

GETTING RESULTS THROUGH ENHANCED
ACCOUNTABILITY AND TRANSPARENCY ACT OF 2016

DECEMBER 8, 2016.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. CHAFFETZ, from the Committee on Oversight and Government
Reform, submitted the following

R E P O R T

[To accompany H.R. 5033]

The Committee on Oversight and Government Reform, to whom
was referred the bill (H.R. 5033) to improve the Governmentwide
management of unnecessarily duplicative Government programs
and for other purposes, having considered the same, report favor-
ably thereon with an amendment and recommend that the bill as
amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Getting Results through Enhanced Accountability
and Transparency Act of 2016”.

SEC. 2. PURPOSE.

The purpose of this Act is to increase the efficiency and effectiveness of the Federal Government in measuring and managing unnecessary duplication, fragmentation, and overlap in Government programs and in addressing recommendations from the Government Accountability Office.

SEC. 3. IDENTIFICATION, CONSOLIDATION, AND ELIMINATION OF UNNECESSARILY DUPLICATIVE GOVERNMENT PROGRAMS.

Section 21 of the Joint Resolution entitled "Joint Resolution increasing the statutory limit on the public debt" (Public Law 111-139; 31 U.S.C. 712 note) is amended to read as follows:

"SEC. 21. IDENTIFICATION, CONSOLIDATION, AND ELIMINATION OF UNNECESSARILY DUPLICATIVE GOVERNMENT PROGRAMS.

"(a) IN GENERAL.—The Comptroller General of the United States shall—

"(1) conduct routine investigations to identify programs, agencies, offices, and initiatives with unnecessarily duplicative goals and activities within departments and agencies and Governmentwide; and

"(2) submit to Congress an annual report on the findings of the investigations under paragraph (1).

"(b) CONTENTS OF REPORTS.—Reports submitted under subsection (a)(2) shall, to the extent possible—

"(1) include—

"(A) information from available reports estimating the cost of unnecessary duplication identified under subsection (a)(1); and

"(B) recommendations for consolidation, coordination, and elimination to reduce unnecessary duplication, which shall identify specific rescissions; and

"(2) aggregate separately—

"(A) estimates of related costs reported by the Comptroller General for instances of actual and potential unnecessary duplication; and

"(B) estimates of other potential cost savings and revenue collection reported by the Comptroller General during the period covered by the report."

SEC. 4. IMPROVEMENTS TO ELIMINATION OF UNNECESSARY DUPLICATION.

(a) SYSTEMATIC AGENCY REVIEW OF OPERATIONS.—Section 305(c) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ", and ways in which the agency might improve its performance toward its mission" before the semicolon;

(2) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(3) by inserting after paragraph (1) the following:

"(2) informing the processes of the agency for learning and decisionmaking;

"(3) assessing potential opportunities to improve coordination within the agency and with other agencies, and to address actual and potential unnecessary duplication;" and

(4) in paragraph (5), as so redesignated, by inserting "and performance toward achieving the mission of the agency" before the period.

(b) CHIEF OPERATING OFFICERS.—Section 1123(b) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "evaluation," after "measurement,"; and

(B) by inserting "risk management," after "progress,";

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(3) by inserting after paragraph (1) the following:

"(2) address crosscutting program and management issues, including opportunities to improve coordination and address unnecessary duplication, within and external to the agency using an enterprise risk management approach;"

(4) in paragraph (4), as so redesignated, by inserting "of mission-oriented components and units and mission support" after "management"; and

(5) in paragraph (5), as so redesignated—

(A) by striking "such as the Chief" and inserting the following: "such as—

"(A) the heads of mission-related components and units at the agency and the major components of the agency; and

"(B) the Chief".

(B) by striking "other line of business" and all that follows and inserting "heads of mission support functions at the agency and at the major components of the agency."

(c) FEDERAL GOVERNMENT AND AGENCY PERFORMANCE PLANS.—Section 1115 of title 31, United States Code, is amended—

(1) in subsection (a)(6), by inserting “, including actual or potential unnecessary duplication,” after “crosscutting in nature”;

(2) in subsection (b)(9), in the matter preceding subparagraph (A), by inserting “, including actual or potential unnecessary duplication,” after “agency faces”; and

(3) in subsection (h)—

(A) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively;

(B) by inserting after paragraph (4) the following:

“(5) ‘enterprise risk management’ means the processes that are used to address the full spectrum of risks across multiple programs and organizations that are located within a larger entity or initiative, placing the risks into an integrated and interrelated portfolio, and prioritizing their mitigation;”;

(C) in paragraph (12), as so redesignated, by striking “and” at the end;

(D) in paragraph (13), as so redesignated, by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

“(14) ‘risk’ means the possibility of—

“(A) an adverse event or phenomenon occurring; or

“(B) a beneficial opportunity remaining unexploited; and

“(15) ‘risk management’ means the processes that are used to identify, assess, prioritize, monitor, mitigate, and report on risks to achieving the missions, goals, and objectives of a department, agency, or program, or group thereof, using resources and processes appropriate to the nature of the risks and resources available.”

