

require action by multiple agencies. The Administration will also turn to existing external networks—including State and local government associations, schools of public policy and management, think tanks, and professional associations—to enlist their assistance on specific problems and in spreading effective performance management practices.

Mr. CUELLAR did a good job last week in the first of these two appearances on the same bill. He said it was something he really wanted to pass. He said it was his bill. I don't think the fact that it is amended would make it less his bill, but it isn't his bill really. It's written by the administration, codified by the Senate, and sent over to us in the 11th hour when, in fact, it could, in the next Congress, actually go through a review process to see if we could actually mandate something more than what the President's doing, if we should mandate what the President is already doing, or, quite frankly, if we should tie the hands of the next President by simply codifying the elective actions of this President.

□ 1510

Now, there was a letter that came purportedly, and I am sure it did, from somebody in the Bush administration. And I will be interested to see when it was written because this President has systematically chosen to make changes in how the last President did performance. I am not going to say that President Bush was the best or that what President Obama is doing is different; but there are differences, and these differences are the elective right of the President to try to do these.

So with all due respect, Madam Speaker, I will still be voting "no" on this second Groundhog Day on this bill. I will still believe that if we had had a chance in the next Congress we could have done better and would have done better.

With that, I reserve the balance of my time.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the House amendment to the Senate amendment with an amendment:

H.R. 3082. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

#### GPRA MODERNIZATION ACT OF 2010—Continued

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. CUELLAR. Madam Speaker, again, I want to thank the ranking member. The letter was written by Robert Shea who worked with President Bush. It was written in June of this year. Mr. Shea still supports the bill as it has been passed by the Senate.

Again, when the bill first passed here, this was a bill that did get some changes. I believe the major change that the gentleman is referring to is a provision that he authored that would have required agencies to evaluate performance goals twice a year. Those provisions added significantly to the cost of the bill. And when this bill first passed the House, it had a \$150 million cost. By taking those provisions, it was reduced down to \$75 million, which is \$15 million a year.

This is a bipartisan bill that updates the 1993 legislation. The original co-sponsors include myself, several other Members, including Congressman PLATTS and Congressman MCCAUL. And in the Senate, Senate supporters that we have are VOINOVICH; COLLINS; WARNER, who took the lead on this, AKAKA, Senator LIEBERMAN, and basically Senator COBURN who had an amendment. So this is a bipartisan bill. It will not add a single penny to the deficit. In fact, it will save taxpayers' dollars. I urge support of it.

I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I ask unanimous consent that we now suspend these and go to the bill that has been received from the Senate. Obviously, the American people are desperately waiting to see us fund a government that is going without money as of midnight tonight and respectfully say that it is appropriate to take up the business of the funding of this government at this time.

The SPEAKER pro tempore. The Chair would entertain such a request only if the gentleman from Texas yields for that purpose.

Mr. ISSA. Will the gentleman from Texas yield for the important work of the American people?

Mr. CUELLAR. I certainly yield.

Mr. ISSA. I hereby make the motion that we do suspend the proceedings and go to—

Mr. CUELLAR. But I do object.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair did not hear the response of the gentleman from Texas.

Mr. CUELLAR. The gentleman objects.

The SPEAKER pro tempore. Objection is heard.

The Chair recognizes the gentleman from California to reclaim his time.

Mr. ISSA. Madam Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point his order.

Mr. ISSA. I believe that the gentleman from Texas yielded time upon your request that you would only consider my request to move to the business of appropriating for this current fiscal year. That motion is still there. He yielded. I would like that motion to be heard that we suspend this and move to the business of appropriations for this fiscal year.

The SPEAKER pro tempore. The Chair heard objection to the unanimous consent request from the gentleman from Texas.

Mr. ISSA. I hereby move—not unanimous consent—that we do so. I make a motion that we suspend and that we move to the business of the American people's funding for this fiscal year.

The SPEAKER pro tempore. The Chair advises the gentleman that such a motion is not admissible.

