

103^D CONGRESS
1ST SESSION

H. R. 826

To provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1993

Mr. CONYERS (for himself, Mr. CLINGER, and Mr. MCDADE) introduced the following bill; which was referred jointly to the Committees on Government Operations and Rules

A BILL

To provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Government Perform-
5 ance and Results Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) waste and inefficiency in Federal programs
9 undermine the confidence of the American people in

1 the Government and reduces the Federal Govern-
2 ment's ability to address adequately vital public
3 needs;

4 (2) Federal managers are seriously disadvan-
5 taged in their efforts to improve program efficiency
6 and effectiveness, because of insufficient articulation
7 of program goals and inadequate information on
8 program performance; and

9 (3) congressional policymaking, spending deci-
10 sions and program oversight are seriously handi-
11 capped by insufficient attention to program perform-
12 ance and results.

13 (b) PURPOSES.—The purposes of this Act are to—

14 (1) improve the confidence of the American peo-
15 ple in the capability of the Federal Government, by
16 systematically holding Federal agencies accountable
17 for achieving program results;

18 (2) initiate program performance reform with a
19 series of pilot projects in setting program goals,
20 measuring program performance against those goals,
21 and reporting publicly on their progress;

22 (3) improve Federal program effectiveness and
23 public accountability by promoting a new focus on
24 results, service quality, and customer satisfaction;

1 (4) help Federal managers improve service de-
2 livery, by requiring that they plan for meeting pro-
3 gram objectives and by providing them with informa-
4 tion about program results and service quality;

5 (5) improve congressional decisionmaking by
6 providing more objective information on achieving
7 statutory objectives, and on the relative effectiveness
8 and efficiency of Federal programs and spending;
9 and

10 (6) improve internal management of the Fed-
11 eral Government, and the intent of this Act is not
12 to create any right or benefit, substantive or proce-
13 dural, enforceable at law by any party against the
14 United States, or any agency or office of the United
15 States.

16 **SEC. 3. STRATEGIC PLANNING.**

17 Chapter 3 of title 5, United States Code, is amended
18 by adding after section 305 the following new section:

19 **“§ 306. Strategic plans**

20 “(a) No later than September 30, 1997, the head of
21 each agency shall submit to the Director of the Office of
22 Management and Budget a strategic plan for program ac-
23 tivities. Such plan shall contain—

1 “(1) a comprehensive mission statement cover-
2 ing the major functions and operations of the
3 agency;

4 “(2) general goals and objectives, including out-
5 come-related goals and objectives, for the major
6 functions and operations of the agency;

7 “(3) a description of how the goals and objec-
8 tives are to be achieved, including a description of
9 the operational processes, skills and technology, and
10 the human, capital, information, and other resources
11 required to meet those goals and objectives;

12 “(4) a description of how the performance goals
13 included in the plan required by section 1115(a) of
14 title 31 shall be related to the general goals and ob-
15 jectives in the strategic plan;

16 “(5) an identification of those key factors exter-
17 nal to the agency and beyond its control that could
18 significantly affect the achievement of the general
19 goals and objectives; and

20 “(6) a description of the program evaluations
21 used in establishing or revising general goals and ob-
22 jectives, with a schedule for future program evalua-
23 tions.

24 “(b) The strategic plan shall cover a period of not
25 less than five years forward from the fiscal year in which

1 it is submitted, and shall be updated and revised at least
2 every three years.

3 “(c) The performance plan required by section 1115
4 of title 31 shall be consistent with the agency’s strategic
5 plan. A performance plan may not be submitted for a fis-
6 cal year not covered by a current strategic plan under this
7 section.

8 “(d) When developing a strategic plan, the agency
9 shall consult with the Congress, and shall solicit and con-
10 sider the views and suggestions of those entities poten-
11 tially affected by or interested in such a plan.