(d) FEDERAL GOVERNMENT AND AGENCY PRIORITY GOALS.—Section 1120 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)—

(i) in the matter preceding clause (i), by inserting “and mission support” after “management”; and

(ii) in clause (v), by striking the semicolon and inserting a period; and

(B) in paragraph (3)—

(i) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii) and adjusting the margin accordingly;

(ii) by striking “shall consult” and inserting the following: “shall—

“(A) consider recommendations of the Government Accountability Office in—

“(i) the annual report submitted under section 21 of the Joint Resolution entitled ‘Joint Resolution increasing the statutory limit on the public debt’ (Public Law 111–139; 31 U.S.C. 712 note); or

“(ii) the High Risk list; and

“(B) consult”; and

(iii) in subparagraph (B)(vii), as so redesignated, by striking the semicolon and inserting a period; and

(2) in subsection (b)(1)(A), by inserting “biennial” before “consultations”.

(e) PERFORMANCE IMPROVEMENT OFFICERS AND THE PERFORMANCE IMPROVEMENT COUNCIL.—Section 1124 of title 31, United States Code, is amended—

(1) in subsection (a)(2)(A)—

(A) by inserting “, in collaboration with heads of agency components and mission support functions,” after “Officer”;

(B) by inserting “evaluation,” after “measurement;”;

(C) by inserting “risk management,” after “progress;”;

(2) in subsection (b)(2)—

(A) in subparagraph (D), by inserting “including issues relating to coordination and unnecessary duplication,” after “issues;”;

(B) in subparagraph (E), by inserting “and with non-Federal stakeholders, including States and local governments,” after “exchange among agencies”;

(C) in subparagraph (F), by inserting “and mission support” after “management”;

(D) in subparagraph (I), by striking “and” at the end;

(E) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

“(K) establish a public website; and

“(L) place annually and archive on the website a detailed annual report describing the Performance Improvement Council’s—

- “(i) structure (including any committees or task forces);
- “(ii) budget and relevant sources of funds;
- “(iii) staffing, on a full-time equivalent basis (including an accounting of details from agencies); and
- “(iv) past, current, and planned activities.”.

(f) ELIMINATION OF UNNECESSARY AGENCY REPORTING.—Section 1125(a)(1) of title 31, United States Code, is amended by striking “reports;” and inserting the following: “reports, and place the list on a public website, which shall include, for each plan or report—

“(A) a citation to the relevant statutory requirement or direction in a congressional report; and

“(B) an indication of whether and how the agency is complying with the requirement to produce the plan or report, including a citation to the means through which the agency submits the plan or report;”.

(g) AGENCY REPORTS.—Section 720(b) of title 31, United States Code, is amended, in the matter preceding paragraph (1), by inserting “, including the annual report on unnecessarily duplicative goals and activities within departments and governmentwide required under section 21 of the joint resolution entitled ‘A joint resolution increasing the statutory limit on the public debt’ (Public Law 111–139; 31 U.S.C. 712 note) and the High Risk list of the Government Accountability Office,” after “makes a report”.

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

H.R. 5033, the Getting Results through Enhanced Accountability and Transparency (GREAT) Act of 2016, requires agencies to incorporate a focus on unnecessary duplication, fragmentation, and overlap in management functions of federal programs. H.R. 5033 also enhances efforts to implement recommendations from the United States Government Accountability Office (GAO).

BACKGROUND AND NEED FOR LEGISLATION

GAO publishes an annual report on potential government duplication, fragmentation, and overlap, and other cost savings. Since 2011, GAO has identified 250 areas and 637 corrective actions in those areas to reduce fragmentation, overlap, or duplication, or address other opportunities for financial benefits.¹ To date, less than half of the corrective actions recommended by GAO have been fully addressed. However, the 41 percent of corrective actions that have been addressed are projected to save the federal government \$125 billion by 2025.

Sustained leadership and attention is vital to improving efforts to resolve unnecessary duplication in federal programs. With this in mind, H.R. 5033 expands existing performance management requirements established by the Government Performance and Results Act (GPRA), as amended by the GPRA Modernization Act of 2010 (GPRAMA). Specifically, H.R. 5033 requires agencies to incorporate consideration of unnecessary duplication in performance plans and other ongoing systematic agency reviews of operations.

H.R. 5033 also increases transparency into the work of agencies by requiring that they post online a complete list of congressionally imposed reporting requirements and the status of agency efforts to comply with the requirements. The bill also clarifies that agencies are expected to consult with Congress on a biennial basis when developing agency-level priority goals.

¹ GAO, *2016 Annual Report: Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits*, GAO–16–375SP (Apr 13, 2016).

The legislation seeks to enhance interagency communication and collaboration by requiring the Office of Management and Budget (OMB) to consider GAO recommendations in developing or revising federal government priority goals, as required by GPRA. H.R. 5033 also requires agency Performance Improvement Officers (PIOs) and the interagency council PIOs serve on to address issues of coordination and duplication, to consult more widely in their work with non-Federal stakeholders, and to make their operations more transparent to Congress.

LEGISLATIVE HISTORY

H.R. 5033 was introduced on April 21, 2016 by Representative Tammy Duckworth (D–IL) and referred to the Committee on Oversight and Government Reform. Representatives Steve Russell (R–OK), Robin Kelly (D–IL), Gerry Connolly (D–VA), and Mark DeSaulnier (D–CA) are cosponsors. On July 12, 2016, the Committee ordered favorably reported the bill, as amended, by voice vote.

SECTION-BY-SECTION

Section 1. Short title

Designates the short title of the bill as the Getting Results through Enhanced Accountability and Transparency Act of 2016.

Section 2. Purpose

The purpose of the bill is to increase efficiency and effectiveness in measuring and managing unnecessary duplication, fragmentation, and overlap in federal programs and to address recommendations from the Government Accountability Office (GAO).

Section 3. Identification, consolidation, and elimination of unnecessarily duplicative government programs

Amends section 21 of the joint resolution increasing the statutory limit on the public debt (Public Law 111–139), which established the GAO’s report on duplication, fragmentation, and overlap, to clarify the contents of the report and require, to the extent possible, aggregated estimates of unnecessary duplication and other potential costs savings.

Section 4. Improvements to elimination of unnecessary duplication

Subsection (a) amends section 305 of title 5, United States Code, to expand agencies’ obligations to conduct ongoing systematic review of operations to also include determining ways to improve performance, informing learning and decision making, and assessing opportunities to address unnecessary duplication.

Subsection (b) amends section 1123 of title 31, United States Code, to expand the responsibilities of the Chief Operating Officer of each agency to include addressing coordination and unnecessary duplication, overseeing mission support functions, and coordinating with the heads of mission support functions.

Subsection (c) amends section 1115 of title 31, United States Code, by adding to the government-wide performance plan, and each agency’s performance plan the requirement to identify unnecessary duplication.

Subsection (d) amends section 1120 of title 31, United States Code, to require OMB to consider recommendations from GAO included in the duplication, fragmentation, and overlap report and High Risk report when developing cross-agency priority goals.

Subsection (e) amends section 1124 of title 31, United States Code, to expand the role of agency PIOs to include collaborating with mission support functions, and to expand the responsibilities of the Performance Improvement Council to include resolving coordination and duplication performance issues, facilitating an exchange with agencies and non-federal stakeholders about performance improvements, and establishing a website and annual report about the Council.

Subsection (f) amends section 1125 of title 31, United States Code, to require agencies to publish online a list of all reports required by Congress, including a citation to the statute or bill report establishing the requirement, and a description of the efforts to comply with the requirement.

Subsection (g) amends section 720 of title 31, United States Code, to clarify that the requirement for agencies to provide to Congress a written response to GAO recommendations includes recommendations made in the High Risk report and the report on duplication, fragmentation, and overlap.

EXPLANATION OF AMENDMENTS

During Full Committee consideration of the bill, Representative Duckworth offered an amendment in the nature of a substitute which removed subsection (h) of section (4) and made a small technical amendment to section (3). The amendment was adopted by voice vote.

COMMITTEE CONSIDERATION

On July 12, 2016, the Committee met in open session and ordered reported favorably the bill, H.R. 5033, as amended, by voice vote, a quorum being present.

ROLL CALL VOTES

No roll call votes were requested or conducted during Full Committee consideration of H.R. 5033.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill improves the Government-wide management of unnecessarily duplicative Government programs. This bill does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Commit-

tee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal and objective of the bill is to improve the Government-wide management of unnecessarily duplicative Government programs.

DUPLICATION OF FEDERAL PROGRAMS

No provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting this bill does not direct the completion of any specific rule makings within the meaning of 5 U.S.C. 551.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104-4) requires a statement as to whether the provisions of the reported bill include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

COMMITTEE ESTIMATE

At the time of this writing, the Committee had yet to receive a formal cost estimate from the Congressional Budget Office for H.R. 5033. The bill primarily expands agency responsibilities under the Government Performance and Results Act by expanding and clarifying the existing requirements to conduct systematic review of operations, issuing a performance plan, developing cross agency goals, and responding to Government Accountability Office recommendations. The substantive new requirement is for agencies to provide a list of all congressionally mandated reports on online. As agencies generally have existing websites, publishing a list of reports submitted to Congress should be a minor additional cost. As

H.R. 5033 does not establish any significant new process or reporting, the Committee estimates the costs of enacting H.R. 5033 would be negligible.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST
ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has not received a cost estimate for this bill from the Director of Congressional Budget Office, and instead has included a committee estimate in the section prior to this one.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

PUBLIC LAW 111-139

JOINT RESOLUTION Increasing the statutory limit on the public debt.

* * * * *

TITLE II—ELIMINATION OF DUPLICATIVE AND WASTEFUL SPENDING

[SEC. 21. IDENTIFICATION, CONSOLIDATION, AND ELIMINATION OF DUPLICATIVE GOVERNMENT PROGRAMS.

[The Comptroller General of the Government Accountability Office shall conduct routine investigations to identify programs, agencies, offices, and initiatives with duplicative goals and activities within Departments and governmentwide and report annually to Congress on the findings, including the cost of such duplication and with recommendations for consolidation and elimination to reduce duplication identifying specific rescissions.]

SEC. 21. IDENTIFICATION, CONSOLIDATION, AND ELIMINATION OF UNNECESSARILY DUPLICATIVE GOVERNMENT PROGRAMS.

(a) *IN GENERAL.*—*The Comptroller General of the United States shall—*

(1) *conduct routine investigations to identify programs, agencies, offices, and initiatives with unnecessarily duplicative goals and activities within departments and agencies and Governmentwide; and*

(2) *submit to Congress an annual report on the findings of the investigations under paragraph (1).*

(b) *CONTENTS OF REPORTS.*—*Reports submitted under subsection (a)(2) shall, to the extent possible—*

(1) *include—*

- (A) information from available reports estimating the cost of unnecessary duplication identified under subsection (a)(1); and
 - (B) recommendations for consolidation, coordination, and elimination to reduce unnecessary duplication, which shall identify specific rescissions; and
- (2) aggregate separately—
- (A) estimates of related costs reported by the Comptroller General for instances of actual and potential unnecessary duplication; and
 - (B) estimates of other potential cost savings and revenue collection reported by the Comptroller General during the period covered by the report.

TITLE 5, UNITED STATES CODE

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PART I—THE AGENCIES GENERALLY

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CHAPTER 3—POWERS

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§ 305. Systematic agency review of operations

- (a) For the purpose of this section, “agency” means an Executive agency, but does not include—
- (1) a Government controlled corporation;
 - (2) the Tennessee Valley Authority;
 - (3) the Virgin Islands Corporation;
 - (4) the Atomic Energy Commission;
 - (5) the Central Intelligence Agency;
 - (6) the Panama Canal Commission; or
 - (7) the National Security Agency, Department of Defense.
- (b) Under regulations prescribed and administered by the President, each agency shall review systematically the operations of each of its activities, functions, or organization units, on a continuing basis.
- (c) The purpose of the reviews includes—
- (1) determining the degree of efficiency and economy in the operation of the agency’s activities, functions, or organization units, *and ways in which the agency might improve its performance toward its mission;*
 - (2) *informing the processes of the agency for learning and decisionmaking;*
 - (3) *assessing potential opportunities to improve coordination within the agency and with other agencies, and to address actual and potential unnecessary duplication;*
 - [(2)] (4) identifying the units that are outstanding in those respects; and
 - [(3)] (5) identifying the employees whose personal efforts have caused their units to be outstanding in efficiency and

economy of operations *and performance toward achieving the mission of the agency.*

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TITLE 31, UNITED STATES CODE

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SUBTITLE I—GENERAL

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CHAPTER 7—GOVERNMENT ACCOUNTABILITY OFFICE

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SUBCHAPTER II—GENERAL DUTIES AND POWERS

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§ 720. Agency reports

(a) In this section, “agency” means a department, agency, or instrumentality of the United States Government (except a mixed-ownership Government corporation) or the District of Columbia government.

(b) When the Comptroller General makes a report, *including the annual report on unnecessarily duplicative goals and activities within departments and governmentwide required under section 21 of the joint resolution entitled “A joint resolution increasing the statutory limit on the public debt” (Public Law 111–139; 31 U.S.C. 712 note) and the High Risk list of the Government Accountability Office*, that includes a recommendation to the head of an agency, the head of the agency shall submit a written statement on action taken on the recommendation by the head of the agency. The statement shall be submitted to—

(1) the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives before the 61st day after the date of the report; and

(2) the Committees on Appropriations of both Houses of Congress in the first request for appropriations submitted more than 60 days after the date of the report.

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SUBTITLE II—THE BUDGET PROCESS

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CHAPTER 11—THE BUDGET AND FISCAL, BUDGET, AND PROGRAM INFORMATION

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§ 1115. Federal Government and agency performance plans

(a) FEDERAL GOVERNMENT PERFORMANCE PLANS.—In carrying out the provisions of section 1105(a)(28), the Director of the Office of Management and Budget shall coordinate with agencies to develop the Federal Government performance plan. In addition to the submission of such plan with each budget of the United States Government, the Director of the Office of Management and Budget shall ensure that all information required by this subsection is concurrently made available on the website provided under section 1122 and updated periodically, but no less than annually. The Federal Government performance plan shall—

(1) establish Federal Government performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year for each of the Federal Government priority goals required under section 1120(a) of this title;

(2) identify the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities contributing to each Federal Government performance goal during the current fiscal year;

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

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

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

(B) the individual contribution of each agency, organization, program activity, regulation, tax expenditure, policy, and other activity identified under paragraph (2);

(5) establish clearly defined quarterly milestones; and

(6) identify major management challenges that are Governmentwide or crosscutting in nature, *including actual or potential unnecessary duplication*, and describe plans to address such challenges, including relevant performance goals, performance indicators, and milestones.

(b) AGENCY PERFORMANCE PLANS.—Not later than the first Monday in February of each year, the head of each agency shall make available on a public website of the agency, and notify the President and the Congress of its availability, a performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

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

(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form under subsection (c);

(3) describe how the performance goals contribute to—

(A) the general goals and objectives established in the agency's strategic plan required by section 306(a)(2) of title 5; and

- (B) any of the Federal Government performance goals established in the Federal Government performance plan required by subsection (a)(1);
- (4) identify among the performance goals those which are designated as agency priority goals as required by section 1120(b) of this title, if applicable;
- (5) provide a description of how the performance goals are to be achieved, including—
- (A) the operation processes, training, skills and technology, and the human, capital, information, and other resources and strategies required to meet those performance goals;
 - (B) clearly defined milestones;
 - (C) an identification of the organizations, program activities, regulations, policies, and other activities that contribute to each performance goal, both within and external to the agency;
 - (D) a description of how the agency is working with other agencies to achieve its performance goals as well as relevant Federal Government performance goals; and
 - (E) an identification of the agency officials responsible for the achievement of each performance goal, who shall be known as goal leaders;
- (6) establish a balanced set of performance indicators to be used in measuring or assessing progress toward each performance goal, including, as appropriate, customer service, efficiency, output, and outcome indicators;
- (7) provide a basis for comparing actual program results with the established performance goals;
- (8) a description of how the agency will ensure the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—
- (A) the means to be used to verify and validate measured values;
 - (B) the sources for the data;
 - (C) the level of accuracy required for the intended use of the data;
 - (D) any limitations to the data at the required level of accuracy; and
 - (E) how the agency will compensate for such limitations if needed to reach the required level of accuracy;
- (9) describe major management challenges the agency faces, *including actual or potential unnecessary duplication*, and identify—
- (A) planned actions to address such challenges;
 - (B) performance goals, performance indicators, and milestones to measure progress toward resolving such challenges; and
 - (C) the agency official responsible for resolving such challenges; and
- (10) identify low-priority program activities based on an analysis of their contribution to the mission and goals of the agency and include an evidence-based justification for designating a program activity as low priority.

(c) ALTERNATIVE FORM.—If an agency, in consultation with the Director of the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Director of the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

(1) include separate descriptive statements of—

- (A)(i) a minimally effective program; and
- (ii) a successful program; or

(B) such alternative as authorized by the Director of the Office of Management and Budget, with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of the description; or

(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

(d) TREATMENT OF PROGRAM ACTIVITIES.—For the purpose of complying with this section, an agency may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

(e) APPENDIX.—An agency may submit with an annual performance plan an appendix covering any portion of the plan that—

- (1) is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and
- (2) is properly classified pursuant to such Executive order.

(f) INHERENTLY GOVERNMENTAL FUNCTIONS.—The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of performance plans under this section shall be performed only by Federal employees.

(g) CHIEF HUMAN CAPITAL OFFICERS.—With respect to each agency with a Chief Human Capital Officer, the Chief Human Capital Officer shall prepare that portion of the annual performance plan described under subsection (b)(5)(A).

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

- (1) “agency” has the same meaning as such term is defined under section 306(f) of title 5;
- (2) “crosscutting” means across organizational (such as agency) boundaries;
- (3) “customer service measure” means an assessment of service delivery to a customer, client, citizen, or other recipient, which can include an assessment of quality, timeliness, and satisfaction among other factors;
- (4) “efficiency measure” means a ratio of a program activity's inputs (such as costs or hours worked by employees) to its outputs (amount of products or services delivered) or outcomes (the desired results of a program);
- (5) “enterprise risk management” means the processes that are used to address the full spectrum of risks across multiple programs and organizations that are located within a larger entity or initiative, placing the risks into an integrated and interrelated portfolio, and prioritizing their mitigation;

[(5)] (6) “major management challenge” means programs or management functions, within or across agencies, that have greater vulnerability to waste, fraud, abuse, and mismanagement (such as issues identified by the Government Accountability Office as high risk or issues identified by an Inspector General) where a failure to perform well could seriously affect the ability of an agency or the Government to achieve its mission or goals;

[(6)] (7) “milestone” means a scheduled event signifying the completion of a major deliverable or a set of related deliverables or a phase of work;

[(7)] (8) “outcome measure” means an assessment of the results of a program activity compared to its intended purpose;

[(8)] (9) “output measure” means the tabulation, calculation, or recording of activity or effort that can be expressed in a quantitative or qualitative manner;

[(9)] (10) “performance goal” means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate;

[(10)] (11) “performance indicator” means a particular value or characteristic used to measure output or outcome;

[(11)] (12) “program activity” means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; [and]

[(12)] (13) “program evaluation” means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives[.];

(14) “risk” means the possibility of—

(A) an adverse event or phenomenon occurring; or

(B) a beneficial opportunity remaining unexploited; and

(15) “risk management” means the processes that are used to identify, assess, prioritize, monitor, mitigate, and report on risks to achieving the missions, goals, and objectives of a department, agency, or program, or group thereof, using resources and processes appropriate to the nature of the risks and resources available.

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§ 1120. Federal Government and agency priority goals

(a) FEDERAL GOVERNMENT PRIORITY GOALS.—

(1) The Director of the Office of Management and Budget shall coordinate with agencies to develop priority goals to improve the performance and management of the Federal Government. Such Federal Government priority goals shall include—

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

(B) goals for management *and mission support* improvements needed across the Federal Government, including—

(i) financial management;

(ii) human capital management;

(iii) information technology management;

(iv) procurement and acquisition management; and

(v) real property management[;].

(2) The Federal Government priority goals shall be long-term in nature. At a minimum, the Federal Government priority goals shall be updated or revised every 4 years and made publicly available concurrently with the submission of the budget of the United States Government made in the first full fiscal year following any year in which the term of the President commences under section 101 of title 3. As needed, the Director of the Office of Management and Budget may make adjustments to the Federal Government priority goals to reflect significant changes in the environment in which the Federal Government is operating, with appropriate notification of Congress.

