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H. R. 2142

[Report No. 111-504]

To require the review of Government programs at least once every 5 years for purposes of assessing their performance and improving their operations, and to establish the Performance Improvement Council.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2009

Mr. CUELLAR (for himself and Mr. MOORE of Kansas) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

JUNE 14, 2010

Additional sponsors: Ms. HERSETH SANDLIN, Mr. WILSON of Ohio, Mr. BOREN, Mr. BISHOP of Georgia, Mr. CARDOZA, Mr. COSTA, Mr. BOYD, Mr. HILL, Mr. CONNOLLY of Virginia, Ms. KOSMAS, Mr. BOSWELL, Mr. DAVIS of Tennessee, Mr. SHULER, Mr. CHANDLER, Mr. TAYLOR, Mr. HOLDEN, Mrs. DAHLKEMPER, Mr. BACA, Mr. CARNEY, Mr. CHILDERS, Mr. DONNELLY of Indiana, Mr. ELLSWORTH, Ms. GIFFORDS, Mr. MARSHALL, Mr. MICHAUD, Mr. SALAZAR, Mr. SCHRADER, Mr. SPACE, Mr. BRIGHT, Mr. MELANCON, Mr. ARCURI, Mr. TANNER, Mr. KRATOVIL, Mr. ROSS, Mr. THOMPSON of California, Mr. SCOTT of Georgia, Mr. MURPHY of New York, Mr. QUIGLEY, Ms. NORTON, Mr. MATHESON, Mr. SCHIFF, Mr. MINNICK, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. FOSTER, Mr. ALTMIRE, Ms. HARMAN, Mr. McCAUL, Mr. GORDON of Tennessee, Mr. BARROW, Mr. PETERSON, Mr. PLATTS, Mr. NYE, Mr. WELCH, and Mr. MITCHELL

JUNE 14, 2010

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on April 28, 2009]

A BILL

To require the review of Government programs at least once every 5 years for purposes of assessing their performance and improving their operations, and to establish the Performance Improvement Council.

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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
5 *“Government Efficiency, Effectiveness, and Performance*
6 *Improvement Act of 2010”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Agency defined.

*Sec. 4. Sense of Congress regarding the need for increased consultation between
Congress and Federal agencies on performance management
issues.*

Sec. 5. Performance assessments.

Sec. 6. Strategic planning amendments.

Sec. 7. Improving Government performance.

Sec. 8. Assessments and reports.

Sec. 9. Additions to performance plan.

9 **SEC. 2. FINDINGS AND PURPOSES.**

10 (a) *FINDINGS.*—*Congress finds the following:*

11 (1) *Weaknesses in established management proc-*
12 *esses pertaining to the use of information about the*
13 *performance of Federal agencies undermine the con-*
14 *fidence of the American people in the Government*
15 *and reduce the Federal Government’s ability to ade-*
16 *quately address public needs.*

17 (2) *To restore the confidence of the American*
18 *people in its Government and to increase the Federal*
19 *Government’s ability to adequately address vital pub-*
20 *lic needs, the Federal Government must continually*

1 *seek to improve the effectiveness, efficiency, and ac-*
2 *countability of Federal programs.*

3 (3) *With the passage of the Government Perform-*
4 *ance and Results Act of 1993, Congress directed the*
5 *executive branch to seek improvements in the perform-*
6 *ance and accountability of Federal programs by hav-*
7 *ing agencies focus on strategic objectives and annual*
8 *results.*

9 (4) *The requirements of the Government Per-*
10 *formance and Results Act of 1993 have produced an*
11 *infrastructure of outcome-oriented strategic plans,*
12 *performance measures, and accountability reporting*
13 *that serve as a solid foundation for agencies working*
14 *with Congress to achieve long-term strategic goals and*
15 *improve the performance of Federal programs; use of*
16 *those plans and reports to improve outcomes has,*
17 *however, been limited.*

18 (5) *Congressional policy making, spending deci-*
19 *sions, and program oversight have been handicapped*
20 *by insufficient attention to program performance and*
21 *results.*

22 (6) *While improvements have been made in the*
23 *development of outcome-oriented strategic plans, per-*
24 *formance measures, and accountability reporting for*
25 *individual programs, progress is still needed to ensure*

1 *that agency leaders, employees, and delivery partners*
2 *regularly use performance information to improve the*
3 *effectiveness and efficiency of government operations*
4 *and to communicate performance information coher-*
5 *ently and candidly to inform congressional decision-*
6 *making in conducting program authorization, appro-*
7 *priation, and oversight.*

