mr. MAZZOLI.

H.R. 4316: Mrs. LLOYD, Mr. KOSTMAYER, Mr. MONTGOMERY, Ms. KAPTUR, Mr. BATEMAN, Mr. ABERCROMBIE, and Mr. MCCLOSKEY.

H.R. 4361: Mr. MOLLOHAN.
H.R. 4405: Mr. MCDERMOTT, Mr. AU COIN, Mr. WILLIAMS, Mr. KOSTMAYER, and Mr. FRANK of Massachusetts.

H.R. 4406: Mr. ROTH, Mr. FORD of Tennessee, and Mr. OXLEY.
H.R. 4427: Mr. GINGRICH, Mr. MANTON, and Mr. ROE.

H.R. 4430: Mr. BILEY.
H.R. 4434: Mr. MRAZEK.
H.R. 4446: Mr. LANCASTER, Mr. BAKER, Mr. FEIGHAN, and Mr. CHAPMAN.
H.R. 4490: Mr. RANGEL, Mr. LIPINSKI, and Mr. STALLINGS.

H.R. 4507: Mr. EDWARDS of California, Mr. HUGHES, Mr. MONTGOMERY, Mr. LANCASTER, Mr. FLAKE, Mr. MCCURDY, Mr. DWYER of New Jersey, Mr. KLECZKA, Mr. HUTTO, Mr. TAYLOR of North Carolina, Mrs. BYRON, Mr. MFUME, Mrs. MORELLA, Mrs. ROUKEMA, Mr. EVANS, Mr. MOORHEAD, Mr. GORDON, Mr. SCHAEFER, Mr. BOEHNER, Mr. STALLINGS, Mr. AU COIN, Mr. MATSUI, and Mr. DICKS.
H.R. 4513: Mr. HORTON and Mr. CUNNINGHAM.

H.R. 4530: Mr. ARMEY and Mr. ZELIFF.
H.R. 4536: Mr. COMBEST and Mr. DAVIS.
H.R. 4553: Mr. EVANS.
H.R. 4587: Mr. LAROCO.
H.R. 4613: Mr. ZELIFF.
H.R. 4725: Mr. LAFALCE and Mr. POSHARD.
H.R. 4754: Mr. STEARNS and Mr. LANCASTER.
H.R. 4775: Mr. DELLUMS, Mr. SANDERS, Mrs. UNSOELD, Mr. TOWNS, Mrs. MINK, Mr. SABO, Mr. JEFFERSON, Mr. JONTZ, Mr. OWENS of New York, and Mr. LAFALCE.

H.R. 4821: Mr. CLEMENT, Mr. LENT, Mr. MCEWEN, Mr. GORDON, Mr. GILCHREST, Mr. SHAYS, Mr. KOPETSKI, Mr. COMBEST, Mr. HOYER, Mr. DARDEN, Mr. HUGHES, Mr. GEJDENSON, Mr. PARKER, Mr. SAXTON, Mr. BOEHLERT, Mr. LEHMAN of Florida, Mr. COSTELLO, Ms. DELAURO, Mr. McMILLEN of Maryland, Mr. GALLO, Mr. HYDE, Mrs. BYRON, Mr. MARTIN, Mr. MCHUGH, Mr. GOSS, Mr. MCDADE, Mr. ROTH, Mr. HATCHER, Mr. BROOMFIELD, Mr. PAYNE of New Jersey, Mr. ROHRBACHER, Mr. FORD of Tennessee, Mr. HAYES of Louisiana, Mr. LIGHTFOOT, Mr. RHODES, Mrs. MEYERS of Kansas, Mr. LIPINSKI, Mr. CAMP, Mr. FISH, Mr. GUNDERSON, Mr. MORAN, Mr. STEARNS, and Mr. FASCELL.
H.R. 4829: Mr. MANTON.
H.R. 4848: Mr. GILMAN.
H.R. 4884: Mr. MANTON and Mr. GREEN of New York.

H.R. 4902: Mr. RINALDO and Mr. ZELIFF.
H.R. 5000: Mr. KASICH and Mr. MURPHY.
H.R. 5012: Mr. MINETA, Mr. LEHMAN of California, Mr. GALLEGLY, Mr. TALLON, Mr. KOPETSKI, Mr. LEWIS of California, and Mr. DE LA GARZA.

H.R. 5039: Mr. STALLINGS and Mr. MORRISON.

H.J. Res. 271: Mr. GILMAN.
H.J. Res. 353: Mr. ANNUNZIO, Mr. HUNTER, Mr. INHOFE, Mrs. MEYERS of Kansas, and Mr. WEISS.

H.J. Res. 391: Mr. PAXON, Mr. MILLER of Washington, Mrs. MEYERS of Kansas, and Ms. NORTON.

H.J. Res. 399: Mr. LANCASTER, Mr. OWENS of Utah, Mr. ORTON, Mr. MARTINEZ, Mr. BARNARD, Mr. MCEWEN, Mr. GRANDY, Mr. HEFNER, Mr. JONES of North Carolina, Mr. RICHARDSON, Mr. LEACH, and Mr. NEAL of North Carolina.

H.J. Res. 411: Mr. MACHTLEY, Mr. PAXON, Mr. PETERSON of Florida, Mrs. COLLINS of Michigan, Mr. NATCHER, and Mr. RIGGS.

H.J. Res. 426: Mr. WELDON, Mr. BALLENGER, Mr. ALEXANDER, Mr. POSHARD, Mr. SPENCE, Mr. MORAN, and Mr. OWENS of New York.

H.J. Res. 429: Mr. PANETTA, Mr. NOWAK, Mr. PURSELL, Mr. GEREN of Texas, Mr. WASHINGTON, Mr. ROBERTS, Mr. LEWIS of California, Mr. COLEMAN of Texas, Mr. JONES of North Carolina, Mr. AU COIN, Mr. TAYLOR of Mississippi, Mr. HAMMERSCHMIDT, Mr. FOLLIETTA, Mr. VALENTINE, Mr. WELDON, Mr. KANJORSKI, Mr. ANNUNZIO, Mr. APPLEGATE, Mrs. JOHNSON of Connecticut, Mr. LAFALCE, Mrs. BENTLEY, Mr. BARNARD, and Mr. EARLY.

H.J. Res. 435: Mr. JEFFERSON, Mr. LENT, Mr. RANGEL, Mr. PASTOR, Mrs. COLLINS of Michigan, Mr. SERRANO, and Mr. WILSON.

H.J. Res. 442: Mr. LEWIS of Florida, Mr. IRELAND, Mr. HASTERT, Mr. LEACH, Mr. SMITH