12 “(e) For purposes of this section the term ‘agency’
13 means an Executive agency defined under section 105, but
14 does not include the Central Intelligence Agency, the Gen-
15 eral Accounting Office, the Panama Canal Commission,
16 the United States Postal Service, and the Postal Rate
17 Commission.”.

18 **SEC. 4. ANNUAL PERFORMANCE PLANS AND REPORTS.**

19 (a) BUDGET CONTENTS AND SUBMISSION TO CON-
20 GRESS.—Section 1105(a) of title 31, United States Code,
21 is amended by adding at the end thereof the following new
22 paragraph:

23 “(29) beginning with fiscal year 1999, a Fed-
24 eral Government performance plan for the overall
25 budget as provided for under section 1115.”.

1 (b) PERFORMANCE PLANS AND REPORTS.—Chapter
2 11 of title 31, United States Code, is amended by adding
3 after section 1114 the following new sections:

4 **“§ 1115. Performance plans**

5 “(a) In carrying out the provisions of section
6 1105(a)(29), the Office of Management and Budget shall
7 require each agency to prepare an annual performance
8 plan covering each program activity set forth in the budget
9 of such agency. Such plan shall—

10 “(1) establish performance goals to define the
11 level of performance to be achieved by a program
12 activity;

13 “(2) express such goals in an objective, quan-
14 tifiable, and measurable form unless permitted an
15 alternative form under subsection (b);

16 “(3) describe the operational processes, skills
17 and technology, and the human, capital, information,
18 and other resources required to meet the perform-
19 ance goals;

20 “(4) establish performance indicators to be used
21 in measuring or assessing the relevant outputs, serv-
22 ice levels, and outcomes of each program activity;

23 “(5) provide a basis for comparing actual pro-
24 gram results with the established performance goals;
25 and

1 “(6) describe the means to be used to verify
2 and validate measured values.

3 “(b) If an agency, in consultation with the Office of
4 Management and Budget, determines that it is not fea-
5 sible to express the performance goals for a particular pro-
6 gram activity in an objective and quantifiable form, the
7 Office of Management and Budget may authorize an alter-
8 native form. Such alternative form shall—

9 “(1) include separate descriptive statements
10 of—

11 “(A) a minimally effective program, and

12 “(B) a successful program,

13 with sufficient precision and in such terms that
14 would allow for an accurate, independent deter-
15 mination of whether the program activity’s per-
16 formance meets the criteria of either descrip-
17 tion; or

18 “(2) state why it is infeasible or impractical to
19 express a performance goal in any form for the pro-
20 gram activity.

21 “(c) In preparing a comprehensive and informative
22 plan under this section, an agency may aggregate,
23 disaggregate, or consolidate program activities, provided
24 that any aggregation or consolidation does not omit or

1 minimize the significance of any program activity con-
2 stituting a major function or operation for the agency.

3 “(d) An agency may prepare a classified or non-pub-
4 lic annex to its plan covering program activities or parts
5 of program activities relating to—

6 “(1) national security;

7 “(2) the conduct of foreign affairs; or

8 “(3) the avoidance of interference with criminal
9 prosecution or revenue collection.

10 “(e) For purposes of this section and sections 1116
11 through 1119, and section 9704 the term—

12 “(1) ‘agency’ means an Executive agency de-
13 fined under section 105 of title 5, United States
14 Code, but does not include the Central Intelligence
15 Agency, the General Accounting Office, the Panama
16 Canal Commission, the United States Postal Service,
17 and the Postal Rate Commission;

18 “(2) ‘outcome measure’ refers to an assessment
19 of the results of a program activity compared to its
20 intended purpose;

21 “(3) ‘output measure’ refers to the tabulation,
22 calculation, or recording of activity or effort and can
23 be expressed in a quantitative or qualitative manner;

24 “(4) ‘performance goal’ means a target level of
25 performance expressed as a tangible, measurable ob-

1 jective, against which actual achievement shall be
2 compared, including a goal expressed as a quan-
3 titative standard, value, or rate;

4 “(5) ‘performance indicator’ refers to a particu-
5 lar value or characteristic used to measure output or
6 outcome;

7 “(6) ‘program activity’ means a specific activity
8 or project as listed in the program and financing
9 schedules of the annual budget of the United States
10 Government; and

11 “(7) ‘program evaluation’ means an assessment,
12 through objective measurement and systematic anal-
13 ysis, of the manner and extent to which Federal pro-
14 grams achieve intended objectives.