8 *(7) Regular performance assessments, com-*
9 *plemented by periodic assessments of Federal pro-*
10 *grams, provide critical information on whether pro-*
11 *grams are achieving specific performance objectives,*
12 *help Congress and the executive branch identify the*
13 *most pressing policy and program issues, and deter-*
14 *mine if specific legislative, operational, financial, or*
15 *strategic reforms are needed to increase program effec-*
16 *tiveness and efficiency.*

17 *(8) Programs performing similar or duplicative*
18 *functions within a single agency or across multiple*
19 *agencies should be identified and their performance*
20 *and results shared among all such programs to im-*
21 *prove coordination or possible consolidation and, ulti-*
22 *imately, performance and results.*

23 *(9) The performance reporting requirements of*
24 *the Government Performance and Results Act of 1993,*
25 *along with individual performance and account-*

1 *ability reporting requirements contained in legisla-*
2 *tion, are in some cases redundant, and steps should*
3 *be taken to eliminate duplicative performance policies*
4 *and to streamline outdated and unused reports.*

5 *(b) PURPOSES.—The purposes of this Act are as fol-*
6 *lows:*

7 *(1) To improve the Government Performance*
8 *and Results Act of 1993 by implementing perform-*
9 *ance assessment processes that seek to assess Federal*
10 *programs on a periodic basis with a particular focus*
11 *on the following:*

12 *(A) Identification by agency leaders of clear*
13 *priorities and setting of outcome-focused, meas-*
14 *urable, ambitious targets for those priorities.*

15 *(B) Regular goal-focused, data driven per-*
16 *formance assessments to measure progress and*
17 *adjust strategies.*

18 *(C) Accountability expectations that encour-*
19 *age managers to innovate, informed by evidence*
20 *and analysis of experience.*

21 *(D) Transparent, coherent, and candid com-*
22 *munication of results.*

23 *(2) To use relevant performance and related in-*
24 *formation to help agencies make informed manage-*
25 *ment decisions, improve the effectiveness of agency*

1 *and program operations (particularly for those pro-*
2 *grams, projects, and activities that are deemed poorly*
3 *performing), and submit funding requests based on*
4 *evidence and other relevant information.*

5 *(3) To provide congressional policy makers with*
6 *information needed to conduct more effective oversight*
7 *and assist in the improvement of agency operations,*
8 *and to make performance-informed and results-based*
9 *authorization and appropriation decisions that im-*
10 *prove the effectiveness of program operations.*

11 *(4) To establish the Performance Improvement*
12 *Council as a body that will assist in the development*
13 *of performance measurement and management stand-*
14 *ards and assessment methodologies, identify best prac-*
15 *tices in Federal performance management, facilitate*
16 *the exchange of information among agencies on these*
17 *practices, and collaborate on and strengthen the effec-*
18 *tiveness of agency performance improvement efforts.*

19 *(5) To establish agency performance improve-*
20 *ment officers to institutionalize and enhance the stra-*
21 *tegic and performance management activities of Fed-*
22 *eral agencies.*

1 **SEC. 3. AGENCY DEFINED.**

2 *In this Act, the term “agency” means an executive*
3 *agency as defined in section 306 of title 5, United States*
4 *Code.*

5 **SEC. 4. SENSE OF CONGRESS REGARDING THE NEED FOR**
6 **INCREASED CONSULTATION BETWEEN CON-**
7 **GRESS AND FEDERAL AGENCIES ON PER-**
8 **FORMANCE MANAGEMENT ISSUES.**

9 *It is the sense of Congress that the head of each Federal*
10 *agency should make every effort to consult with the commit-*
11 *tees with jurisdiction over the agency and other interested*
12 *members of Congress each fiscal year regarding the perform-*
13 *ance plan and priorities of the agency (required by sections*
14 *1115 and 1120 of title 31, United States Code).*

15 **SEC. 5. PERFORMANCE ASSESSMENTS.**

16 *(a) REQUIREMENT FOR PERFORMANCE ASSESS-*
17 *MENTS.—Chapter 11 of title 31, United States Code, is*
18 *amended by adding at the end the following new section:*

19 **“§ 1120. Performance assessments**

20 *“(a) IDENTIFICATION OF HIGH-PRIORITY PERFORM-*
21 *ANCE GOALS.—For the purpose of improving agency per-*
22 *formance, the head of each Federal agency, in consultation*
23 *with the Director of the Office of Management and Budget,*
24 *shall identify near-term and long-term high-priority goals*
25 *for purposes of this section. In identifying such goals, the*
26 *head of the agency shall—*

1 “(1) *rely on the agency’s mission, strategic plan*
2 *and objectives, and statutory directives;*

3 “(2) *consult with Congress, including each ap-*
4 *propriate committee of Congress;*

