

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3853

To modernize and refine the requirements of the Government Performance and Results Act of 1993, to require quarterly performance reviews of Federal policy and management priorities, to establish Chief Operating Officers, Performance Improvement Officers, and the Performance Improvement Council, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2010

Mr. CARPER (for himself, Mr. WARNER, Mr. AKAKA, Ms. COLLINS, Mr. VOINOVICH, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To modernize and refine the requirements of the Government Performance and Results Act of 1993, to require quarterly performance reviews of Federal policy and management priorities, to establish Chief Operating Officers, Performance Improvement Officers, and the Performance Improvement Council, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “GPRA Modernization Act of 2010”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Strategic planning amendments.
- Sec. 3. Performance planning amendments.
- Sec. 4. Performance reporting amendments.
- Sec. 5. Federal Government and agency priority goals.
- Sec. 6. Quarterly priority progress reviews and use of performance information.
- Sec. 7. Transparency of Federal Government programs, priority goals, and results.
- Sec. 8. Agency Chief Operating Officers.
- Sec. 9. Agency Performance Improvement Officers and the Performance Improvement Council.
- Sec. 10. Format of performance plans and reports.
- Sec. 11. Reducing duplicative and outdated agency reporting.
- Sec. 12. Performance management skills and competencies.
- Sec. 13. Technical and conforming amendments.
- Sec. 14. Implementation of this Act.
- Sec. 15. Congressional oversight and legislation.

3 **SEC. 2. STRATEGIC PLANNING AMENDMENTS.**

4 Chapter 3 of title 5, United States Code, is amended  
 5 by striking section 306 and inserting the following:

6 **“§ 306. Agency strategic plans**

7 “(a) Not later than the first Monday in February of  
 8 any year following the year in which the term of the Presi-  
 9 dent commences under section 101 of title 3, the head of  
 10 each agency shall make available on the public website of  
 11 the agency a strategic plan and notify the President and  
 12 Congress of its availability. Such plan shall contain—

13 “(1) a comprehensive mission statement cov-  
 14 ering the major functions and operations of the  
 15 agency;

1           “(2) general goals and objectives, including out-  
2           come-oriented goals, for the major functions and op-  
3           erations of the agency;

4           “(3) a description of how any goals and objec-  
5           tives contribute to the Federal Government priority  
6           goals required by section 1120(a) of title 31;

7           “(4) a description of how the goals and objec-  
8           tives are to be achieved, including—

9                   “(A) a description of the operational proc-  
10                  esses, skills and technology, and the human,  
11                  capital, information, and other resources re-  
12                  quired to achieve those goals and objectives;  
13                  and

14                   “(B) a description of how the agency is  
15                  working with other agencies to achieve its goals  
16                  and objectives as well as relevant Federal Gov-  
17                  ernment priority goals;

18           “(5) a description of how the goals and objec-  
19           tives incorporate views and suggestions obtained  
20           through congressional consultations required under  
21           subsection (d);

22           “(6) a description of how the performance goals  
23           provided in the plan required by section 1115(a) of  
24           title 31, including the agency priority goals required  
25           by section 1120(b) of title 31, if applicable, con-

1       tribute to the general goals and objectives in the  
2       strategic plan;

3               “(7) an identification of those key factors exter-  
4       nal to the agency and beyond its control that could  
5       significantly affect the achievement of the general  
6       goals and objectives; and

7               “(8) a description of the program evaluations  
8       used in establishing or revising general goals and ob-  
9       jectives, with a schedule for future program evalua-  
10      tions to be conducted.

11      “(b) The strategic plan shall cover a period of not  
12      less than 4 years following the fiscal year in which the  
13      plan is submitted. As needed, the head of the agency may  
14      make adjustments to the strategic plan to reflect signifi-  
15      cant changes in the environment in which the agency is  
16      operating, with appropriate notification of Congress.

17      “(c) The performance plan required by section  
18      1115(b) of title 31 shall be consistent with the agency’s  
19      strategic plan. A performance plan may not be submitted  
20      for a fiscal year not covered by a current strategic plan  
21      under this section.

22      “(d) When developing or making adjustments to a  
23      strategic plan, the agency shall consult periodically with  
24      the Congress, including majority and minority views from  
25      the appropriate authorizing, appropriations, and oversight

1 committees, and shall solicit and consider the views and  
2 suggestions of those entities potentially affected by or in-  
3 terested in such a plan. The agency shall consult with the  
4 appropriate committees of Congress at least once every 2  
5 years.

6 “(e) The functions and activities of this section shall  
7 be considered to be inherently governmental functions.  
8 The drafting of strategic plans under this section shall be  
9 performed only by Federal employees.

10 “(f) For purposes of this section the term ‘agency’  
11 means an Executive agency defined under section 105, but  
12 does not include the Central Intelligence Agency, the Gov-  
13 ernment Accountability Office, the United States Postal  
14 Service, and the Postal Regulatory Commission.”.

15 **SEC. 3. PERFORMANCE PLANNING AMENDMENTS.**

16 Chapter 11 of title 31, United States Code, is amend-  
17 ed by striking section 1115 and inserting the following:

18 **“§ 1115. Federal Government and agency perform-**  
19 **ance plans**

20 “(a) FEDERAL GOVERNMENT PERFORMANCE  
21 PLANS.—In carrying out the provisions of section  
22 1105(a)(28), the Director of the Office of Management  
23 and Budget shall coordinate with agencies to develop the  
24 Federal Government performance plan. In addition to the  
25 submission of such plan with each budget of the United

1 States Government, the Director of the Office of Manage-  
2 ment and Budget shall ensure that all information re-  
3 quired by this subsection is concurrently made available  
4 on the website provided under section 1122 and updated  
5 periodically, but no less than annually. The Federal Gov-  
6 ernment performance plan shall—

7           “(1) establish Federal Government performance  
8 goals to define the level of performance to be  
9 achieved during the year in which the plan is sub-  
10 mitted and the next fiscal year for each of the Fed-  
11 eral Government priority goals required under sec-  
12 tion 1120(a) of this title;