15 **“§ 1116. Program performance reports**

16 “(a) No later than March 31, 2000, and no later than
17 March 31 of each year thereafter, the head of each agency
18 shall prepare and submit to the President and the Con-
19 gress, a report on program performance for the previous
20 fiscal year.

21 “(b)(1) Each program performance report shall set
22 forth the performance indicators established in the depart-
23 mental or agency performance plan, along with the actual
24 program performance achieved compared with the per-
25 formance goals expressed in the plan for that fiscal year.

1 “(2) If performance goals are specified by descriptive
2 statements of a minimally effective program activity and
3 a successful program activity, the results of such program
4 shall be described in relationship to those categories, in-
5 cluding whether the performance failed to meet the cri-
6 teria of either category.

7 “(c) The report for fiscal year 2000 shall include ac-
8 tual results for the preceding fiscal year, the report for
9 fiscal year 2001 shall include actual results for the two
10 preceding fiscal years, and the report for fiscal year 2002
11 and all subsequent reports shall include actual results for
12 the three preceding fiscal years.

13 “(d) Each report shall—

14 “(1) review the success of achieving the per-
15 formance goals of the fiscal year;

16 “(2) evaluate the performance plan for the cur-
17 rent fiscal year relative to the performance achieved
18 toward the performance goals in the fiscal year cov-
19 ered by the report;

20 “(3) explain and describe, where a performance
21 goal has not been met, including when a program
22 activity’s performance is determined not to have met
23 the criteria of a successful program activity under
24 section 1115(b)(2)—

25 “(A) why the goal was not met;

1 “(B) those plans and schedules for achiev-
2 ing the established performance goal; and

3 “(C) if the performance goal is impractical
4 or infeasible, why that is the case and what ac-
5 tion is recommended;

6 “(4) describe the use and assess the effective-
7 ness in achieving performance goals of any waiver
8 under section 9703 of this title; and

9 “(5) include the summary findings of those pro-
10 gram evaluations completed during the fiscal year
11 covered by the report.

12 “(e) The agency head may include all program per-
13 formance information required annually under this section
14 in an annual financial statement required under section
15 3515 if any such statement is submitted to the Congress
16 no later than March 31 of the applicable fiscal year.

17 **“§ 1117. Exemption**

18 “The Director of the Office of Management and
19 Budget may exempt from the requirements of sections
20 1115 and 1116 and section 306 of title 5, any agency with
21 annual outlays of \$20,000,000 or less.”.

22 **SEC. 5. MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.**

23 (a) MANAGERIAL ACCOUNTABILITY AND FLEXIBIL-
24 ITY.—Chapter 97 of title 31, United States Code, is

1 amended by adding after section 9702, the following new
2 section:

3 **“§ 9703. Managerial accountability and flexibility**

4 “(a) Beginning with fiscal year 1999, the perform-
5 ance plans required under section 1115 may include pro-
6 posals to waive administrative procedural requirements
7 and controls, including specification of personnel staffing
8 levels, limitations on compensation or remuneration, and
9 prohibitions or restrictions on funding transfers among
10 budget object classification 20 and subclassifications 11,
11 12, 31, and 32 of each annual budget submitted under
12 section 1105, in return for specific individual or organiza-
13 tion accountability to achieve a performance goal. In pre-
14 paring and submitting the performance plan under section
15 1105(a)(29), the Office of Management and Budget shall
16 review and may approve any proposed waivers. A waiver
17 shall take effect at the beginning of the fiscal year for
18 which the waiver is approved.

19 “(b) Any such proposal under subsection (a) shall de-
20 scribe the anticipated effects on performance resulting
21 from greater managerial or organizational flexibility, dis-
22 cretion, and authority, and shall quantify the expected im-
23 provements in performance resulting from any waiver. The
24 expected improvements shall be compared to current ac-

1 tual performance, and to the projected level of perform-
2 ance that would be achieved independent of any waiver.

3 “(c) Any proposal waiving limitations on compensa-
4 tion or remuneration shall precisely express the monetary
5 change in compensation or remuneration amounts, such
6 as bonuses or awards, that shall result from meeting, ex-
7 ceeding, or failing to meet performance goals.

8 “(d) Any proposed waiver of procedural requirements
9 or controls imposed by an agency (other than the propos-
10 ing agency or the Office of Management and Budget) shall
11 be endorsed by the agency that established the require-
12 ment, and the endorsement included in the proposing
13 agency’s performance plan.

14 “(e) A waiver shall be in effect for one or two years.
15 A waiver may be renewed for a subsequent year. After a
16 waiver has been in effect for three consecutive years, the
17 performance plan prepared under section 1115 may pro-
18 pose that a waiver, other than a waiver of limitations on
19 compensation or remuneration, be made permanent.”.

20 **SEC. 6. PILOT PROJECTS.**

21 (a) PERFORMANCE PLANS AND REPORTS.—Chapter
22 11 of title 31, United States Code, is amended by inserting
23 after section 1117 (as added by section 4 of this Act) the
24 following new section:

1 **“§ 1118. Pilot projects for performance goals**

2 “(a) The Director of the Office of Management and
3 Budget, after consultation with the head of each agency,
4 shall designate not less than ten agencies as pilot projects
5 in performance measurement for fiscal years 1994, 1995,
6 and 1996. The selected agencies shall reflect a representa-
7 tive range of Government functions and capabilities in
8 measuring and reporting program performance.

9 “(b) Pilot projects in the designated agencies shall
10 undertake the preparation of performance plans under
11 section 1115, and program performance reports under sec-
12 tion 1116, other than section 1116(c), for one or more
13 of the major functions and operations of the agency. A
14 strategic plan shall be used when preparing agency per-
15 formance plans during one or more years of the pilot
16 period.

17 “(c) No later than May 1, 1997, the Director of the
18 Office of Management and Budget shall submit a report
19 to the President and to the Congress which shall—

20 “(1) assess the benefits, costs, and usefulness
21 of the plans and reports prepared by the pilot agen-
22 cies in meeting the purposes of the Government Per-
23 formance and Results Act of 1993;

24 “(2) identify any significant difficulties experi-
25 enced by the pilot agencies in preparing plans and
26 reports; and

1 “(3) set forth any recommended changes in the
2 requirements of the provisions of Government Per-
3 formance and Results Act of 1993, section 306 of
4 title 5, sections 1105, 1115, 1116, 1117, 1119 and
5 9704 of this title, and this section.”.

6 (b) MANAGERIAL ACCOUNTABILITY AND FLEXIBIL-
7 ITY.—Chapter 97 of title 31, United States Code, is
8 amended by inserting after section 9703 (as added by sec-
9 tion 5 of this Act) the following new section:

10 **“§9704. Pilot projects for managerial accountability**
11 **and flexibility**

12 “(a) The Director of the Office of Management and
13 Budget shall designate not less than five agencies as pilot
14 projects in managerial accountability and flexibility for fis-
15 cal years 1995 and 1996. Such agencies shall be selected
16 from those designated as pilot projects under section 1118
17 and shall reflect a representative range of Government
18 functions and capabilities in measuring and reporting pro-
19 gram performance.