5 “(3) *select goals that—*

6 “(A) *clearly identify agency priorities and*
7 *have performance outcomes that can be clearly*
8 *and objectively assessed and measured;*

9 “(B) *are ambitious targets that have high*
10 *direct value to the public;*

11 “(C) *involve indicators for which the agency*
12 *can collect reliable and timely data that may be*
13 *used in performance assessments to measure*
14 *progress and adjust strategies; and*

15 “(D) *involve multiple programs, including*
16 *programs within and across multiple agencies*
17 *that are performing similar functions, serve*
18 *similar populations, have similar purposes, or*
19 *share common objectives, for purposes of identi-*
20 *fying common challenges, exemplary goals and*
21 *practices, common measures of performance, and*
22 *potential opportunities for more effective and ef-*
23 *ficient means of achieving goals, including*
24 *through the integration and consolidation of*
25 *Federal functions; and*

1 “(4) *with respect to a subcomponent of the agen-*
2 *cy, ensure the goals are consistent with the goals of*
3 *the entire agency.*

4 “(b) *PERFORMANCE ASSESSMENTS.—The head of each*
5 *Federal agency, in consultation with the Director of the Of-*
6 *fice of Management and Budget, shall, not less often than*
7 *quarterly for high-priority goals identified in subsection*
8 *(a), and on a semi-annual basis for performance goals es-*
9 *tablished pursuant to section 1115(a)(1) of this title—*

10 “(1) *assess progress toward achieving the goals*
11 *identified under subsection (a) and toward achieving*
12 *the annual performance goals for each program activ-*
13 *ity established pursuant to section 1115(a)(1) of this*
14 *title;*

15 “(2) *assess whether relevant agency programs*
16 *and initiatives are contributing as expected toward*
17 *the goals identified under subsection (a) and the an-*
18 *nuual performance goals for each program activity es-*
19 *tablished pursuant to section 1115(a)(1) of this title;*
20 *and*

21 “(3) *identify prospects and strategies for per-*
22 *formance improvement, including any needed changes*
23 *to agency programs or initiatives.*

24 “(c) *PERFORMANCE ASSESSMENT REQUIREMENTS.—*
25 *In conducting an assessment of agency progress toward*

1 *achieving the goals identified under subsection (a) and to-*
2 *ward achieving the annual performance goals for each pro-*
3 *gram activity established pursuant to section 1115(a)(1) of*
4 *this title, the head of a Federal agency, in consultation with*
5 *the Director of the Office of Management and Budget,*
6 *shall—*

7 “(1) *coordinate with relevant personnel within*
8 *and outside the agency who contribute to the accom-*
9 *plishment of the goals; and*

10 “(2) *encourage innovation and hold leaders and*
11 *managers accountable for effective and efficient imple-*
12 *mentation based on evidence and continuing analysis*
13 *of experience.*

14 “(d) *TRANSPARENCY OF GOALS AND PERFORMANCE*
15 *ASSESSMENTS.—The Director of the Office of Management*
16 *and Budget shall—*

17 “(1) *make available, as part of the President’s*
18 *budget submission and through the Office of Manage-*
19 *ment and Budget website and other relevant websites,*
20 *and provide to the congressional committees described*
21 *in subsection (i)—*

22 “(A) *a list of goals identified under sub-*
23 *section (a) and reviewed by the Director;*

24 “(B) *consistent with section 1115 of this*
25 *title, annual goals defined by objectively measur-*

1 *able outcomes for each program administered in*
2 *whole or in part by the agency;*

3 *“(C) the methods that will be used to make*
4 *progress toward achieving the goals identified*
5 *under subparagraphs (A) and (B);*

6 *“(D) the expected contribution that different*
7 *agency programs and initiatives will make to-*
8 *ward achieving the goals identified under sub-*
9 *paragraphs (A) and (B) and the expected*
10 *timeline for achieving those goals; and*

11 *“(E) the approach that will be used by*
12 *agencies to assess progress toward achieving the*
13 *goals identified under subparagraphs (A) and*
14 *(B);*

15 *“(2) provide a mechanism for interested persons,*
16 *including the general public and members and com-*
17 *mittees of Congress, to submit comments on the goals*
18 *being assessed under subsection (a) and the annual*
19 *performance goals for each program activity estab-*
20 *lished pursuant to section 1115(a)(1) of this title and*
21 *the methods that will be used to make progress toward*
22 *achieving those goals;*

23 *“(3) provide a mechanism for agency delivery to*
24 *and consideration of comments provided under para-*
25 *graph (2) by each relevant agency and adjustment of*

1 goals under subsection (a) and the annual perform-
2 ance goals for each program activity established pur-
3 suant to section 1115(a)(1) of this title based on the
4 comments, with approval of the Director; and

5 “(4) make available through the Office of Man-
6 agement and Budget website a summary of comments
7 received under paragraph (2), any adjustment of
8 goals under paragraph (3), and any changes to goals
9 required by the Office of Management and Budget.

