

111TH CONGRESS
2^D 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.

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

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 Reducing duplicative and outdated agency reporting.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.

○