13           “(2) identify the agencies, organizations, pro-  
14 gram activities, regulations, tax expenditures, poli-  
15 cies, and other activities contributing to each Fed-  
16 eral Government performance goal during the cur-  
17 rent fiscal year;

18           “(3) for each Federal Government performance  
19 goal, identify a lead Government official who shall be  
20 responsible for coordinating the efforts to achieve  
21 the goal;

22           “(4) establish common Federal Government  
23 performance indicators with quarterly targets to be  
24 used in measuring or assessing—

1           “(A) overall progress toward each Federal  
2           Government performance goal; and

3           “(B) the individual contribution of each  
4           agency, organization, program activity, regula-  
5           tion, tax expenditure, policy, and other activity  
6           identified under paragraph (2);

7           “(5) establish clearly defined quarterly mile-  
8           stones; and

9           “(6) identify major management challenges that  
10          are Governmentwide or crosscutting in nature and  
11          describe plans to address such challenges, including  
12          relevant performance goals, performance indicators,  
13          and milestones.

14          “(b) AGENCY PERFORMANCE PLANS.—Not later  
15          than the first Monday in February of each year, the head  
16          of each agency shall make available on a public website  
17          of the agency, and notify the President and the Congress  
18          of its availability, a performance plan covering each pro-  
19          gram activity set forth in the budget of such agency. Such  
20          plan shall—

21                 “(1) establish performance goals to define the  
22                 level of performance to be achieved during the year  
23                 in which the plan is submitted and the next fiscal  
24                 year;

1           “(2) express such goals in an objective, quan-  
2           tifiable, and measurable form unless authorized to  
3           be in an alternative form under subsection (c);

4           “(3) describe how the performance goals con-  
5           tribute to—

6                   “(A) the general goals and objectives es-  
7                   tablished in the agency’s strategic plan required  
8                   by section 306(a)(2) of title 5; and

9                   “(B) any of the Federal Government per-  
10                  formance goals established in the Federal Gov-  
11                  ernment performance plan required by sub-  
12                  section (a)(1);

13           “(4) identify among the performance goals  
14           those which are designated as agency priority goals  
15           as required by section 1120(b) of this title, if appli-  
16           cable;

17           “(5) provide a description of how the perform-  
18           ance goals are to be achieved, including—

19                   “(A) the operation processes, training,  
20                   skills and technology, and the human, capital,  
21                   information, and other resources and strategies  
22                   required to meet those performance goals;

23                   “(B) clearly defined milestones;

24                   “(C) an identification of the organizations,  
25                  program activities, regulations, policies, and

1 other activities that contribute to each perform-  
2 ance goal, both within and external to the agen-  
3 cy;

4 “(D) a description of how the agency is  
5 working with other agencies to achieve its per-  
6 formance goals as well as relevant Federal Gov-  
7 ernment performance goals; and

8 “(E) an identification of the agency offi-  
9 cials responsible for the achievement of each  
10 performance goal, who shall be known as goal  
11 leaders;

12 “(6) establish a balanced set of performance in-  
13 dicators to be used in measuring or assessing  
14 progress toward each performance goal, including, as  
15 appropriate, customer service, efficiency, output, and  
16 outcome indicators;

17 “(7) provide a basis for comparing actual pro-  
18 gram results with the established performance goals;

19 “(8) a description of how the agency will ensure  
20 the accuracy and reliability of the data used to  
21 measure progress towards its performance goals, in-  
22 cluding an identification of—

23 “(A) the means to be used to verify and  
24 validate measured values;

25 “(B) the sources for the data;

1           “(C) the level of accuracy required for the  
2 intended use of the data;

3           “(D) any limitations to the data at the re-  
4 quired level of accuracy; and

5           “(E) how the agency will compensate for  
6 such limitations if needed to reach the required  
7 level of accuracy;

8           “(9) describe major management challenges the  
9 agency faces and identify—

10           “(A) planned actions to address such chal-  
11 lenges;

12           “(B) performance goals, performance indi-  
13 cators, and milestones to measure progress to-  
14 ward resolving such challenges; and

15           “(C) the agency official responsible for re-  
16 solving such challenges; and

17           “(10) identify low-priority program activities  
18 based on an analysis of their contribution to the  
19 mission and goals of the agency and include an evi-  
20 dence-based justification for designating a program  
21 activity as low priority.

22           “(c) ALTERNATIVE FORM.—If an agency, in con-  
23 sultation with the Director of the Office of Management  
24 and Budget, determines that it is not feasible to express  
25 the performance goals for a particular program activity

1 in an objective, quantifiable, and measurable form, the Di-  
2 rector of the Office of Management and Budget may au-  
3 thorize an alternative form. Such alternative form shall—

4 “(1) include separate descriptive statements  
5 of—

6 “(A)(i) a minimally effective program; and

7 “(ii) a successful program; or

8 “(B) such alternative as authorized by the  
9 Director of the Office of Management and  
10 Budget, with sufficient precision and in such  
11 terms that would allow for an accurate, inde-  
12 pendent determination of whether the program  
13 activity’s performance meets the criteria of the  
14 description; or

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

18 “(d) TREATMENT OF PROGRAM ACTIVITIES.—For  
19 the purpose of complying with this section, an agency may  
20 aggregate, disaggregate, or consolidate program activities,  
21 except that any aggregation or consolidation may not omit  
22 or minimize the significance of any program activity con-  
23 stituting a major function or operation for the agency.

1       “(e) APPENDIX.—An agency may submit with an an-  
2 nual performance plan an appendix covering any portion  
3 of the plan that—

4               “(1) is specifically authorized under criteria es-  
5 tablished by an Executive order to be kept secret in  
6 the interest of national defense or foreign policy; and

7               “(2) is properly classified pursuant to such Ex-  
8 ecutive order.

9       “(f) INHERENTLY GOVERNMENTAL FUNCTIONS.—  
10 The functions and activities of this section shall be consid-  
11 ered to be inherently governmental functions. The drafting  
12 of performance plans under this section shall be performed  
13 only by Federal employees.

14       “(g) CHIEF HUMAN CAPITAL OFFICERS.—With re-  
15 spect to each agency with a Chief Human Capital Officer,  
16 the Chief Human Capital Officer shall prepare that por-  
17 tion of the annual performance plan described under sub-  
18 section (b)(5)(A).