10 “(e) *TRANSPARENCY OF PERFORMANCE RESULTS.*—

11 (1) *The head of an agency shall ensure that all results of*
12 *the assessments conducted under this section by the agency*
13 *during a fiscal year shall be readily accessible to and easily*
14 *found on the Internet by the public and members and com-*
15 *mittees of Congress in a searchable, machine readable for-*
16 *mat, in accordance with guidance provided by the Director*
17 *of the Office of Management and Budget that ensures such*
18 *information is provided in a way that presents a coherent*
19 *picture of the performance of Federal agencies. At a min-*
20 *imum, the results of the assessments conducted under this*
21 *section shall be available on the website of the Office of Man-*
22 *agement and Budget and also may be made available on*
23 *any other website considered appropriate by the agency or*
24 *the Director. The Director shall also notify the appropriate*

1 *committees of Congress when quarterly assessments become*
2 *available on the Internet.*

3 “(2) *The performance information related to the assess-*
4 *ments of goals in this section and section 1115 of this title*
5 *shall—*

6 “(A) *include—*

7 “(i) *a brief summary of the problem or op-*
8 *portunity being addressed and reasons for identi-*
9 *fying these agency goals as well as key findings*
10 *of the assessments;*

11 “(ii) *a list of each program and agency con-*
12 *tributing to achievement of the goal and the time*
13 *frame for such contributions;*

14 “(iii) *an assessment of the quality of the*
15 *performance measures, and the extent to which*
16 *necessary performance data are collected;*

17 “(iv) *a description of how leaders and man-*
18 *agers are held accountable for achieving program*
19 *results, and the extent to which strong financial*
20 *management tools are in place;*

21 “(v) *contextual indicators that provide a*
22 *sense of external factors that can influence per-*
23 *formance trends related to key outcomes;*

24 “(vi) *as appropriate, indicators that pro-*
25 *vide information about the population being*

1 *served and to the extent possible, the impact on*
2 *disadvantaged and minority communities and*
3 *individuals;*

4 “(vii) *factors affecting the performance of*
5 *programs, projects, and activities and how they*
6 *are impeding or contributing to failures or suc-*
7 *cesses of the programs, projects, and activities,*
8 *and the reasons for any substantial variation*
9 *from the targeted level of achievement of the*
10 *goals;*

11 “(viii) *the process used by the agency to as-*
12 *sess progress made toward achieving the goals;*
13 *and*

14 “(ix) *such other items and adjustments as*
15 *may be specified by the Director;*

16 “(B) *describe the extent to which any trends, de-*
17 *velopments, or emerging conditions affect the need to*
18 *change the mission of programs being carried out to*
19 *achieve the goal;*

20 “(C) *identify, as part of any performance assess-*
21 *ment, practices that resulted in positive outcomes,*
22 *and the key reasons why such practices resulted in*
23 *positive outcomes; and*

24 “(D) *include recommendations for actions to im-*
25 *prove results, including opportunities that might exist*

1 *for the coordination, consolidation, or integration of*
2 *programs to improve service or generate cost savings.*

3 “(3) *The head of each agency shall—*

4 “(A) *use, as necessary and appropriate, a vari-*
5 *ety of assessment methods to support performance as-*
6 *sessments, including methods contained in reports*
7 *from evaluation centers, in assessments by States, and*
8 *in available Federal program assessments;*

9 “(B) *maintain an archive of information re-*
10 *quired to be disclosed under this section that is, to the*
11 *maximum extent practicable, readily available, acces-*
12 *sible, and easily found by the public; and*

13 “(C) *consider the relevant comments submitted*
14 *under subsection (d)(2).*

15 “(f) *CLASSIFIED INFORMATION.—(1) With respect to*
16 *performance assessments conducted during a fiscal year*
17 *that contain classified information, the President shall sub-*
18 *mit—*

19 “(A) *each quarterly performance assessment (in-*
20 *cluding the classified information), to the appropriate*
21 *committees of Congress; and*

22 “(B) *an appendix containing a list of each af-*
23 *fected goal and the committees to which a copy of the*
24 *performance assessment was submitted under sub-*

1 paragraph (A), to the congressional committees de-
2 scribed in subsection (i).