20 “(b) Pilot projects in the designated agencies shall
21 include proposed waivers in accordance with section 9703
22 for one or more of the major functions and operations of
23 the agency.

24 “(c) The Director of the Office of Management and
25 Budget shall include in the report to the President and

1 to the Congress required under section 1118(b) the follow-
2 ing—

3 “(1) an assessment of the benefits, costs, and
4 usefulness of increasing managerial and organiza-
5 tional flexibility, discretion, and authority in ex-
6 change for improved performance through a waiver;
7 and

8 “(2) an identification of any significant difficul-
9 ties experienced by the pilot agencies in preparing
10 proposed waivers.

11 “(d) For purposes of this section the definitions
12 under section 1115(e) shall apply.”.

13 (c) PERFORMANCE BUDGETING.—Chapter 11 of title
14 31, United States Code, is amended by inserting after sec-
15 tion 1118 (as added by section 6 of this Act) the following
16 new section:

17 **“§ 1119. Pilot projects for performance budgeting**

18 “(a) The Director of the Office of Management and
19 Budget, after consultation with the head of each agency
20 shall designate not less than five agencies as pilot projects
21 in performance budgeting for fiscal years 1998 and 1999.
22 At least three of the agencies shall be selected from those
23 designated as pilot projects under section 1118, and shall
24 also reflect a representative range of Government func-

1 tions and capabilities in measuring and reporting program
2 performance.

3 “(b) Pilot projects in the designated agencies shall
4 cover the preparation of performance budgets. Such budg-
5 ets shall present, for one or more of the major functions
6 and operations of the agency, the varying levels of per-
7 formance, including outcome-related performance, that
8 would result from different budgeted amounts.

9 “(c) The Director of the Office of Management and
10 Budget shall include, as an alternative budget presen-
11 tation in the budget submitted under section 1105 for fis-
12 cal year 1999, the performance budgets of the designated
13 agencies for this fiscal year.

14 “(d) No later than March 31, 2001, the Director of
15 the Office of Management and Budget shall transmit a
16 report to the President and to the Congress on the per-
17 formance budgeting pilots which shall—

18 “(1) assess the feasibility and advisability of in-
19 cluding a performance budget as part of the annual
20 budget submitted under section 1105;

21 “(2) describe any difficulties encountered by the
22 pilot agencies in preparing a performance budget;

23 “(3) recommend whether legislation requiring
24 performance budgets should be proposed and the
25 general provisions of any legislation; and

1 “(4) set forth any recommended changes in the
2 other requirements of the Government Performance
3 and Results Act of 1993, section 306 of title 5, sec-
4 tions 1105, 1115, 1116, 1117, 1118, and 9704 of
5 this title, and this section.

6 “(e) After receipt of the report required under sub-
7 section (d), the Congress may specify that a performance
8 budget be submitted as part of the annual budget submit-
9 ted under section 1105.”.

10 **SEC. 7. CONGRESSIONAL OVERSIGHT AND LEGISLATION.**

11 (a) **IN GENERAL.**—Nothing in this Act shall be con-
12 strued as limiting the ability of Congress to establish,
13 amend, suspend, or annul a performance goal. Any such
14 action shall have the effect of superseding that goal in the
15 plan submitted under section 1105(a)(29) of title 31,
16 United States Code.

17 (b) **GAO REPORT.**—No later than June 1, 1997, the
18 Comptroller General of the United States shall report to
19 Congress on the implementation of this Act, including the
20 prospects for compliance by Federal agencies beyond those
21 participating as pilot projects under sections 1118 and
22 9704 of title 31, United States Code.

23 **SEC. 8. TRAINING.**

24 The Office of Personnel Management shall, in con-
25 sultation with the Director of the Office of Management

1 and Budget and the Comptroller General of the United
2 States develop a strategic planning and performance
3 measurement training component for its management
4 training program and otherwise provide managers with an
5 orientation on the development and use of strategic plan-
6 ning and program performance measurement.

