

NOT VOTING—42

Bishop (UT)	Goodlatte	Miller (MI)
Boustany	Gowdy	Payne
Brady (TX)	Grayson	Rohrabacher
Carter (TX)	Griffith	Rush
DeLauro	Grijalva	Sanchez, Loretta
Duffy	Gutiérrez	Simpson
Ellmers (NC)	Herrera Beutler	Sinema
Farenthold	Hinojosa	Stutzman
Farr	Hurt (VA)	Takai
Fattah	Kind	Thornberry
Fincher	Labrador	Weber (TX)
Flores	Marchant	Webster (FL)
Forbes	Meeks	Whitfield
Garamendi	Meng	Wilson (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WOMACK) (during the vote). There are 2 minutes remaining.

□ 1902

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRADY of Texas. Mr. Speaker, on roll-call No. 298, I was unavoidably detained and unable to return to Washington, D.C. in time to cast my vote. Had I been present, I would have voted "yes."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5053, PREVENTING IRS ABUSE AND PROTECTING FREE SPEECH ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 5293, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

Mr. STIVERS, from the Committee on Rules, submitted a privileged report (Rept. No. 114-621) on the resolution (H. Res. 778) providing for consideration of the bill (H.R. 5053) to amend the Internal Revenue Code of 1986 to prohibit the Secretary of the Treasury from requiring that the identity of contributors to 501(c) organizations be included in annual returns; and providing for consideration of the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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 the additional motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

NSF MAJOR RESEARCH FACILITY REFORM ACT OF 2016

Mr. LOUDERMILK. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 5049) to provide for improved management and oversight of major multi-user research facilities funded by the National Science Foundation, to ensure transparency and accountability of construction and management costs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5049

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 "NSF Major Research Facility Reform Act of 2016".

SEC. 2. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the Foundation.

(2) FOUNDATION.—The term "Foundation" means the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(3) MAJOR MULTI-USER RESEARCH FACILITY.—The term "major multi-user research facility" means a science and engineering infrastructure construction project that exceeds the lesser of 10 percent of a Directorate's annual budget or \$100,000,000 in total project cost that is funded in the major research equipment and facilities construction account, or any successor thereto.

SEC. 3. MANAGEMENT AND OVERSIGHT OF LARGE FACILITIES.

(a) LARGE FACILITIES OFFICE.—The Director shall maintain a Large Facilities Office. The functions of the Large Facilities Office shall be to support the research directorates in the development, implementation, and assessment of major multi-user research facilities, including by—

(1) serving as the Foundation's primary resource for all policy or process issues related to the development and implementation of major multi-user research facilities;

(2) serving as a Foundation-wide resource on project management, including providing expert assistance on nonscientific and non-technical aspects of project planning, budgeting, implementation, management, and oversight;

(3) coordinating and collaborating with research directorates to share best management practices and lessons learned from prior projects; and

(4) assessing projects during preconstruction and construction phases for cost and schedule risk.

(b) OVERSIGHT OF LARGE FACILITIES.—The Director shall appoint a senior agency official as head of the Large Facilities Office whose responsibility is oversight of the development, construction, and transfer to operations of major multi-user research facilities across the Foundation.

(c) POLICIES FOR LARGE FACILITY COSTS.—

(1) IN GENERAL.—The Director shall ensure that the Foundation's policies for developing and maintaining major multi-user research facility construction costs are consistent with the best practices described in the March 2009 Government Accountability Office Report GAO-09-3SP, or any successor report thereto, the Uniform Guidance in 2 C.F.R. part 200, and the Federal Acquisition Regulation as appropriate.

(2) COST PROPOSAL ANALYSIS.—

(A) GENERAL REQUIREMENT.—The Director shall ensure that an external cost proposal analysis is conducted for any major multi-user research facility.

(B) RESOLUTION OF ISSUES FOUND.—The Director, or a senior agency official within the

Office of the Director designated by the Director, shall certify in writing that all issues identified during the cost analysis, including any findings of unjustified or questionable cost items, are resolved before the Foundation may execute a construction agreement with respect to the project.

(C) TRANSMITTAL TO CONGRESS.—The Director shall transmit each certification made under subparagraph (B) to the Committee on Science, Space, and Technology of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate.

(3) INCURRED COST AUDITS.—The Director shall ensure that an incurred cost audit is conducted at least biennially on any major multi-user research facility, in accordance with Government Auditing Standards as established in Government Accountability Office Report GAO-12-331G, or any successor report thereto, with the first incurred cost audit to commence no later than 12 months after execution of the construction agreement.

(4) CONTINGENCIES.—

(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Foundation shall—

(i) provide oversight for contingency in accordance with Cost Principles Uniform Guidance in 2 C.F.R. part 200.433, or any successor thereto, and the Federal Acquisition Regulation as appropriate, except as provided in this paragraph; and

(ii) not make any award which provides for contributions to a contingency reserve held or managed by the awardee, as defined in 2 C.F.R. part 200.433(c).

(B) UPDATING POLICY MANUAL.—The Foundation shall update its Large Facilities Manual and any other applicable guidance for contingencies on major multi-user research facilities with regard to estimating, monitoring, and accounting for contingency.

(C) FOUNDATION REQUIREMENTS.—The policy updated under subparagraph (B) shall require that the Foundation—

(i) may only include contingency amounts in an award in accordance with Cost Principles Uniform Guidance in 2 C.F.R. part 200.433, or any successor thereto, and the Federal Acquisition Regulation as appropriate; and

(ii) shall retain control over funds budgeted for contingency, but may disburse budgeted contingency funds incrementally to the awardee to ensure project stability and continuity.

(D) AWARDEE REQUIREMENTS.—The policy updated under subparagraph (B) shall require that an awardee shall—

(i) provide verifiable documentation to support any amounts proposed for contingencies; and

(ii) support requests for the release of contingency funds with evidence of a bona fide need and that the amounts allocated to the performance baseline are reasonable and allowable.

(E) CURRENT AWARDEES.—The Foundation shall work with awardees for whom awards with contingency provisions have been made before the date of enactment of this Act—

(i) to determine if any of their use of contingency funds represents out-of-scope changes for which Foundation's prior written approval was not obtained; and

(ii) if out-of-scope changes are found, to identify any financial action that may be appropriate.

(5) MANAGEMENT FEES.—

(A) DEFINITION.—In this paragraph, the term "management fee" means a portion of an award made by the Foundation for the purpose of covering ordinary and legitimate business expenses necessary to maintain