3 “(2) Upon request from a congressional committee de-
4 scribed in subsection (i), the Director of the Office of Man-
5 agement and Budget shall provide to the Committee a copy
6 of—

7 “(A) any performance assessment described in
8 subparagraph (A) of paragraph (1) (including any
9 assessment not listed in any appendix submitted
10 under subparagraph (B) of such paragraph); and

11 “(B) any appendix described in subparagraph
12 (B) of paragraph (1).

13 “(3) In this subsection, the term ‘classified informa-
14 tion’ refers to matters described in section 552(b)(1)(A) of
15 title 5.

16 “(g) *INHERENTLY GOVERNMENTAL FUNCTIONS.*—The
17 functions and activities authorized or required by this sec-
18 tion shall be considered inherently governmental functions
19 and shall be performed only by Federal employees.

20 “(h) *REPORT STREAMLINING.*—To eliminate redun-
21 dancy, the head of an agency may determine each year, sub-
22 ject to the approval of the Director of the Office of Manage-
23 ment and Budget and provided that it meets the require-
24 ments of this section and sections 1115, 1116, 1117, 1121,
25 and the first 9703 of this title, that the performance infor-

1 *mation provided to the public on the Internet is sufficient*
2 *to meet the planning and reporting requirements of such*
3 *sections.*

4 “(i) *CONGRESSIONAL COMMITTEES.—The congres-*
5 *sional committees described in this subsection are the fol-*
6 *lowing:*

7 “(1) *The Committee on Oversight and Govern-*
8 *ment Reform of the House of Representatives.*

9 “(2) *The Committee on Homeland Security and*
10 *Governmental Affairs of the Senate.*

11 “(3) *The Committees on Appropriations of the*
12 *House of Representatives and the Senate.*

13 “(4) *The Committees on the Budget of the House*
14 *of Representatives and the Senate.*

15 “(j) *DEFINITIONS.—In this section:*

16 “(1) *AGENCY PERFORMANCE IMPROVEMENT OFFI-*
17 *CER.—The term ‘agency performance improvement of-*
18 *ficer’ means a senior executive of an agency who is*
19 *designated by the head of the agency, and reports to*
20 *the head of the agency, the agency Deputy Secretary,*
21 *or such other agency official designated by the head*
22 *of the agency, to carry out the requirements of this*
23 *section.*

1 “(2) *PERFORMANCE INFORMATION*.—*The term*
2 ‘*performance information*’ *means the results of assess-*
3 *ments conducted under this section.*”.

4 **(b) *PERFORMANCE ASSESSMENTS TO BE CONSIDERED***
5 ***IN EVALUATING SENIOR EXECUTIVES***.—*Section 4313 of*
6 *title 5, United States Code, is amended (in the matter before*
7 *paragraph (1)) by striking “organizational performance,”*
8 *and inserting the following: “organizational performance*
9 *(including such reviews of agency performance, conducted*
10 *under section 1120 of title 31, as are relevant),”.*

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

 “1120. *Performance assessments.*”.

14 **SEC. 6. *STRATEGIC PLANNING AMENDMENTS***.

15 **(a) *CHANGE IN DEADLINE FOR STRATEGIC PLAN***.—
16 *Subsection (a) of section 306 of title 5, United States Code,*
17 *is amended by striking “No later than September 30, 1997,”*
18 *and inserting “Not later than September 30 of the second*
19 *year following a year in which an election for President*
20 *occurs, beginning with September 30, 2010,”.*

21 **(b) *CHANGE IN PERIOD OF COVERAGE OF STRATEGIC***
22 ***PLAN***.—*Subsection (b) of section 306 of title 5, United*
23 *States Code, is amended to read as follows:*

1 “(b) *Each strategic plan shall cover the four-year pe-*
2 *riod beginning on October 1 of the second year following*
3 *a year in which an election for President occurs.*”.

4 **SEC. 7. IMPROVING GOVERNMENT PERFORMANCE.**

5 (a) *IMPROVING GOVERNMENT PERFORMANCE.*—Chapter
6 *ter 11 of title 31, United States Code, as amended by section*
7 *5, is further amended by adding at the end the following*
8 *new section:*

9 **“§ 1121. Improving Government performance**

10 “(a) *DUTIES OF AGENCY PERFORMANCE IMPROVE-*
11 *MENT OFFICERS.*—Subject to the direction of the head of
12 *the agency, each agency performance improvement officer*
13 *shall—*

14 “(1) *advise and assist the head of the executive*
15 *agency and other agency officials to ensure that the*
16 *mission of the executive agency is achieved through*
17 *performance planning, measurement, analysis, and*
18 *regular assessment of progress, including the require-*
19 *ments of this section and sections 1115, 1116, 1117,*
20 *1120, and the first 9703 of this title and section 306*
21 *of title 5;*