The Chair continues to recognize the gentleman from California for purposes of debate on the pending motion to concur.

Mr. ISSA. I thank the Speaker.

Madam Speaker, when Robert Johnson Shea recommended this bill before us, it wasn't this bill before us. This is a completely different bill, dramatically changed. So I believe that when people who will come and vote on this consider this, they should discount completely a recommendation from a Bush administration official that speaks to a bill that Mr. CUELLAR authored which bears very little resemblance to this one.

As I said earlier, this bill today simply puts into statute what the President is already on an elective basis doing, ties the hands of a future President without providing any new authority for the President to do a better job.

With that, I reserve the balance of my time.

Mr. CUELLAR. Madam Speaker, Mr. Shea, a Bush appointee, supports this bill even as it has passed the Senate. Again, this is a bipartisan bill supported by both Democrats and Republicans. I ask support of this bill.

I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I think all was said that needed to be said in the 15 minutes a side last week. The only thing that can yet be said in my closing is we are better than this, Madam Speaker. We should not accept something on a closed rule without any possibility of amendment when in fact the Senate took what we had passed, completely amended it, and sent it back completely different.

Madam Speaker, I know that process is not something that is often talked about on this floor as though it is important. But, Madam Speaker, in the next Congress it is clear that process is important, that debate and deliberation is important, that we not simply take what the Senate takes, allow them to change it completely, send it back to us bearing no resemblance, and not have a conference.

If this bill is so important, as Mr. CUELLAR says, that it be passed in a lame duck session, then Madam Speaker, isn't it so important that it should have gone through a conference process or at least that the Senate or House leaders would have come to the committee of jurisdiction and at least asked us what needed to be changed in order to get our support? They didn't have that support.

Like any bill, you will pick off a few Texans for a Texan's bill, or you will pick off a few Members, that doesn't make it bipartisan. It certainly wasn't

bicameral when, in fact, Mr. CUELLAR's bill was rewritten in the Senate; written by the White House, as far as I can tell, to look more like his budget process procedures that he printed back in February; sent back to us so that we could make in statute what the President chooses to do.

Madam Speaker, we are better than that. In the next Congress, I certainly believe that if the House and the Senate have differences of opinions, it is appropriate that it be worked out through a process of conference and not simply take what the Senate sends in a closed rule without anything but meaningless debate. And, Madam Speaker, debate without the opportunity to change one line is simply talking about a foregone conclusion that last Friday the votes were counted.

With that, Madam Speaker, I yield back the balance of my time hopefully for this lame duck session.

Mr. CUELLAR. Madam Speaker, I thank the gentleman for being brief. I appreciate his consideration.

I wrote my dissertation on performance-based budgets in a comparative study of 50 States. I added about 99 percent of all the performance-based budgeting in Texas right before President Bush was the Governor there.

I know this legislation, and this legislation is probably the largest change we have had since 1993. Members, this is a bipartisan bill supported by both Democrats and Republicans in the House and the Senate. So, Madam Speaker, again, I urge all Members to support H.R. 2142.

Mr. PLATTS. Madam Speaker, I rise in support of this Senate-House compromise legislation, which takes important steps to eliminate Federal Government waste. For 4 years I served as the Chairman of the Oversight and Government Reform Subcommittee on Government Management, Finance, and Accountability, where I focused my efforts on making the Federal Government more accountable. My Subcommittee held numerous hearings in which, all too often, accounting errors such as overpayment for services or redundant payments were discovered or where programs were not effectively fulfilling their intended mission.

At a time when the national debt is nearly \$14 trillion, it has never been more apparent that the Federal Government must spend taxpayer dollars wisely. Federal programs must be monitored to ensure that our investments are presenting clear results and those programs that are not performing effectively must be reformed or eliminated. One of the reasons that we find ourselves in such substantial debt today is that Federal programs never end. Both high-performing and low-performing programs continue on, year after year, often with increasing funds. The Federal Government needs a clear evaluation process for each program, the results of which would be used to provide legislators with the information they need to determine which programs should continue on and which should not.

The legislation we are considering today, similar to legislation that I introduced in the 108th Congress, H.R. 3826, and the 109th

Congress, H.R. 185, would require that all Federal agencies work with the Office of Management and Budget, OMB, to clearly identify outcome-based goals and then submit an action plan to achieve these goals. Agencies would be required to conduct quarterly performance assessments outlining how effectively they are working to meet the stated goals, and all information would be made available to Congress and the American people.

In addition, the Government Accountability Office, GAO, would be tasked with performing frequent and detailed evaluations outlining how effective the agency has been in achieving their stated goals. This impartial review of Federal programs will assure that agencies are being good stewards of our Federal taxpayer dollars.

I commend Representative CUELLAR for introducing this bill to ensure that Federal resources are spent efficiently and waste is minimized. Now more than ever, while American families are cutting extraneous expenses from their budgets, the Federal Government must do the same. I hope that all of my colleagues will join with me in supporting this important effort.

Mr. TOWNS. Madam Speaker, I rise in support of H.R. 2142, the Government Efficiency, Effectiveness, and Performance Improvement Act. I applaud Representative CUELLAR for his Herculean efforts in getting this bill through the process.

This is a common sense bill that will improve the performance of the Federal Government. This bill was approved by the Committee on Oversight and Government Reform by voice vote on May 20, 2010. The House passed the bill by voice vote on June 16, 2010. The Senate amended the bill and passed it by unanimous consent on December 16, 2010.

H.R. 2142 modernizes and strengthens the Government Performance and Results Act of 1993. This bill requires the Office of Management and Budget to develop governmentwide priority goals that cut across agency programs. This will help agencies work together to reduce duplication and improve efficiencies.

This bill requires each agency to identify performance goals and to perform frequent performance reviews. This will provide agencies and Congress with the information needed to make responsible decisions regarding priorities and resources. The Senate amendments to the bill will improve the transparency of the performance management process by establishing a single website that will allow Congress and members of the public to access the results of performance assessments.

This legislation provides greater accountability by requiring agencies to consider input from Congress and members of the public when developing priorities and by requiring the Government Accountability Office to report to Congress on agency implementation of this legislation.

The Senate amendments retain important provisions from the House-passed bill establishing performance improvement officers at each agency and establishing a performance improvement council. These are not new ideas as they were required by an Executive Order issued by President George W. Bush. Putting these provisions, as well as the rest of this bill in statute will provide a certain framework for both the current and future administrations.

A vote in favor of this bill is a vote in favor of an efficient, effective government. I urge my colleagues to support this legislation.

□ 1520

Mr. CUELLAR. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1781, the previous question is ordered.

The question is on the motion by the gentleman from Texas (Mr. CUELLAR).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ISSA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the order of the House of today, further proceedings on this question will be postponed.

#### FDA FOOD SAFETY MODERNIZATION ACT

Mr. DINGELL. Mr. Speaker, pursuant to House Resolution 1781, I call up the bill (H.R. 2751) to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles, with the Senate amendments thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate (Mr. CUELLAR) amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the “FDA Food Safety Modernization Act”.

(b) *REFERENCES*.—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) *TABLE OF CONTENTS*.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.

#### TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

Sec. 101. Inspections of records.

Sec. 102. Registration of food facilities.

Sec. 103. Hazard analysis and risk-based preventive controls.

Sec. 104. Performance standards.

Sec. 105. Standards for produce safety.

Sec. 106. Protection against intentional adulteration.

Sec. 107. Authority to collect fees.

Sec. 108. National agriculture and food defense strategy.

Sec. 109. Food and Agriculture Coordinating Councils.

Sec. 110. Building domestic capacity.

Sec. 111. Sanitary transportation of food.

Sec. 112. Food allergy and anaphylaxis management.

Sec. 113. New dietary ingredients.

Sec. 114. Requirement for guidance relating to post harvest processing of raw oysters.