

PROVIDING FOR THE CONSIDERATION OF H.R. 1670,
FEDERAL ACQUISITION REFORM ACT OF 1995

SEPTEMBER 12, 1995.—Referred to the House Calendar and ordered to be printed

Mr. MCINNIS, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 219]

The Committee on Rules, having had under consideration House Resolution 219, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 1670, the “Federal Acquisition Reform Act of 1995” under an open rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Government Reform and Oversight.

The rule waives points of order against consideration of the bill for failure to comply with section 302(f) (prohibiting spending in excess of a committee’s allocation of new entitlement authority); and 308(a) (requiring an explanation of new entitlement authority in committee report) of the Budget Act.

The rule also makes in order the amendment in the nature of a substitute recommended by the Committee on Government Reform and Oversight as an original bill for the purpose of amendment. The rule provides that the bill be considered by title rather than by section, and provides that the first two sections and each title be considered as read.

The rule waives points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule 21 (prohibiting appropriations in a legislative bill); and section 302(f) (prohibiting spending in excess of a committee’s allocation of new entitlement authority) of the Budget Act.

The rule accords priority in recognition to Members who have preprinted their amendments in the Congressional Record. The rule also allows the Chair to postpone votes in the Committee of the Whole and reduce votes to five minutes, if those votes follow a fifteen-minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

SECTIONS OF H.R. 1670 WHICH ARE SUBJECT TO POINTS OF ORDER

Section 412

The section provides for the selection and appointment of judges for the new Defense and Civilian Boards of Contract Appeals. Subsection (c) provides that compensation for the Chairmen and the Board judges shall be determined under 5 U.S.C. 5372a. Section 5372a of title 5 sets forth the levels of pay for administrative law judges. (Requires a waiver of sections 302(f) and 308(a) of the Congressional Budget Act.)

Section 424

The section provides for the bid protest resolution authority of the Defense and Civilian Boards. Subsection (i) provides the Boards' authority to declare a successful protestor to be entitled to its protest costs. Subsection (i)(2) requires that payments made by an agency to a protestor either pursuant to a settlement agreement or a Board decision be made from the judgment fund established by 31 U.S.C. 1304. The agency must reimburse the judgment fund out of the agency's funds available for procurement. (Requires a waiver of clause 5(a) of rule XXI.)

Section 441

The section provides for the transfer and allocation of personnel, assets and unexpended balance of appropriations, authorizations, allocations, and other funds of the existing agency boards of contract appeals and the GAO bid protest section to the two new Boards. (Requires a waiver of clause 5(a) of rule XXI.)

Section 444

The section provides that any reference to the current Armed Services Board of Contract Appeals (ASBCA) be treated as referring to the new Defense Board and that any reference to a current agency board of contract appeals other than the ASBCA be treated as referring to the Civilian Board. (Requires a waiver of Sections 302(f) and 308(a) of the Congressional Budget Act.)

Section 445

The section provides for the necessary conforming amendments to title 5, title 10, the Federal Property and Administrative Services Act, and the Office of Federal Procurement Policy Act. Subsection (a) provides for a conforming amendment to 5 U.S.C. 5372a concerning the compensation of judges. (Requires a waiver of Sections 302(f) and 308(a) of the Congressional Budget Act.)