22 “(2) *advise the head of the agency on the selec-*
23 *tion of agency goals, including opportunities to col-*
24 *laborate with other agencies on common goals, and on*
25 *whether—*

1 “(A) the performance targets required under
2 section 1115 of this title and the strategic plans
3 required under section 306 of title 5 are—

4 “(i) sufficiently aggressive toward full
5 achievement of the purposes of the agency;
6 and

7 “(ii) realistic in light of authority and
8 resources provided for operations; and

9 “(B) means for measurement of progress to-
10 ward achievement of the goals are sufficiently
11 rigorous, aligned to outcomes, useful, and accu-
12 rate as appropriate to the intended use of the
13 measures;

14 “(3) support the head of the agency, agency Dep-
15 uty Secretary, or such other agency senior official des-
16 ignated by the head of the agency in the conduct of
17 at least quarterly performance assessments, while
18 strengthening the performance management activities
19 of the entire agency (including subcomponents)
20 through at least quarterly performance assessments
21 to—

22 “(A) assess progress toward achievement of
23 the goals administered in whole or in part by the
24 agency, as well as any goals common to that
25 agency and other agencies;

1 “(B) identify factors affecting progress and
2 benchmarking comparisons;

3 “(C) consider actions to improve the per-
4 formance and efficiency of programs, projects,
5 and activities; and

6 “(D) hold leaders and managers accountable
7 for effective and efficient implementation and for
8 adjusting agency actions based on evolving evi-
9 dence;

10 “(4) assist the head of the agency in the develop-
11 ment and use within the agency of performance meas-
12 ures in personnel performance appraisals, and, as ap-
13 propriate, other agency personnel and planning proc-
14 esses and assessments;

15 “(5) assist the head of the agency in overseeing
16 the implementation required under section 1120 of
17 this title;

18 “(6) ensure that agency progress toward achieve-
19 ment of all goals is communicated to leaders, man-
20 agers, and employees in the agency and Congress, and
21 made public on the Internet; and

22 “(7) provide training for agency managers, pro-
23 gram directors, supervisors, and employees on how to
24 use performance targets, measure key performance in-

1 *dicators, assess programs, and analyze data to im-*
2 *prove performance.*

3 *“(b) ESTABLISHMENT AND OPERATION OF PERFORM-*
4 *ANCE IMPROVEMENT COUNCIL.—*

5 *“(1) There is established in the executive branch*
6 *a Performance Improvement Council.*

7 *“(2) The Performance Improvement Council*
8 *shall consist exclusively of—*

9 *“(A) the Deputy Director for Management*
10 *of the Office of Management and Budget, who*
11 *shall serve as Chair;*

12 *“(B) such agency performance improvement*
13 *officers as determined appropriate by the Chair;*
14 *and*

15 *“(C) such other permanent employees of an*
16 *agency as determined appropriate by the Chair*
17 *in consultation with the agency concerned.*

18 *“(3) The Chair or the Chair’s designee shall con-*
19 *vene and preside at the meetings of the Performance*
20 *Improvement Council, determine its agenda, direct its*
21 *work, and establish and direct subgroups of the Per-*
22 *formance Improvement Council, as appropriate to*
23 *deal with particular subject matters.*

24 *“(4) To assist in implementing the requirements*
25 *of sections 1105, 1115, 1116, 1117, 1120, and the first*

1 9703 of this title and section 306 of title 5, the Per-
2 formance Improvement Council shall—

3 “(A) develop and submit to the Director of
4 the Office of Management and Budget, or when
5 appropriate to the President through the Direc-
6 tor of the Office of Management and Budget, at
7 times and in such formats as the Chair may
8 specify, recommendations concerning—

9 “(i) performance management policies
10 and requirements;

11 “(ii) criteria for assessment of pro-
12 gram, project, and activity performance;
13 and

14 “(iii) how the goals required by section
15 1120(a) of this title can inform the Federal
16 Government performance plan required by
17 section 1105(a)(28) of this title, and lead to
18 improved results from and interagency co-
19 ordination of programs that perform simi-
20 lar functions;

21 “(B) facilitate the exchange among agencies
22 of information on performance management, in-
23 cluding strategic and annual planning and re-
24 porting, to accelerate improvements in perform-
25 ance;

1 “(C) monitor the performance assessment
2 process required under section 1120 of this title;

3 “(D) facilitate keeping members and com-
4 mittees of Congress and the public informed, and
5 with such assistance of heads of agencies and
6 agency performance improvement officers as the
7 Director of the Office of Management and Budget
8 may require, provide members and committees of
9 Congress and the public with information on the
10 Internet on how well each agency performs and
11 that serves as a comprehensive source of informa-
12 tion on—