19       “(h) DEFINITIONS.—For purposes of this section and  
20 sections 1116 through 1125, and sections 9703 and 9704,  
21 the term—

22               “(1) ‘agency’ has the same meaning as such  
23 term is defined under section 306(f) of title 5;

24               “(2) ‘crosscutting’ means across organizational  
25 (such as agency) boundaries;

1           “(3) ‘customer service measure’ means an as-  
2           sessment of service delivery to a customer, client,  
3           citizen, or other recipient, which can include an as-  
4           sessment of quality, timeliness, and satisfaction  
5           among other factors;

6           “(4) ‘efficiency measure’ means a ratio of a  
7           program activity’s inputs (such as costs or hours  
8           worked by employees) to its outputs (amount of  
9           products or services delivered) or outcomes (the de-  
10          sired results of a program);

11          “(5) ‘major management challenge’ means pro-  
12          grams or management functions, within or across  
13          agencies, that have greater vulnerability to waste,  
14          fraud, abuse, and mismanagement (such as issues  
15          identified by the Government Accountability Office  
16          as high risk or issues identified by an Inspector  
17          General) where a failure to perform well could seri-  
18          ously affect the ability of an agency or the Govern-  
19          ment to achieve its mission or goals;

20          “(6) ‘milestone’ means a scheduled event signi-  
21          fying the completion of a major deliverable or a set  
22          of related deliverables or a phase of work;

23          “(7) ‘outcome measure’ means an assessment of  
24          the results of a program activity compared to its in-  
25          tended purpose;

1           “(8) ‘output measure’ means the tabulation,  
2           calculation, or recording of activity or effort that can  
3           be expressed in a quantitative or qualitative manner;

4           “(9) ‘performance goal’ means a target level of  
5           performance expressed as a tangible, measurable ob-  
6           jective, against which actual achievement can be  
7           compared, including a goal expressed as a quan-  
8           titative standard, value, or rate;

9           “(10) ‘performance indicator’ means a par-  
10          ticular value or characteristic used to measure out-  
11          put or outcome;

12          “(11) ‘program activity’ means a specific activ-  
13          ity or project as listed in the program and financing  
14          schedules of the annual budget of the United States  
15          Government; and

16          “(12) ‘program evaluation’ means an assess-  
17          ment, through objective measurement and systematic  
18          analysis, of the manner and extent to which Federal  
19          programs achieve intended objectives.”.

20 **SEC. 4. PERFORMANCE REPORTING AMENDMENTS.**

21          Chapter 11 of title 31, United States Code, is amend-  
22          ed by striking section 1116 and inserting the following:

1 **“§ 1116. Agency performance reporting**

2 “(a) The head of each agency shall make available  
3 on a public website of the agency an update on agency  
4 performance.

5 “(b)(1) Each update shall compare actual perform-  
6 ance achieved with the performance goals established in  
7 the agency performance plan under section 1115(b) and  
8 shall occur no less than 150 days after the end of each  
9 fiscal year, with more frequent updates of actual perform-  
10 ance on indicators that provide data of significant value  
11 to the Government, Congress, or program partners at a  
12 reasonable level of administrative burden.

13 “(2) If performance goals are specified in an alter-  
14 native form under section 1115(c), the results shall be de-  
15 scribed in relation to such specifications, including wheth-  
16 er the performance failed to meet the criteria of a mini-  
17 mally effective or successful program.

18 “(c) Each update shall—

19 “(1) review the success of achieving the per-  
20 formance goals and include actual results for the 5  
21 preceding fiscal years;

22 “(2) evaluate the performance plan for the cur-  
23 rent fiscal year relative to the performance achieved  
24 toward the performance goals during the period cov-  
25 ered by the update;

1           “(3) explain and describe where a performance  
2 goal has not been met (including when a program  
3 activity’s performance is determined not to have met  
4 the criteria of a successful program activity under  
5 section 1115(c)(1)(A)(ii) or a corresponding level of  
6 achievement if another alternative form is used)—

7                   “(A) why the goal was not met;

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

10                   “(C) if the performance goal is impractical  
11 or infeasible, why that is the case and what ac-  
12 tion is recommended;

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

16           “(5) include a review of the performance goals  
17 and evaluation of the performance plan relative to  
18 the agency’s strategic human capital management;

19           “(6) describe how the agency ensures the accu-  
20 racy and reliability of the data used to measure  
21 progress towards its performance goals, including an  
22 identification of—

23                   “(A) the means used to verify and validate  
24 measured values;

25                   “(B) the sources for the data;

1           “(C) the level of accuracy required for the  
2           intended use of the data;

3           “(D) any limitations to the data at the re-  
4           quired level of accuracy; and

5           “(E) how the agency has compensated for  
6           such limitations if needed to reach the required  
7           level of accuracy; and

8           “(7) include the summary findings of those pro-  
9           gram evaluations completed during the period cov-  
10          ered by the update.

11          “(d) If an agency performance update includes any  
12          program activity or information that is specifically author-  
13          ized under criteria established by an Executive Order to  
14          be kept secret in the interest of national defense or foreign  
15          policy and is properly classified pursuant to such Execu-  
16          tive Order, the head of the agency shall make such infor-  
17          mation available in the classified appendix provided under  
18          section 1115(e).

19          “(e) The functions and activities of this section shall  
20          be considered to be inherently governmental functions.  
21          The drafting of agency performance updates under this  
22          section shall be performed only by Federal employees.”.

1 **SEC. 5. FEDERAL GOVERNMENT AND AGENCY PRIORITY**  
 2 **GOALS.**

3 Chapter 11 of title 31, United States Code, is amend-  
 4 ed by adding after section 1119 the following:

5 **“§ 1120. Federal Government and agency priority**  
 6 **goals**

7 “(a) FEDERAL GOVERNMENT PRIORITY GOALS.—

8 “(1) The Director of the Office of Management  
 9 and Budget shall coordinate with agencies to develop  
 10 priority goals to improve the performance and man-  
 11 agement of the Federal Government. Such Federal  
 12 Government priority goals shall include—

13 “(A) outcome-oriented goals covering a  
 14 limited number of crosscutting policy areas; and

15 “(B) goals for management improvements  
 16 needed across the Federal Government, includ-  
 17 ing—

18 “(i) financial management;

19 “(ii) human capital management;

20 “(iii) information technology manage-  
 21 ment;

22 “(iv) procurement and acquisition  
 23 management; and

24 “(v) real property management;

25 “(2) The Federal Government priority goals  
 26 shall be long-term in nature. At a minimum, the

1 Federal Government priority goals shall be updated  
2 or revised every 4 years and made publicly available  
3 concurrently with the submission of the budget of  
4 the United States Government made in the first full  
5 fiscal year following any year in which the term of  
6 the President commences under section 101 of title  
7 3. As needed, the Director of the Office of Manage-  
8 ment and Budget may make adjustments to the  
9 Federal Government priority goals to reflect signifi-  
10 cant changes in the environment in which the Fed-  
11 eral Government is operating, with appropriate noti-  
12 fication of Congress.

13 “(3) When developing or making adjustments  
14 to Federal Government priority goals, the Director  
15 of the Office of Management and Budget shall con-  
16 sult periodically with the Congress, including obtain-  
17 ing majority and minority views from—

18 “(A) the Committees on Appropriations of  
19 the Senate and the House of Representatives;

20 “(B) the Committees on the Budget of the  
21 Senate and the House of Representatives;

22 “(C) the Committee on Homeland Security  
23 and Governmental Affairs of the Senate;

1           “(D) the Committee on Oversight and  
2           Government Reform of the House of Represent-  
3           atives;

4           “(E) the Committee on Finance of the  
5           Senate;

6           “(F) the Committee on Ways and Means  
7           of the House of Representatives; and

8           “(G) any other committees as determined  
9           appropriate;

10          “(4) The Director of the Office of Management  
11          and Budget shall consult with the appropriate com-  
12          mittees of Congress at least once every 2 years.

13          “(5) The Director of the Office of Management  
14          and Budget shall make information about the Fed-  
15          eral Government priority goals available on the  
16          website described under section 1122 of this title.

17          “(6) The Federal Government performance plan  
18          required under section 1115(a) of this title shall be  
19          consistent with the Federal Government priority  
20          goals.

21          “(b) AGENCY PRIORITY GOALS.—

22          “(1) Every 2 years, the head of each agency  
23          listed in section 901(b) of this title, or as otherwise  
24          determined by the Director of the Office of Manage-  
25          ment and Budget, shall identify agency priority

1 goals from among the performance goals of the  
2 agency. The Director of the Office of Management  
3 and Budget shall determine the total number of  
4 agency priority goals across the Government, and  
5 the number to be developed by each agency. The  
6 agency priority goals shall—

7 “(A) reflect the highest priorities of the  
8 agency, as determined by the head of the agen-  
9 cy and informed by the Federal Government  
10 priority goals provided under subsection (a) and  
11 the consultations with Congress and other in-  
12 terested parties required by section 306(d) of  
13 title 5;

14 “(B) have ambitious targets that can be  
15 achieved within a 2-year period;

16 “(C) have a clearly identified agency offi-  
17 cial, known as a goal leader, who is responsible  
18 for the achievement of each agency priority  
19 goal;

20 “(D) have interim quarterly targets for  
21 performance indicators if more frequent up-  
22 dates of actual performance provides data of  
23 significant value to the Government, Congress,  
24 or program partners at a reasonable level of ad-  
25 ministrative burden; and



1 Not less than quarterly, the Director of the Office of Man-  
2 agement and Budget, with the support of the Performance  
3 Improvement Council, shall—

4           “(1) for each Federal Government priority goal  
5           required by section 1120(a) of this title, review with  
6           the appropriate lead Government official the  
7           progress achieved during the most recent quarter,  
8           overall trend data, and the likelihood of meeting the  
9           planned level of performance;

10           “(2) include in such reviews officials from the  
11           agencies, organizations, and program activities that  
12           contribute to the accomplishment of each Federal  
13           Government priority goal;

14           “(3) assess whether agencies, organizations,  
15           program activities, regulations, tax expenditures,  
16           policies, and other activities are contributing as  
17           planned to each Federal Government priority goal;

18           “(4) categorize the Federal Government priority  
19           goals by risk of not achieving the planned level of  
20           performance; and

21           “(5) for the Federal Government priority goals  
22           at greatest risk of not meeting the planned level of  
23           performance, identify prospects and strategies for  
24           performance improvement, including any needed  
25           changes to agencies, organizations, program activi-

1 ties, regulations, tax expenditures, policies or other  
2 activities.

3 “(b) AGENCY USE OF PERFORMANCE INFORMATION  
4 TO ACHIEVE AGENCY PRIORITY GOALS.—Not less than  
5 quarterly, at each agency required to develop agency pri-  
6 ority goals required by section 1120(b) of this title, the  
7 head of the agency and Chief Operating Officer, with the  
8 support of the agency Performance Improvement Officer,  
9 shall—

10 “(1) for each agency priority goal, review with  
11 the appropriate goal leader the progress achieved  
12 during the most recent quarter, overall trend data,  
13 and the likelihood of meeting the planned level of  
14 performance;

15 “(2) coordinate with relevant personnel within  
16 and outside the agency who contribute to the accom-  
17 plishment of each agency priority goal;

18 “(3) assess whether relevant organizations, pro-  
19 gram activities, regulations, policies, and other ac-  
20 tivities are contributing as planned to the agency  
21 priority goals;

22 “(4) categorize agency priority goals by risk of  
23 not achieving the planned level of performance; and

24 “(5) for agency priority goals at greatest risk of  
25 not meeting the planned level of performance, iden-

1       tify prospects and strategies for performance im-  
 2       provement, including any needed changes to agency  
 3       program activities, regulations, policies, or other ac-  
 4       tivities.”.

5       **SEC. 7. TRANSPARENCY OF FEDERAL GOVERNMENT PRO-**  
 6                                   **GRAMS, PRIORITY GOALS, AND RESULTS.**

7       Chapter 11 of title 31, United States Code, is amend-  
 8       ed by adding after section 1121 (as added by section 6  
 9       of this Act) the following:

10      **“§ 1122. Transparency of programs, priority goals,**  
 11                                   **and results**

12           “(a) TRANSPARENCY OF AGENCY PROGRAMS.—

13                   “(1) IN GENERAL.—Not later than October 1,  
 14           2012, the Office of Management and Budget shall—

15                           “(A) ensure the effective operation of a  
 16           single website;

17                           “(B) at a minimum, update the website on  
 18           a quarterly basis; and

19                           “(C) include on the website information  
 20           about each program identified by the agencies.

21           “(2) INFORMATION.—Information for each pro-  
 22           gram described under paragraph (1) shall include—

23                           “(A) an identification of how the agency  
 24           defines the term ‘program’, consistent with  
 25           guidance provided by the Director of the Office

1 of Management and Budget, including the pro-  
2 gram activities that are aggregated,  
3 disaggregated, or consolidated to be considered  
4 a program by the agency;

5 “(B) a description of the purposes of the  
6 program and the contribution of the program to  
7 the mission and goals of the agency; and

8 “(C) an identification of funding for the  
9 current fiscal year and previous 2 fiscal years.

10 “(b) TRANSPARENCY OF AGENCY PRIORITY GOALS  
11 AND RESULTS.—The head of each agency required to de-  
12 velop agency priority goals shall make information about  
13 each agency priority goal available to the Office of Man-  
14 agement and Budget for publication on the website, with  
15 the exception of any information covered by section  
16 1120(b)(2) of this title. In addition to an identification  
17 of each agency priority goal, the website shall also consoli-  
18 date information about each agency priority goal, includ-  
19 ing—

20 “(1) a description of how the agency incor-  
21 porated any views and suggestions obtained through  
22 congressional consultations about the agency priority  
23 goal;

24 “(2) an identification of key factors external to  
25 the agency and beyond its control that could signifi-

1 cantly affect the achievement of the agency priority  
2 goal;

3 “(3) a description of how each agency priority  
4 goal will be achieved, including—

5 “(A) the strategies and resources required  
6 to meet the priority goal;

7 “(B) clearly defined milestones;

8 “(C) the organizations, program activities,  
9 regulations, policies, and other activities that  
10 contribute to each goal, both within and exter-  
11 nal to the agency;

12 “(D) how the agency is working with other  
13 agencies to achieve the goal; and

14 “(E) an identification of the agency official  
15 responsible for achieving the priority goal;

16 “(4) the performance indicators to be used in  
17 measuring or assessing progress;

18 “(5) a description of how the agency ensures  
19 the accuracy and reliability of the data used to  
20 measure progress towards the priority goal, includ-  
21 ing an identification of—

22 “(A) the means used to verify and validate  
23 measured values;

24 “(B) the sources for the data;

1           “(C) the level of accuracy required for the  
2           intended use of the data;

3           “(D) any limitations to the data at the re-  
4           quired level of accuracy; and

5           “(E) how the agency has compensated for  
6           such limitations if needed to reach the required  
7           level of accuracy;

8           “(6) the results achieved during the most recent  
9           quarter and overall trend data compared to the  
10          planned level of performance;

11          “(7) an assessment of whether relevant organi-  
12          zations, program activities, regulations, policies, and  
13          other activities are contributing as planned;

14          “(8) an identification of the agency priority  
15          goals at risk of not achieving the planned level of  
16          performance; and

17          “(9) any prospects or strategies for perform-  
18          ance improvement.

19          “(c) **TRANSPARENCY OF FEDERAL GOVERNMENT**  
20 **PRIORITY GOALS AND RESULTS.**—The Director of the Of-  
21 fice of Management and Budget shall also make available  
22 on the website—

23           “(1) a brief description of each of the Federal  
24           Government priority goals required by section  
25           1120(a) of this title;

1           “(2) a description of how the Federal Govern-  
2           ment priority goals incorporate views and sugges-  
3           tions obtained through congressional consultations;

4           “(3) the Federal Government performance goals  
5           and performance indicators associated with each  
6           Federal Government priority goal as required by sec-  
7           tion 1115(a) of this title;

8           “(4) an identification of the lead Government  
9           official for each Federal Government performance  
10          goal;

11          “(5) the results achieved during the most recent  
12          quarter and overall trend data compared to the  
13          planned level of performance;

14          “(6) an identification of the agencies, organiza-  
15          tions, program activities, regulations, tax expendi-  
16          tures, policies, and other activities that contribute to  
17          each Federal Government priority goal;

18          “(7) an assessment of whether relevant agen-  
19          cies, organizations, program activities, regulations,  
20          tax expenditures, policies, and other activities are  
21          contributing as planned;

22          “(8) an identification of the Federal Govern-  
23          ment priority goals at risk of not achieving the  
24          planned level of performance; and

1           “(9) any prospects or strategies for perform-  
2           ance improvement.

3           “(d) INFORMATION ON WEBSITE.—The information  
4           made available on the website under this section shall be  
5           readily accessible and easily found on the Internet by the  
6           public and members and committees of Congress. Such in-  
7           formation shall also be presented in a searchable, ma-  
8           chine-readable format. The Director of the Office of Man-  
9           agement and Budget shall issue guidance to ensure that  
10          such information is provided in a way that presents a co-  
11          herent picture of all Federal programs, and the perform-  
12          ance of the Federal Government as well as individual  
13          agencies.”.

14          **SEC. 8. AGENCY CHIEF OPERATING OFFICERS.**

15          Chapter 11 of title 31, United States Code, is amend-  
16          ed by adding after section 1122 (as added by section 7  
17          of this Act) the following:

18          **“§ 1123. Chief Operating Officers**

19                 “(a) ESTABLISHMENT.—At each agency, the deputy  
20                 head of agency, or equivalent, shall be the Chief Operating  
21                 Officer of the agency.

22                 “(b) FUNCTION.—Each Chief Operating Officer shall  
23                 be responsible for improving the management and per-  
24                 formance of the agency, and shall—

1           “(1) provide overall organization management  
2           to improve agency performance and achieve the mis-  
3           sion and goals of the agency through the use of stra-  
4           tegic and performance planning, measurement, anal-  
5           ysis, regular assessment of progress, and use of per-  
6           formance information to improve the results  
7           achieved;

8           “(2) advise and assist the head of agency in  
9           carrying out the requirements of sections 1115  
10          through 1122 of this title and section 306 of title 5;

11          “(3) oversee agency-specific efforts to improve  
12          management functions within the agency and across  
13          Government; and

14          “(4) coordinate and collaborate with relevant  
15          personnel within and external to the agency who  
16          have a significant role in contributing to and achiev-  
17          ing the mission and goals of the agency, such as the  
18          Chief Financial Officer, Chief Human Capital Offi-  
19          cer, Chief Acquisition Officer/Senior Procurement  
20          Executive, Chief Information Officer, and other line  
21          of business chiefs at the agency.”.

1 **SEC. 9. AGENCY PERFORMANCE IMPROVEMENT OFFICERS**  
 2 **AND THE PERFORMANCE IMPROVEMENT**  
 3 **COUNCIL.**

4 Chapter 11 of title 31, United States Code, is amend-  
 5 ed by adding after section 1123 (as added by section 8  
 6 of this Act) the following:

7 **“§ 1124. Performance Improvement Officers and the**  
 8 **Performance Improvement Council**

9 “(a) PERFORMANCE IMPROVEMENT OFFICERS.—

10 “(1) ESTABLISHMENT.—At each agency, the  
 11 head of the agency, in consultation with the agency  
 12 Chief Operating Officer, shall designate a senior ex-  
 13 ecutive of the agency as the agency Performance Im-  
 14 provement Officer.

15 “(2) FUNCTION.—Each Performance Improve-  
 16 ment Officer shall report directly to the Chief Oper-  
 17 ating Officer. Subject to the direction of the Chief  
 18 Operating Officer, each Performance Improvement  
 19 Officer shall—

20 “(A) advise and assist the head of the  
 21 agency and the Chief Operating Officer to en-  
 22 sure that the mission and goals of the agency  
 23 are achieved through strategic and performance  
 24 planning, measurement, analysis, regular as-  
 25 sessment of progress, and use of performance  
 26 information to improve the results achieved;

1           “(B) advise the head of the agency and the  
2 Chief Operating Officer on the selection of  
3 agency goals, including opportunities to collabo-  
4 rate with other agencies on common goals;

5           “(C) assist the head of the agency and the  
6 Chief Operating Officer in overseeing the imple-  
7 mentation of the agency strategic planning, per-  
8 formance planning, and reporting requirements  
9 provided under sections 1115 through 1122 of  
10 this title and sections 306 of title 5, including  
11 the contributions of the agency to the Federal  
12 Government priority goals;

13           “(D) support the head of agency and the  
14 Chief Operating Officer in the conduct of reg-  
15 ular reviews of agency performance, including  
16 at least quarterly reviews of progress achieved  
17 toward agency priority goals, if applicable;

18           “(E) assist the head of the agency and the  
19 Chief Operating Officer in the development and  
20 use within the agency of performance measures  
21 in personnel performance appraisals, and, as  
22 appropriate, other agency personnel and plan-  
23 ning processes and assessments; and

24           “(F) ensure that agency progress toward  
25 the achievement of all goals is communicated to

1 leaders, managers, and employees in the agency  
2 and Congress, and made available on a public  
3 website of the agency.

4 “(b) PERFORMANCE IMPROVEMENT COUNCIL.—

5 “(1) ESTABLISHMENT.—There is established a  
6 Performance Improvement Council, consisting of—

7 “(A) the Deputy Director for Management  
8 of the Office of Management and Budget, who  
9 shall act as chairperson of the Council;

10 “(B) the Performance Improvement Offi-  
11 cer from each agency defined in section 901(b)  
12 of this title;

13 “(C) other Performance Improvement Offi-  
14 cers as determined appropriate by the chair-  
15 person; and

16 “(D) other individuals as determined ap-  
17 propriate by the chairperson.

18 “(2) FUNCTION.—The Performance Improve-  
19 ment Council shall—

20 “(A) be convened by the chairperson or the  
21 designee of the chairperson, who shall preside  
22 at the meetings of the Performance Improve-  
23 ment Council, determine its agenda, direct its  
24 work, and establish and direct subgroups of the

1 Performance Improvement Council, as appro-  
2 priate, to deal with particular subject matters;

3 “(B) assist the Director of the Office of  
4 Management and Budget to improve the per-  
5 formance of the Federal Government and  
6 achieve the Federal Government priority goals;

7 “(C) assist the Director of the Office of  
8 Management and Budget in implementing the  
9 planning, reporting, and use of performance in-  
10 formation requirements related to the Federal  
11 Government priority goals provided under sec-  
12 tions 1115, 1120, 1121, and 1122 of this title;

13 “(D) work to resolve specific Government-  
14 wide or crosscutting performance issues, as nec-  
15 essary;

16 “(E) facilitate the exchange among agen-  
17 cies of practices that have led to performance  
18 improvements within specific programs, agen-  
19 cies, or across agencies;

20 “(F) coordinate with other interagency  
21 management councils;

22 “(G) seek advice and information as appro-  
23 priate from nonmember agencies, particularly  
24 smaller agencies;

1           “(H) consider the performance improve-  
2           ment experiences of corporations, nonprofit or-  
3           ganizations, foreign, State, and local govern-  
4           ments, Government employees, public sector  
5           unions, and customers of Government services;

6           “(I) receive such assistance, information  
7           and advice from agencies as the Council may  
8           request, which agencies shall provide to the ex-  
9           tent permitted by law; and

10           “(J) develop and submit to the Director of  
11           the Office of Management and Budget, or when  
12           appropriate to the President through the Direc-  
13           tor of the Office of Management and Budget, at  
14           times and in such formats as the chairperson  
15           may specify, recommendations to streamline  
16           and improve performance management policies  
17           and requirements.

18           “(3) SUPPORT.—

19           “(A) IN GENERAL.—The Administrator of  
20           General Services shall provide administrative  
21           and other support for the Council to implement  
22           this section.

23           “(B) PERSONNEL.—The heads of agencies  
24           with Performance Improvement Officers serving  
25           on the Council shall, as appropriate and to the

1 extent permitted by law, provide at the request  
2 of the chairperson of the Performance Improve-  
3 ment Council up to 2 personnel authorizations  
4 to serve at the direction of the chairperson.”.

5 **SEC. 10. FORMAT OF PERFORMANCE PLANS AND REPORTS.**

6 (a) **SEARCHABLE, MACHINE-READABLE PLANS AND**  
7 **REPORTS.**—For fiscal year 2012 and each fiscal year  
8 thereafter, each agency required to produce strategic  
9 plans, performance plans, and performance updates in ac-  
10 cordance with the amendments made by this Act shall—

11 (1) not incur expenses for the printing of stra-  
12 tegic plans, performance plans, and performance re-  
13 ports for release external to the agency, except when  
14 providing such documents to the Congress;

15 (2) produce such plans and reports in search-  
16 able, machine-readable formats; and

17 (3) make such plans and reports available on  
18 the website described under section 1122 of title 31,  
19 United States Code.

20 (b) **WEB-BASED PERFORMANCE PLANNING AND RE-**  
21 **PORTING.**—

22 (1) **IN GENERAL.**—Not later than June 1,  
23 2012, the Director of the Office of Management and  
24 Budget shall issue guidance to agencies to provide  
25 concise and timely performance information for pub-

1       lication on the website described under section 1122  
2       of title 31, United States Code, including, at a min-  
3       imum, all requirements of sections 1115 and 1116  
4       of title 31, United States Code, except for section  
5       1115(e).

6               (2) HIGH-PRIORITY GOALS.—For agencies re-  
7       quired to develop agency priority goals under section  
8       1120(b) of title 31, United States Code, the per-  
9       formance information required under this section  
10      shall be merged with the existing information re-  
11      quired under section 1122 of title 31, United States  
12      Code.

13              (3) CONSIDERATIONS.—In developing guidance  
14      under this subsection, the Director of the Office of  
15      Management and Budget shall take into consider-  
16      ation the experiences of agencies in making consoli-  
17      dated performance planning and reporting informa-  
18      tion available on the website as required under sec-  
19      tion 1122 of title 31, United States Code.

20   **SEC. 11. REDUCING DUPLICATIVE AND OUTDATED AGENCY**  
21                           **REPORTING.**

22              (a) BUDGET CONTENTS.—Section 1105(a) of title  
23   31, United States Code, is amended—

24                      (1) by redesignating second paragraph (33) as  
25              paragraph (35); and

1 (2) by adding at the end the following:

2 “(37) the list of plans and reports, as provided  
3 for under section 1125, that agencies identified for  
4 elimination or consolidation because the plans and  
5 reports are determined outdated or duplicative of  
6 other required plans and reports.”.

7 (b) ELIMINATION OF UNNECESSARY AGENCY RE-  
8 PORTING.—Chapter 11 of title 31, United States Code,  
9 is further amended by adding after section 1124 (as added  
10 by section 9 of this Act) the following:

11 **“§ 1125. Elimination of unnecessary agency reporting**

12 “(a) AGENCY IDENTIFICATION OF UNNECESSARY  
13 REPORTS.—Annually, based on guidance provided by the  
14 Director of the Office of Management and Budget, the  
15 Chief Operating Officer at each agency shall—

16 “(1) compile a list that identifies all plans and  
17 reports the agency produces for Congress, in accord-  
18 ance with statutory requirements or as directed in  
19 congressional reports;

20 “(2) analyze the list compiled under paragraph  
21 (1), identify which plans and reports are outdated or  
22 duplicative of other required plans and reports, and  
23 refine the list to include only the plans and reports  
24 identified to be outdated or duplicative;

1           “(3) consult with the congressional committees  
2 that receive the plans and reports identified under  
3 paragraph (2) to determine whether those plans and  
4 reports are no longer useful to the committees and  
5 could be eliminated or consolidated with other plans  
6 and reports; and

7           “(4) provide a total count of plans and reports  
8 compiled under paragraph (1) and the list of out-  
9 dated and duplicative reports identified under para-  
10 graph (2) to the Director of the Office of Manage-  
11 ment and Budget.

12       “(b) PLANS AND REPORTS.—

13           “(1) FIRST YEAR.—During the first year of im-  
14 plementation of this section, the list of plans and re-  
15 ports identified by each agency as outdated or dupli-  
16 cative shall be not less than 10 percent of all plans  
17 and reports identified under subsection (a)(1).

18           “(2) SUBSEQUENT YEARS.—In each year fol-  
19 lowing the first year described under paragraph (1),  
20 the Director of the Office of Management and Budg-  
21 et shall determine the minimum percent of plans and  
22 reports to be identified as outdated or duplicative on  
23 each list of plans and reports.

24       “(c) REQUEST FOR ELIMINATION OF UNNECESSARY  
25 REPORTS.—In addition to including the list of plans and

1 reports determined to be outdated or duplicative by each  
2 agency in the budget of the United States Government,  
3 as provided by section 1105(a)(37), the Director of the  
4 Office of Management and Budget may concurrently sub-  
5 mit to Congress legislation to eliminate or consolidate such  
6 plans and reports.”.

7 **SEC. 12. PERFORMANCE MANAGEMENT SKILLS AND COM-**  
8 **PETENCIES.**

9 (a) PERFORMANCE MANAGEMENT SKILLS AND COM-  
10 PETENCIES.—Not later than 1 year after the date of en-  
11 actment of this Act, the Director of the Office of Per-  
12 sonnel Management, in consultation with the Performance  
13 Improvement Council, shall identify the key skills and  
14 competencies needed by Federal Government personnel for  
15 developing goals, evaluating programs, and analyzing and  
16 using performance information for the purpose of improv-  
17 ing Government efficiency and effectiveness.

18 (b) POSITION CLASSIFICATIONS.—Not later than 2  
19 years after the date of enactment of this Act, based on  
20 the identifications under subsection (a), the Director of  
21 the Office of Personnel Management shall incorporate, as  
22 appropriate, such key skills and competencies into relevant  
23 position classifications.

24 (c) INCORPORATION INTO EXISTING AGENCY TRAIN-  
25 ING.—Not later than 2 years after the enactment of this

1 Act, the Director of the Office of Personnel Management  
 2 shall work with each agency, as defined under section  
 3 306(f) of title 5, United States Code, to incorporate the  
 4 key skills identified under subsection (a) into training for  
 5 relevant employees at each agency.

6 **SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.**

7 (a) The table of contents for chapter 3 of title 5,  
 8 United States Code, is amended by striking the item relat-  
 9 ing to section 306 and inserting the following:

“306. Agency strategic plans.”.

10 (b) The table of contents for chapter 11 of title 31,  
 11 United States Code, is amended by striking the items re-  
 12 lating to section 1115 and 1116 and inserting the fol-  
 13 lowing:

“1115. Federal Government and agency performance plans.

“1116. Agency performance reporting.”.

14 (c) The table of contents for chapter 11 of title 31,  
 15 United States Code, is amended by adding at the end the  
 16 following:

“1120. Federal Government and agency priority goals.

“1121. Quarterly priority progress reviews and use of performance information.

“1122. Transparency of programs, priority goals, and results.

“1123. Chief Operating Officers.

“1124. Performance Improvement Officers and the Performance Improvement  
 Council.

“1125. Elimination of unnecessary agency reporting.”.

17 **SEC. 14. IMPLEMENTATION OF THIS ACT.**

18 (a) INTERIM PLANNING AND REPORTING.—

19 (1) IN GENERAL.—The Director of the Office of  
 20 Management and Budget shall coordinate with agen-

1       cies to develop interim Federal Government priority  
2       goals and submit interim Federal Government per-  
3       formance plans consistent with the requirements of  
4       this Act beginning with the submission of the fiscal  
5       year 2013 Budget of the United States Government.

6               (2) REQUIREMENTS.—Each agency shall—

7                       (A) not later than February 6, 2012, make  
8                       adjustments to its strategic plan to make the  
9                       plan consistent with the requirements of this  
10                      Act;

11                     (B) prepare and submit performance plans  
12                     consistent with the requirements of this Act, in-  
13                     cluding the identification of agency priority  
14                     goals, beginning with the performance plan for  
15                     fiscal year 2013; and

16                     (C) make performance reporting updates  
17                     consistent with the requirements of this Act be-  
18                     ginning in fiscal year 2012.

19               (3) QUARTERLY REVIEWS.—The quarterly pri-  
20       ority progress reviews required under this Act shall  
21       begin—

22                     (A) with the first full quarter beginning on  
23                     or after the date of enactment of this Act for  
24                     agencies based on the agency priority goals con-  
25                     tained in the Analytical Perspectives volume of

1 the Fiscal Year 2011 Budget of the United  
2 States Government; and

3 (B) with the quarter ending June 30, 2012  
4 for the interim Federal Government priority  
5 goals.

6 (b) GUIDANCE.—The Director of the Office of Man-  
7 agement and Budget shall prepare guidance for agencies  
8 in carrying out the interim planning and reporting activi-  
9 ties required under subsection (a), in addition to other  
10 guidance as required for implementation of this Act.

11 **SEC. 15. CONGRESSIONAL OVERSIGHT AND LEGISLATION.**

12 (a) IN GENERAL.—Nothing in this Act shall be con-  
13 strued as limiting the ability of Congress to establish,  
14 amend, suspend, or annul a goal of the Federal Govern-  
15 ment or an agency.

16 (b) GAO REVIEWS.—

17 (1) INTERIM PLANNING AND REPORTING EVAL-  
18 UATION.—Not later than June 30, 2013, the Comp-  
19 troller General shall submit a report to Congress  
20 that includes—

21 (A) an evaluation of the implementation of  
22 the interim planning and reporting activities  
23 conducted under section 14 of this Act; and

1 (B) any recommendations for improving  
2 implementation of this Act as determined ap-  
3 propriate.

4 (2) IMPLEMENTATION EVALUATIONS.—

5 (A) IN GENERAL.—The Comptroller Gen-  
6 eral shall evaluate the implementation of this  
7 Act subsequent to the interim planning and re-  
8 porting activities evaluated in the report sub-  
9 mitted to Congress under paragraph (1).

10 (B) AGENCY IMPLEMENTATION.—

11 (i) EVALUATIONS.—The Comptroller  
12 General shall evaluate how implementation  
13 of this Act is affecting performance man-  
14 agement at the agencies described in sec-  
15 tion 901(b) of title 31, United States  
16 Code, including whether performance man-  
17 agement is being used by those agencies to  
18 improve the efficiency and effectiveness of  
19 agency programs.

20 (ii) REPORTS.—The Comptroller Gen-  
21 eral shall submit to Congress—

22 (I) an initial report on the eval-  
23 uation under clause (i), not later than  
24 September 30, 2015; and

1 (II) a subsequent report on the  
2 evaluation under clause (i), not later  
3 than September 30, 2017.

4 (C) FEDERAL GOVERNMENT PLANNING  
5 AND REPORTING IMPLEMENTATION.—

6 (i) EVALUATIONS.—The Comptroller  
7 General shall evaluate the implementation  
8 of the Federal Government priority goals,  
9 Federal Government performance plans  
10 and related reporting required by this Act.

11 (ii) REPORTS.—The Comptroller Gen-  
12 eral shall submit to Congress—

13 (I) an initial report on the eval-  
14 uation under clause (i), not later than  
15 September 30, 2015; and

16 (II) subsequent reports on the  
17 evaluation under clause (i), not later  
18 than September 30, 2017 and every 4  
19 years thereafter.

20 (D) RECOMMENDATIONS.—The Comp-  
21 troller General shall include in the reports re-  
22 quired by subparagraphs (B) and (C) any rec-  
23 ommendations for improving implementation of  
24 this Act and for streamlining the planning and

1 reporting requirements of the Government Per-  
2 formance and Results Act of 1993.

○