7 **SEC. 9. APPLICATION OF ACT.**

8 No person who is not an officer or employee of the
9 United States acting in such capacity shall have standing
10 to file any civil action in a court of the United States to
11 enforce any provision or amendment made by this Act. No
12 provision or amendment made by this Act may be con-
13 strued as creating any right, privilege, benefit, or entitle-
14 ment for any person who is not an officer or employee
15 of the United States acting in such capacity.

16 **SEC. 10. TECHNICAL AND CONFORMING AMENDMENT.**

17 (a) AMENDMENT TO TITLE 5, UNITED STATES
18 CODE.—The table of sections for chapter 3 of title 5,
19 United States Code, is amended by adding after the item
20 relating to section 305 the following:

“306. Strategic plans.”.

21 (b) AMENDMENTS TO TITLE 31, UNITED STATES
22 CODE.—

23 (1) AMENDMENT TO CHAPTER 11.—The table
24 of sections for chapter 11 of title 31, United States

1 Code, is amended by adding after the item relating
 2 to section 1114 the following:

- “1115. Performance plans.
- “1116. Program performance reports.
- “1117. Exemptions.
- “1118. Pilot projects for performance goals.
- “1119. Pilot projects for performance budgeting.”.

3 (2) AMENDMENT TO CHAPTER 97.—The table
 4 of sections for chapter 97 of title 31, United States
 5 Code, is amended by adding after the item relating
 6 to section 9702 the following:

- “9703. Managerial accountability and flexibility.
- “9704. Pilot projects for managerial accountability and flexibility.”.

7 (c) AMENDMENT TO TITLE 39, UNITED STATES
 8 CODE.—The table of chapters for part III of title 39,
 9 United States Code, is amended by adding at the end
 10 thereof the following new item:

“28. Strategic planning and performance management 2801”.

11 **SEC. 11. EFFECTIVE DATES AND PROCEDURES.**

12 (a) IN GENERAL.—The provisions of this Act and
 13 amendments made by this Act shall take effect on the date
 14 of the enactment of this Act, except sections 3, 4, 5, 6(c),
 15 and 7 of this Act, and the amendments made by such sec-
 16 tions, shall take effect on the date of enactment of the
 17 resolution described in subsection (b).

18 (b) RESOLUTION APPROVING PERFORMANCE
 19 PLANS.—

20 (1) RESOLUTION DESCRIBED.—A resolution re-
 21 ferred to in subsection (a) is a joint resolution the

1 matter after the resolving clause of which is as fol-
2 lows: “That Congress approves the development of
3 departmental and agency strategic plans, perform-
4 ance plans and reports pursuant to section 306 of
5 title 5, United States Code, sections 1105(a)(29)
6 and 9703 of title 31, United States Code, sections
7 1115, 1116, 1117, and 1119 of title 31, United
8 States Code, and chapter 28 of title 39, United
9 States Code (as amended by sections 3, 4, 5, 6, and
10 7 of the Government Performance and Results Act
11 of 1993).”.

12 (2) INTRODUCTION OF RESOLUTION.—No later
13 than 30 days after the transmittal by the Comptrol-
14 ler General of the United States to the Congress of
15 the report referred to in section 7(b), a resolution as
16 described in paragraph (1) shall be introduced in the
17 Senate by the chairman of the Committee on Gov-
18 ernmental Affairs of the Senate, or by a Member or
19 Members of the Senate designated by such chair-
20 man, and shall be introduced in the House by the
21 chairman of the Committee on Government Oper-
22 ations of the House of Representatives, or by a
23 Member or Members of the House designated by
24 such chairman.

1 (3) REFERRAL.—A resolution described in
2 paragraph (1), shall be referred to the Committee on
3 Governmental Affairs of the Senate and the Com-
4 mittee on Government Operations of the House of
5 Representatives by the President of the Senate or
6 the Speaker of the House of Representatives, as the
7 case may be. The committee shall make its rec-
8 ommendations to the Senate or the House of Rep-
9 resentatives, respectively, within 30 calendar days
10 following the date of such resolution’s introduction.

11 (4) DISCHARGE OF COMMITTEE.—If the com-
12 mittee to which is referred a resolution introduced
13 pursuant to paragraph (2) (or, in the absence of
14 such a resolution, the first resolution introduced
15 with respect to the same departmental or agency
16 plans and reports) has not reported such resolution
17 or identical resolution at the end of 30 calendar days
18 after its introduction, such committee shall be
19 deemed to be discharged from further consideration
20 of such resolution and such resolution shall be
21 placed on the appropriate calendar of the House in-
22 volved.

23 (5) PROCEDURE AFTER REPORT OR DISCHARGE
24 OF COMMITTEE; VOTE ON FINAL PASSAGE.—(A)
25 When the committee has reported, or has been

1 deemed to be discharged (under paragraph (4)) from
2 further consideration of a resolution described in
3 paragraph (1), it is at any time thereafter in order
4 (even though a previous motion to the same effect
5 has been disagreed to) for any Member of the re-
6 spective House to move to proceed to the consider-
7 ation of the resolution. The motion is highly privi-
8 leged and is not debatable. The motion shall not be
9 subject to amendment, or to a motion to postpone,
10 or to a motion to proceed to the consideration of
11 other business. A motion to reconsider the vote by
12 which the motion is agreed to or disagreed to shall
13 not be in order. If a motion to proceed to the consid-
14 eration of the resolution is agreed to, the resolution
15 shall remain the unfinished business of the respec-
16 tive House until disposed of.

17 (B) Debate on the resolution, and on all debat-
18 able motions and appeals in connection therewith,
19 shall be limited to not more than 10 hours, which
20 shall be divided equally between individuals favoring
21 and individuals opposing the resolution. A motion
22 further to limit debate is in order and not debatable.
23 An amendment to, or a motion to postpone, or a mo-
24 tion to recommit the resolution is not in order. A

1 motion to reconsider the vote by which the resolution
2 is passed or rejected shall not be in order.

3 (C) Immediately following the conclusion of the
4 debate on the resolution and a single quorum call at
5 the conclusion of the debate if requested in accord-
6 ance with the rules of the appropriate House, the
7 vote on final passage of the resolution shall occur.

8 (D) Appeals from the decisions of the Chair re-
9 lating to the application of the rules of the Senate
10 or the House of Representatives, as the case may be,
11 to the procedure relating to a resolution described in
12 paragraph (1), shall be decided without debate.

13 (E) If, prior to the passage by one House of a
14 resolution of that House, that House receives a reso-
15 lution with respect to departmental or agency strate-
16 gic plans, performance plans and reports from the
17 other House, then—

18 (i) the procedure in that House shall be
19 the same as if no resolution had been received
20 from the other House; but

21 (ii) the vote on final passage shall be on
22 the resolution of the other House.

23 (F) It shall not be in order in either the Senate
24 or the House of Representatives to consider a resolu-
25 tion described in paragraph (1), or to consider any

1 conference report on such a resolution, unless the
2 Comptroller General of the United States transmits
3 to the Congress a report under section 7(b).

4 (6) RULEMAKING POWER OF CONGRESS.—The
5 provisions of this section are enacted by the Con-
6 gress—

7 (A) as an exercise of the rulemaking power
8 of the Senate and the House of Representatives
9 and as such shall be considered as part of the
10 rules of each House, and shall supersede other
11 rules only to the extent that they are inconsis-
12 tent therewith; and

13 (B) with full recognition of the constitu-
14 tional right of either House to change the rules
15 (so far as they relate to the procedures of that
16 House) at any time, in the same manner, and
17 to the same extent as in the case of any other
18 rule of that House.

○

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