13 “(i) agency strategic plans;

14 “(ii) annual performance plans and
15 annual performance reports;

16 “(iii) performance information re-
17 quired under section 1120 (d) of this title;

18 “(iv) the status of the implementation
19 of performance assessments required under
20 section 1120 of this title;

21 “(v) relevant impact and process as-
22 sessments; and

23 “(vi) consistent with the direction of
24 the head of the agency concerned after con-
25 sultation with the Director of the Office of

1 *Management and Budget, any publicly*
2 *available reports by the agency’s Inspector*
3 *General concerning agency program per-*
4 *formance;*

5 “(E) monitor implementation by agencies of
6 *the policy set forth in sections 1115, 1116, 1117,*
7 *1120, and the first 9703 of this title and section*
8 *306 of title 5 and report thereon from time to*
9 *time as appropriate to the Director of the Office*
10 *of Management and Budget, or when appro-*
11 *priate to the President through the Director of*
12 *the Office of Management and Budget, at such*
13 *times and in such formats as the Chair may*
14 *specify, together with any recommendations of*
15 *the Council for more effective implementation of*
16 *such policy;*

17 “(F) obtain information and advice, as ap-
18 *propriate, in a manner that seeks individual ad-*
19 *vice and does not involve collective judgment or*
20 *consensus advice or deliberation, from—*

21 “(i) State, local, territorial, and tribal
22 *officials;*

23 “(ii) representatives of entities or other
24 *individuals; and*

1 “(iii) members and committees of Con-
2 gress;

3 “(G) coordinate with other interagency
4 management councils; and

5 “(H) make recommendations to Congress on
6 duplicative, unused, or outdated performance
7 policies or reporting requirements.

8 “(5)(A) The Administrator of General Services
9 shall provide administrative and other support for the
10 Council to implement this section.

11 “(B) The heads of agencies shall provide, as ap-
12 propriate and to the extent permitted by law, such in-
13 formation and assistance as the Chair may request to
14 implement this section.

15 “(c) *ADDITIONAL DUTIES OF THE COUNCIL.—The*
16 *Council—*

17 “(1) shall develop a website for Federal agency
18 performance information;

19 “(2) shall link program performance information
20 to program spending information on the website
21 *www.USASpending.gov*; and

22 “(3) shall submit a report to Congress on the fea-
23 sibility of creating a single web-based platform for all
24 Government spending information and all program
25 performance information.”.

1 (b) *GUIDANCE.*—Not later than 6 months after the date
2 of the enactment of this Act, the Director of the Office of
3 Management and Budget shall prescribe guidance to imple-
4 ment the requirements of section 1120 and 1121 of title 31,
5 United States Code, as added by subsection (a).

6 (c) *CONFORMING AND CLERICAL AMENDMENTS.*—

7 (1) Section 1115(g) of title 31, United States
8 Code, is amended by striking “1119” and inserting
9 “1121”.

10 (2) The table of sections at the beginning of
11 chapter 11 of title 31, United States Code, is amended
12 by adding at the end the following:

“1121. Improving Government performance.”.

13 **SEC. 8. ASSESSMENTS AND REPORTS.**

14 (a) *ASSESSMENTS.*—

15 (1) *IN GENERAL.*—No less frequently than the
16 first, third, and fifth year after the date of the enact-
17 ment of this Act, and thereafter every three years and
18 at such other times as may be requested by Congress,
19 the Comptroller General of the United States shall as-
20 sess the implementation of this Act by the Director of
21 the Office of Management and Budget and the agen-
22 cies described in section 901(b) of title 31, United
23 States Code, with emphasis on the matters specified
24 in paragraph (2).

1 (2) *MATTERS TO BE ASSESSED.*—*The matters to*
2 *be assessed under paragraph (1) shall include, with*
3 *respect to the fiscal year covered by the assessment:*

4 (A) *Whether the selection of goals, identified*
5 *pursuant to section 1120(a) of title 31, United*
6 *States Code, as added by section 5, and estab-*
7 *lished pursuant to section 1115 of such title, is*
8 *tied to performance outcomes that can be objec-*
9 *tively assessed and measured and have a high di-*
10 *rect value to the public.*

11 (B) *The use of agency performance goals*
12 *and measures and program assessments to im-*
13 *prove performance and ensure taxpayer dollars*
14 *are spent in an efficient and effective manner,*
15 *including the need to streamline or enhance Fed-*
16 *eral programs or initiatives to maximize the*
17 *likelihood of accomplishing such performance*
18 *goals.*