(3) When developing or making adjustments to Federal Government priority goals, the Director of the Office of Management and Budget [shall consult] shall—

(A) consider recommendations of the Government Accountability Office in—

(i) the annual report submitted under section 21 of the Joint Resolution entitled “Joint Resolution increasing the statutory limit on the public debt” (Public Law 111–139; 31 U.S.C. 712 note); or

(ii) the High Risk list; and

(B) consult periodically with the Congress, including obtaining majority and minority views from—

[(A)] (i) the Committees on Appropriations of the Senate and the House of Representatives;

[(B)] (ii) the Committees on the Budget of the Senate and the House of Representatives;

[(C)] (iii) the Committee on Homeland Security and Governmental Affairs of the Senate;

[(D)] (iv) the Committee on Oversight and Government Reform of the House of Representatives;

[(E)] (v) the Committee on Finance of the Senate;

[(F)] (vi) the Committee on Ways and Means of the House of Representatives; and

[(G)] (vii) any other committees as determined appropriate[;].

(4) The Director of the Office of Management and Budget shall consult with the appropriate committees of Congress at least once every 2 years.

(5) The Director of the Office of Management and Budget shall make information about the Federal Government priority goals available on the website described under section 1122 of this title.

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

(b) AGENCY PRIORITY GOALS.—

(1) Every 2 years, the head of each agency listed in section 901(b) of this title, or as otherwise determined by the Director of the Office of Management and Budget, shall identify agency priority goals from among the performance goals of the agency. The Director of the Office of Management and Budget shall determine the total number of agency priority goals across the

Government, and the number to be developed by each agency. The agency priority goals shall—

(A) reflect the highest priorities of the agency, as determined by the head of the agency and informed by the Federal Government priority goals provided under subsection (a) and the *biennial* consultations with Congress and other interested parties required by section 306(d) of title 5;

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

(C) have a clearly identified agency official, known as a goal leader, who is responsible for the achievement of each agency priority goal;

(D) have interim quarterly targets for performance indicators if more frequent updates of actual performance provides data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden; and

(E) have clearly defined quarterly milestones.

(2) If an agency priority goal includes any program activity or information that is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

(c) The functions and activities of this section shall be considered to be inherently governmental functions. The development of Federal Government and agency priority goals shall be performed only by Federal employees.

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§ 1123. Chief Operating Officers

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

(b) FUNCTION.—Each Chief Operating Officer shall be responsible for improving the management and performance of the agency, and shall—

(1) provide overall organization management to improve agency performance and achieve the mission and goals of the agency through the use of strategic and performance planning, measurement, *evaluation*, analysis, regular assessment of progress, *risk management*, and use of performance information to improve the results achieved;

(2) *address crosscutting program and management issues, including opportunities to improve coordination and address unnecessary duplication, within and external to the agency using an enterprise risk management approach;*

[(2)] (3) advise and assist the head of agency in carrying out the requirements of sections 1115 through 1122 of this title and section 306 of title 5;

[(3)] (4) oversee agency-specific efforts to improve management of *mission-oriented components and units and mission support functions* within the agency and across Government; and

[(4)] (5) coordinate and collaborate with relevant personnel within and external to the agency who have a significant role in contributing to and achieving the mission and goals of the agency, [such as the Chief] *such as—*

(A) *the heads of mission-related components and units at the agency and the major components of the agency; and*

(B) *the Chief Financial Officer, Chief Human Capital Officer, Chief Acquisition Officer/Senior Procurement Executive, Chief Information Officer, and [other line of business chiefs at the agency.] heads of mission support functions at the agency and at the major components of the agency.*

§ 1124. Performance Improvement Officers and the Performance Improvement Council

(a) PERFORMANCE IMPROVEMENT OFFICERS.—

(1) ESTABLISHMENT.—At each agency, the head of the agency, in consultation with the agency Chief Operating Officer, shall designate a senior executive of the agency as the agency Performance Improvement Officer.

(2) FUNCTION.—Each Performance Improvement Officer shall report directly to the Chief Operating Officer. Subject to the direction of the Chief Operating Officer, each Performance Improvement Officer shall—

(A) advise and assist the head of the agency and the Chief Operating Officer, *in collaboration with heads of agency components and mission support functions*, to ensure that the mission and goals of the agency are achieved through strategic and performance planning, measurement, *evaluation*, analysis, regular assessment of progress, *risk management*, and use of performance information to improve the results achieved;

(B) advise the head of the agency and the Chief Operating Officer on the selection of agency goals, including opportunities to collaborate with other agencies on common goals;

(C) assist the head of the agency and the Chief Operating Officer in overseeing the implementation of the agency strategic planning, performance planning, and reporting requirements provided under sections 1115 through 1122 of this title and sections 306 of title 5, including the contributions of the agency to the Federal Government priority goals;

(D) support the head of agency and the Chief Operating Officer in the conduct of regular reviews of agency performance, including at least quarterly reviews of progress achieved toward agency priority goals, if applicable;

(E) assist the head of the agency and the Chief Operating Officer in the development and use within the agency of performance measures in personnel performance appraisals, and, as appropriate, other agency personnel and planning processes and assessments; and

(F) ensure that agency progress toward the achievement of all goals is communicated to leaders, managers, and employees in the agency and Congress, and made available on a public website of the agency.

(b) PERFORMANCE IMPROVEMENT COUNCIL.—

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

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

(B) the Performance Improvement Officer from each agency defined in section 901(b) of this title;

(C) other Performance Improvement Officers as determined appropriate by the chairperson; and

(D) other individuals as determined appropriate by the chairperson.

(2) FUNCTION.—The Performance Improvement Council shall—

(A) be convened by the chairperson or the designee of the chairperson, who shall preside at the meetings of the Performance Improvement Council, determine its agenda, direct its work, and establish and direct subgroups of the Performance Improvement Council, as appropriate, to deal with particular subject matters;

(B) assist the Director of the Office of Management and Budget to improve the performance of the Federal Government and achieve the Federal Government priority goals;

(C) assist the Director of the Office of Management and Budget in implementing the planning, reporting, and use of performance information requirements related to the Federal Government priority goals provided under sections 1115, 1120, 1121, and 1122 of this title;

(D) work to resolve specific Governmentwide or cross-cutting performance issues, *including issues relating to coordination and unnecessary duplication*, as necessary;

(E) facilitate the exchange among agencies *and with non-Federal stakeholders, including States and local governments*, of practices that have led to performance improvements within specific programs, agencies, or across agencies;

(F) coordinate with other interagency management *and mission support* councils;

(G) seek advice and information as appropriate from nonmember agencies, particularly smaller agencies;

(H) consider the performance improvement experiences of corporations, nonprofit organizations, foreign, State, and local governments, Government employees, public sector unions, and customers of Government services;

(I) receive such assistance, information and advice from agencies as the Council may request, which agencies shall provide to the extent permitted by law; **[and]**

(J) develop and submit to the Director of the Office of Management and Budget, or when appropriate to the President through the Director of the Office of Management and Budget, at times and in such formats as the chairperson may specify, recommendations to streamline and improve performance management policies and requirements**[.]**;

(K) *establish a public website; and*

(L) place annually and archive on the website a detailed annual report describing the Performance Improvement Council's—

(i) structure (including any committees or task forces);

(ii) budget and relevant sources of funds;

(iii) staffing, on a full-time equivalent basis (including an accounting of details from agencies); and

(iv) past, current, and planned activities.

(3) SUPPORT.—

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

(B) PERSONNEL.—The heads of agencies with Performance Improvement Officers serving on the Council shall, as appropriate and to the extent permitted by law, provide at the request of the chairperson of the Performance Improvement Council up to 2 personnel authorizations to serve at the direction of the chairperson.

§ 1125. Elimination of unnecessary agency reporting

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

(1) compile a list that identifies all plans and reports the agency produces for Congress, in accordance with statutory requirements or as directed in congressional [reports;] reports, and place the list on a public website, which shall include, for each plan or report—

(A) a citation to the relevant statutory requirement or direction in a congressional report; and

(B) an indication of whether and how the agency is complying with the requirement to produce the plan or report, including a citation to the means through which the agency submits the plan or report;

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

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

(4) provide a total count of plans and reports compiled under paragraph (1) and the list of outdated and duplicative reports identified under paragraph (2) to the Director of the Office of Management and Budget.

(b) PLANS AND REPORTS.—

(1) FIRST YEAR.—During the first year of implementation of this section, the list of plans and reports identified by each agency as outdated or duplicative shall be not less than 10 percent of all plans and reports identified under subsection (a)(1).

(2) **SUBSEQUENT YEARS.**—In each year following the first year described under paragraph (1), the Director of the Office of Management and Budget shall determine the minimum percent of plans and reports to be identified as outdated or duplicative on each list of plans and reports.

(c) **REQUEST FOR ELIMINATION OF UNNECESSARY REPORTS.**—In addition to including the list of plans and reports determined to be outdated or duplicative by each agency in the budget of the United States Government, as provided by section 1105(a)(37), the Director of the Office of Management and Budget may concurrently submit to Congress legislation to eliminate or consolidate such plans and reports.

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