spector general, such submission shall be made as part of the semiannual reports required under section 5 of the Inspector General Act of 1978. Not later than 30 days after the date of the submission of the findings, results, and recommendations to the head of the agency under this subsection, the agency head shall submit the findings, results, and recommendations to Congress.''.

(2) CONFORMING AMENDMENT.—Section 1115(f) of title 31, United States Code, is amended in the matter preceding paragraph (1) by striking ''1119'' and inserting ''1120''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 31, United States Code, is amended by adding at the end the following new item:

''1120. Inspector general review of agency performance plans and performance reports.''.

(c) REQUIREMENT TO USE FULL COSTS AS PERFORMANCE INDICATOR.—Section 1115(a)(4) of title 31, United States Code, is amended by inserting before the semicolon at the end the following: '', which shall include determination of the full costs (as that term is used in the most recent Managerial Cost Accounting Standards of the Federal Financial Accounting Standards) of each program activity''.

(d) LIMITED APPLICABILITY TO FEDERAL RESERVE BOARD AND BANKS.—(1) Section 1115 of title 31, United States Code, is amended by adding at the end the following:

''(g) The Board of Governors of the Federal Reserve System and the Federal Reserve banks—

''(1) shall not be required to submit a performance plan to the Director of the Office of Management and the Budget under this section; and

''(2) shall submit to Congress, not later than March 1 of each year, a performance plan containing the information described in subsection (a), but only with respect to operations and functions that are not directly related to the establishment and conduct of the monetary policy of the United States.''.

(2) Section 1116 of such title is amended by adding at the end the following new subsection:

''(h) Notwithstanding subsection (a), the Federal Reserve Board and the Federal Reserve banks shall not be required to submit a report on program performance to the President under this section.''.

SEC. 4. LIMITATION ON AUTHORITY TO EXEMPT THE COUNCIL ON ENVIRONMENTAL QUALITY.

Section 1117 of title 31, United States Code, is amended by inserting before the period the following: '', except that the Director may not exempt the Council on Environmental Quality''.

SEC. 5. SUBMISSION OF AGENCY FINANCIAL STATEMENTS.

Section 3515(a) of title 31, United States Code, is amended—

(1) by striking ''1997'' and inserting ''1999''; and

(2) by inserting ''the Congress and'' after ''and submit to''.

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. PETRI, announced that the yeas had it.

Mr. KUCINICH objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 242 / Nays 168

¶18.10 [Roll No. 50]

YEAS—242

Aderholt, Archer, Armey, Bachus, Baesler, Baker, Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Bilbray, Bilirakis, Bliley, Blunt, Boehlert, Boehner, Bonilla, Brady, Bryant, Burr, Burton, Buyer, Callahan, Calvert, Camp, Campbell, Canady, Cannon, Castle, Chabot, Chambliss, Chenoweth, Christensen, Coble, Coburn, Collins, Combest, Condit, Cook, Cooksey, Cox, Cramer, Crane, Crapo, Cubin, Cunningham, Danner, Davis (VA), Deal, DeLay, Diaz-Balart, Dickey, Doggett, Doolittle, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, English, Ensign, Everett, Ewing, Fawell, Foley, Forbes, Fossella, Fowler, Fox, Franks (NJ), Frelinghuysen, Gallegly, Ganske, Gekas, Gibbons, Gilchrest, Gillmor, Gilman, Goode, Goodlatte, Goodling, Graham, Granger, Green, Greenwood, Gutknecht, Hall (OH), Hall (TX), Hansen, Hastert, Hastings (WA), Hayworth, Hefley, Herger, Hill, Hilleary, Hobson, Hoekstra, Horn, Hostettler, Houghton, Hulshof, Hunter, Hyde, Inglis, Istook, Jenkins, Johnson (CT), Johnson, Sam, Jones, Kasich, Kelly, Kim, King (NY), Kingston, Klug, Knollenberg, Kolbe, LaHood, Largent, Latham, LaTourette, Lazio, Leach, Lewis (CA), Lewis (KY), Linder, Livingston, LoBiondo, Lucas, Luther, Maloney (CT), Manzullo, McCarthy (MO), McCollum, McCrery, McDade, McHugh, McInnis, McIntosh, McIntyre, McKeon, Metcalf, Mica, Miller (FL), Moran (KS), Morella, Myrick, Nethercutt, Neumann, Ney, Northup, Norwood, Nussle, Oxley, Packard, Pappas, Parker, Paul, Paxon, Pease, Peterson (PA), Petri, Pickering, Pickett, Pitts, Pombo, Porter, Portman, Pryce (OH), Quinn, Radanovich, Ramstad, Regula, Riggs, Riley, Rivers, Rogan, Rogers, Rohrabacher, Ros-Lehtinen, Roukema, Royce, Ryun, Salmon, Sanford, Saxton, Scarborough, Schaefer, Dan, Schaffer, Bob, Sensenbrenner, Sessions, Shadegg, Shaw, Shays, Shimkus, Shuster, Sisisky, Skeen, Skelton, Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Smith, Linda, Snowbarger, Solomon, Souder, Spence, Stabenow, Stearns, Stenholm, Stump, Sununu, Talent, Tauzin, Taylor (MS), Taylor (NC), Thomas, Thornberry, Thune, Tiahrt, Traficant, Upton, Walsh, Wamp, Watkins, Watts (OK), Weldon (FL), Weldon (PA), Weller, White, Whitfield, Wicker, Wolf, Young (AK), Young (FL)

NAYS—168

Abercrombie, Ackerman, Allen, Andrews, Baldacci, Barcia, Barrett (WI), Becerra, Bentsen, Berry, Bishop, Blagojevich, Blumenauer, Bonior, Borski, Boswell, Boucher, Boyd, Brown (FL), Brown (OH), Cardin, Carson, Clay, Clayton, Clement, Clyburn, Conyers, Costello, Coyne, Davis (FL), Davis (IL), DeFazio, DeGette, Delahunt, DeLauro, Deutsch, Dicks, Dingell, Dixon, Dooley, Edwards, Engel, Eshoo, Etheridge, Evans, Farr, Fattah, Fazio, Filner, Ford, Frank (MA), Frost, Gejdenson, Gordon, Gutierrez, Hamilton, Hastings (FL), Hefner, Hilliard, Hinchey, Holden, Hooley, Hoyer, Jackson (IL), Jackson-Lee (TX), Jefferson, Johnson (WI), Johnson, E.B., Kanjorski, Kaptur, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Kilpatrick, Kind (WI), Kleczka, Klink, Kucinich, LaFalce, Lampson, Lantos, Levin, Lewis (GA), Lipinski, Lowey, Maloney (NY), Manton, Markey, Martinez, Mascara, Matsui, McCarthy (NY), McDermott, McGovern, McHale, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Millender-McDonald, Miller (CA), Minge, Mink, Moakley, Mollohan, Moran (VA), Murtha, Neal, Oberstar, Obey, Olver, Ortiz, Owens, Pallone, Pascrell, Pastor, Payne, Pelosi, Peterson (MN), Pomeroy, Price (NC), Rahall, Rangel, Reyes, Rodriguez, Roemer, Rothman, Roybal-Allard, Rush, Sabo, Sanders, Sandlin, Sawyer, Schumer, Scott, Serrano, Sherman, Skaggs, Slaughter, Smith, Adam, Snyder, Spratt, Stark, Stokes, Strickland, Stupak, Tauscher, Thompson, Thurman, Tierney, Torres, Towns, Turner, Velazquez, Vento, Visclosky, Waters, Watt (NC), Waxman, Wexler, Weygand, Wise, Woolsey, Wynn, Yates

NOT VOTING—20

Berman, Brown (CA), Bunning, Cummings, Doyle, Furse, Gephardt, Gonzalez, Goss, Harman, Hinojosa, Hutchinson, John, Lofgren, Nadler, Poshard, Redmond, Sanchez, Schiff, Tanner

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.

¶18.11 TUCKER ACT SHUFFLE

The SPEAKER pro tempore, Mr. THOMAS, pursuant to House Resolution 383 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 992) to end the Tucker Act shuffle.

Mrs. EMERSON, Acting Chairman, assumed the chair; and after some time spent therein,

¶18.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. WATT of North Carolina:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tucker Act Shuffle Relief Act of 1998''.

SEC. 2. TUCKER ACT SHUFFLE RELIEF.

(a) IN GENERAL.—

(1) GRANT OF JURISDICTION TO UNITED STATES DISTRICT COURTS.—The United States district courts shall have original ju-

risdiction to hear and determine all claims, notwithstanding the dollar amount, arising out of an agency action alleged to constitute a taking without just compensation under the fifth article of amendment to the Constitution of the United States.

(2) ELECTION BY PLAINTIFF.—The plaintiff may elect to file separate actions relating to such claims in the United States district court and the Court of Federal Claims, or may consolidate all such claims in the United States district court.

(3) PRECLUSIVE OR EXCLUSIVE REVIEW.—Nothing in this section shall be construed to affect any provision of a Federal statute which gives preclusive or exclusive jurisdiction of a specific cause of action to the United States court of appeals or to specific United States district courts.

(4) APPEALS.—Any appeal to a ruling by the United States district court shall be heard in accordance with section 1291 of title 28, United States Code.

(b) DEFINITIONS.—As used in this Act, the term—

(1) ''agency'' means a department, agency, independent agency, or instrumentality of the United States, including any military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the United States Government; and

(2) ''agency action'' means any action or decision taken by an agency.

SEC. 3. CLARIFICATION OF LIMITATION ON FEDERAL CLAIMS COURT JURISDICTION BECAUSE OF PENDING CLAIMS IN OTHER COURTS.

Section 1500 of title 28, United States Code, is amended by inserting '', arising from the same operative facts and seeking the same relief,'' after ''any suit or process''.

Amend the title so as to read: ''A bill to end the Tucker Act shuffle, and for other purposes.''.

It was decided in the negative ..... { Yeas ..... 206 / Nays 206

¶18.13 [Roll No. 51]

AYES—206

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brown (FL)
Brown (OH)
Campbell
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Ehlers
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Leach
Levin
Lewis (GA)
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—206

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Boswell
Brady
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Foley
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gingrich
Goode
Goodlatte
Goodling
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manzullo
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Berman
Brown (CA)
Bunning
Furse
Gephardt
Gonzalez
Goss
Harman
Hastert
John
Lofgren
Nadler
Poshard
Rangel
Redmond
Sanchez
Schaefer, Dan
Schiff
Tanner

So the amendment in the nature of a substitute was not agreed to.

The SPEAKER pro tempore, Mr. TIAHRT, assumed the Chair.

When Mrs. EMERSON, Acting Chairman, pursuant to House Resolution 383, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tucker Act Shuffle Relief Act of 1997''.

SEC. 2. TUCKER ACT SHUFFLE RELIEF.

(a) IN GENERAL.—

(1) GRANT OF CONCURRENT JURISDICTION.—Except as provided in paragraph (3), the United States district courts and the United States Court of Federal Claims shall each have original jurisdiction to hear and determine all claims (whether for monetary or other relief) arising out of agency action alleged—

(A) to constitute a taking in violation of the fifth article of amendment to the Constitution of the United States; or

(B) not to constitute such a taking only because the action was not in accordance with lawful authority.

(2) ELECTION BY PLAINTIFF.—The plaintiff, by commencing an action under this section, elects which court shall hear and determine those claims as to that plaintiff.

(3) PARTIES INVOLUNTARILY JOINED.—No third party may be involuntarily joined to a case, within the jurisdiction of the Court of Federal Claims by reason of this section, if that party would be entitled to a determination of the claim with respect to which that party is joined by a court established by or under article III of the Constitution of the United States.

(4) PRECLUSIVE REVIEW.—The grant of jurisdiction made by this subsection does not extend to matters over which other Federal law has granted exclusive jurisdiction to one or more United States courts of appeals.

(b) EQUITABLE AND DECLARATORY REMEDIES.—With respect to any claim within its jurisdiction by reason of this section, the Court of Federal Claims shall have the power to grant equitable and declaratory relief when appropriate.

(c) APPEALS.—Any appeal from any action commenced under this section shall be to the United States Court of Appeals for the Federal Circuit.

(d) DEFINITIONS.—As used in this Act, the term—

(1) ''agency'' means a department, agency, independent agency, or instrumentality of the United States, including any military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the United States Government; and

(2) ''agency action'' means any action or decision taken by an agency.

(e) CONFORMING AMENDMENT TO TITLE 28, UNITED STATES CODE, RELATING TO JURISDICTION OVER TORT CLAIMS.—Section 1346(b) of