19 (C) *The use of agency performance goals,*
20 *identified pursuant to section 1120(a) of title 31,*
21 *United States Code, as added by section 5, and*
22 *established pursuant to section 1115 of such title,*
23 *and measures to clearly communicate perform-*
24 *ance priorities and results to the public.*

1 (D) *How any revision of goals, identified*
2 *pursuant to section 1120(a) of title 31, United*
3 *States Code, as added by section 5, and estab-*
4 *lished pursuant to section 1115 of such title, has*
5 *contributed to the effectiveness of agency and*
6 *program performance.*

7 (E) *The tracking of program performance*
8 *toward achieving identified goals and the con-*
9 *tribution of such tracking to agency performance*
10 *improvement.*

11 (F) *The use of input from Congress and the*
12 *public in the assessment of programs and in the*
13 *identification and assessment of goals.*

14 (G) *The use of the archive of information*
15 *referred to in section 1120(e)(3)(B) of title 31,*
16 *United States Code, to create a coherent, longitu-*
17 *dinal picture of the performance of agencies and*
18 *programs over time.*

19 (H) *Best practices of agencies.*

20 (I) *Whether the annual performance plan*
21 *established pursuant to section 1115 of title 31,*
22 *United States Code, conforms with the require-*
23 *ments for such plans described in paragraphs (1)*
24 *through (11) of section 1115(a) of such title.*

1 *(J) The progress each agency has made in*
2 *achieving the goals identified pursuant to section*
3 *1120(a) of title 31, United States Code, as added*
4 *by section 5, and established pursuant to section*
5 *1115 of such title.*

6 *(b) REPORTS.—The Comptroller General shall consult*
7 *with the Inspectors General when evaluating program and*
8 *agency performance and shall submit to Congress a report*
9 *on the results of each assessment conducted under subsection*
10 *(a). The report shall include a list of recommendations on*
11 *ways to improve the performance assessment and commu-*
12 *nication process and the operations of agency performance*
13 *improvement officers and the Performance Improvement*
14 *Council.*

15 *(c) EFFECTIVENESS ASSESSMENT.—With respect to*
16 *the evaluation conducted under subsection (a) in the third*
17 *year after the date of the enactment of this Act, the Comp-*
18 *troller General shall include in the report relating to such*
19 *evaluation submitted to Congress under this section the fol-*
20 *lowing:*

21 *(1) an assessment of the effectiveness of this Act,*
22 *and the amendments made by this Act;*

23 *(2) the impact of this Act on sections 1115, 1116,*
24 *1117, and the first 9703 of title 31, United States*

1 *Code, and section 306 of title 5, United States Code;*
2 *and*

3 *(3) any recommendations for improving the ef-*
4 *fectiveness of sections 1115, 1116, 1117, and the first*
5 *9703 of title 31, United States Code, and section 306*
6 *of title 5, United States Code and reducing duplica-*
7 *tion.*

8 **SEC. 9. ADDITIONS TO PERFORMANCE PLAN.**

9 *Section 1115(a) of title 31, United States Code, is*
10 *amended—*

11 *(1) in paragraph (5), by striking “and”;*

12 *(2) in paragraph (6), by striking the period and*
13 *inserting “; and”; and*

14 *(3) by inserting after paragraph (6) the fol-*
15 *lowing new paragraphs:*

16 *“(7) describe the existence and current scope of*
17 *the problem that the program is intended to address,*
18 *defined as an outcome that addresses the needs of the*
19 *American people, not an input (such as staffing or re-*
20 *sources expended) or an intermediate goal (such as*
21 *teachers or police hired);*

22 *“(8) to the extent practicable, take into account*
23 *the other efforts (if any) being made in Federal, State*
24 *or local governments or the private sector to address*

1 *the problem described under paragraph (7) and the*
2 *relative cost-effectiveness of such efforts;*

3 *“(9) if the program is not new, describe the*
4 *amount of funds expended in the previous year and*
5 *state the progress made in the previous year toward*
6 *solving the problem described under paragraph (7),*
7 *including evidence of whether the problem is increas-*
8 *ing, decreasing, or staying the same;*

9 *“(10) describe the specific level of improvement*
10 *expected to be made toward addressing the problem*
11 *described under paragraph (7); and*

12 *“(11) state the long-term goal for the program*
13 *and when that goal is expected to be achieved or the*
14 *problem described under paragraph (7) reduced to an*
15 *acceptable level.”.*

Amend the title so as to read: “A bill to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council.”.

Union Calendar No. 288

11TH CONGRESS
2^D SESSION

H. R. 2142

[Report No. 111-504]

A BILL

To require the review of Government programs at least once every 5 years for purposes of assessing their performance and improving their operations, and to establish the Performance Improvement Council.

JUNE 14, 2010

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed