

## NOT VOTING—18

Ackerman	Johnson (CT)	Redmond
Davis (FL)	Livingston	Sanchez
Furse	Lofgren	Scarborough
Gonzalez	McHugh	Schiff
Harman	Murtha	Tanner
John	Poshard	Weller

So the Journal was approved.

### 118.9 GOVERNMENT PERFORMANCE AND RESULTS TECHNICAL AMENDMENTS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to House Resolution 384 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2883) to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports.

The SPEAKER pro tempore, Mr. LATOURETTE, by unanimous consent, designated Mr. BRADY as Chairman of the Committee of the Whole; and after some time spent therein,

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

When Mrs. EMERSON, Acting Chairman, pursuant to House Resolution 384, 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 "Government Performance and Results Act Technical Amendments of 1998".

#### SEC. 2. AMENDMENTS RELATING TO STRATEGIC PLANS.

(a) CONTENT OF STRATEGIC PLANS.—Section 306(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting before the semicolon "; that is explicitly linked to the statutory or other legal authorities of the agency";

(2) in paragraph (2), by inserting before the semicolon "; that are explicitly linked to the statutory or other legal authorities of the agency"; and

(3) by striking "and" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting a semicolon, and by adding at the end the following new paragraphs:

"(7) a specific identification of any agency functions and programs that are similar to those of more than one component of the agency or those of other agencies, and an explanation of coordination and other efforts the agency has undertaken within the agency or with other agencies to ensure that such similar functions and programs are subject to complementary goals, strategies, and performance measures;

"(8) a description of any major management problems (including but not limited to programs and activities at high risk for waste, abuse, or mismanagement) affecting the agency that have been documented by the inspector general of the agency (or a comparable official, if the agency has no inspector general), the General Accounting Office, and others, and specific goals, strategies, and performance measures to resolve those problems; and

"(9) an assessment by the head of the agency of the adequacy and reliability of the data sources and information and accounting systems of the agency to support its strategic plans under this section and performance plans and reports under sections 1115 and 1116 (respectively) of title 31, and, to the extent that material data or system inadequacies exist, an explanation by the head of the agency of how the agency will resolve them."

(b) RESUBMISSION OF AGENCY STRATEGIC PLANS.—Section 306 of title 5, United States Code, is amended—

(1) in subsection (b), by striking "submitted," and all that follows through the end of the subsection and inserting the following: "submitted. The strategic plan shall be updated, revised, and resubmitted to the Director of the Office of Management and Budget and the Congress by not later than September 30 of 1998 and of every third year thereafter."; and

(2) in subsection (d), by inserting "and updating" after "developing", and by adding at the end thereof: "The agency head shall provide promptly to any committee or subcommittee of the Congress any draft versions of a plan or other information pertinent to a plan that the committee or subcommittee requests."

(c) FORMAT FOR STRATEGIC PLANS.—Section 306 of title 5, United States Code, is amended by redesignating subsection (f) as subsection (g), and by inserting after subsection (e) the following new subsection:

"(f)(1) The strategic plan shall be a single document that covers the agency as a whole and addresses each of the elements required by this section on an agencywide basis. The head of an agency shall format the strategic plans of the agency in a manner that clearly demonstrates the linkages among the elements of the plan.

"(2)(A) The head of each executive department shall submit with the departmentwide strategic plan a separate component strategic plan for each of the major mission-related components of the department. Such a component strategic plan shall address each of the elements required by this section.

"(B) The head of an agency that is not an executive department shall submit separate component plans in accordance with subparagraph (A) to the extent that doing so would, in the judgment of the head of the agency, materially enhance the usefulness of the strategic plan of the agency."

(d) LIMITED APPLICABILITY TO FEDERAL RESERVE BOARD AND BANKS.—(1) Section 306(g) of title 5, United States Code (as redesignated by subsection (c)), is amended by inserting "(including the Board of Governors of the Federal Reserve System and the Federal Reserve banks, 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)" after "105".

(2) Such section is further amended by adding at the end the following new subsection:

"(h) Notwithstanding subsections (a) and (b), the Board of Governors of the Federal Reserve System and the Federal Reserve banks shall not be required to submit a strategic plan under this section to the Director of the Office of Management and Budget."

#### SEC. 3. AMENDMENTS RELATING TO PERFORMANCE PLANS AND PERFORMANCE REPORTS.

(a) GOVERNMENTWIDE PROGRAM PERFORMANCE REPORTS.—Section 1116 of title 31, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) No later than March 31, 2000, and no later than March 31 of each year thereafter,

the Director of the Office of Management and Budget shall prepare and submit to the Congress an integrated Federal Government performance report for the previous fiscal year.

"(2) In addition to such other content as the Director determines to be appropriate, each report shall include actual results and accomplishments under the Federal Government performance plan required by section 1105(a)(29) of this title for the fiscal year covered by the report."

(b) INSPECTOR GENERAL REVIEW OF AGENCY PERFORMANCE PLANS AND PERFORMANCE REPORTS.—

(1) IN GENERAL.—Chapter 11 of title 31, United States Code, is amended by adding at the end the following:

#### "§ 1120. Inspector general review of agency performance plans and performance reports

"(a) The inspector general of each agency (or a comparable official designated by the head of the agency, if the agency has no inspector general) shall develop and implement a plan to review the implementation by the agency of the requirements of sections 1115 and 1116 of this title and section 306 of title 5. The plan shall include examination of the following:

"(1) Agency efforts to develop and use performance measures for determining progress toward achieving agency performance goals and program outcomes described in performance plans prepared under section 1115 of this title and performance reports submitted pursuant to section 1116 of this title.

"(2) Verification and validation of selected data sources and information collection and accounting systems that support agency performance plans and performance reports and agency strategic plans pursuant to section 306 of title 5.

"(b)(1) In developing the review plan and selecting specific performance indicators, supporting data sources, and information collection and accounting systems to be examined under subsection (a), each inspector general (or designated comparable official, as applicable) shall consult with appropriate congressional committees and the head of the agency, including in determining the scope and course of review pursuant to paragraph (2).

"(2) In determining the scope and course of review, consistent with available resources, each inspector general (or designated comparable official, as applicable) shall emphasize those performance measures associated with programs or activities for which—

"(A) there is reason to believe there exists a high risk of waste, fraud, or mismanagement; and

"(B) based on the assessment of the inspector general, review of the controls applied in developing the performance data is needed to ensure the accuracy of those data.

"(c) Each agency inspector general (or designated comparable official, as applicable) shall submit the review plan to the agency head at least annually, beginning no later than October 31, 1998. In the case of reviews by an agency inspector 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 review plan to the agency head under this subsection, the agency head shall submit the review plan to Congress.

"(d) Each agency inspector general (or designated comparable official, as applicable) shall conduct reviews under the plan submitted under subsection (c), and submit findings, results, and recommendations based on those reviews to the head of the agency, by not later than April 30 and October 31 of each year. In the case of reviews by an agency in-

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

NAYS—168

Abercrombie	Blagojevich	Clay
Ackerman	Blumenauer	Clayton
Allen	Bonior	Clement
Andrews	Borski	Clyburn
Baldacci	Boswell	Conyers
Barcia	Boucher	Costello
Barrett (WI)	Boyd	Coyne
Becerra	Brown (FL)	Davis (FL)
Bentsen	Brown (OH)	Davis (IL)
Berry	Cardin	DeFazio
Bishop	Carson	DeGette

Delahunt	Kucinich	Price (NC)
DeLauro	LaFalce	Rahall
Deutsch	Lampson	Rangel
Dicks	Lantos	Reyes
Dingell	Levin	Rodriguez
Dixon	Lewis (GA)	Roemer
Dooley	Lipinski	Rothman
Edwards	Lowey	Roybal-Allard
Engel	Maloney (NY)	Rush
Eshoo	Manton	Sabo
Etheridge	Markey	Sanders
Evans	Martinez	Sandlin
Farr	Mascara	Sawyer
Fattah	Matsui	Schumer
Fazio	McCarthy (NY)	Scott
Filner	McDermott	Serrano
Ford	McGovern	Sherman
Frank (MA)	McHale	Skaggs
Frost	McKinney	Slaughter
Gejdenson	McNulty	Smith, Adam
Gordon	Meehan	Snyder
Gutierrez	Meeke (FL)	Spratt
Hamilton	Meeke (NY)	Stark
Hastings (FL)	Menendez	Stokes
Hefner	Millender	Strickland
Hilliard	McDonald	Stupak
Hinchey	Miller (CA)	Tauscher
Holden	Minge	Thompson
Hoolley	Mink	Thurman
Hoyer	Moakley	Tierney
Jackson (IL)	Mollohan	Torres
Jackson-Lee	Moran (VA)	Towns
(TX)	Murtha	Turner
Jefferson	Neal	Velazquez
Johnson (WI)	Oberstar	Vento
Johnson, E.B.	Obey	Visclosky
Kanjorski	Oliver	Waters
Kaptur	Ortiz	Watt (NC)
Kennedy (MA)	Owens	Waxman
Kennedy (RI)	Pallone	Wexler
Kennelly	Pascrell	Weygand
Kildee	Pastor	Wise
Kilpatrick	Payne	Woolsey
Kind (WI)	Pelosi	Wynn
Klecicka	Peterson (MN)	Yates
Klink	Pomeroy	

NOT VOTING—20

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

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-