

Calendar No. 288

114TH CONGRESS }
1st Session }

SENATE

{ REPORT
114-162

PROGRAM MANAGEMENT IMPROVEMENT
ACCOUNTABILITY ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 1550

TO AMEND TITLE 31, UNITED STATES CODE, TO ESTABLISH
ENTITIES TASKED WITH IMPROVING PROGRAM AND PROJECT
MANAGEMENT IN CERTAIN FEDERAL AGENCIES, AND FOR OTHER
PURPOSES



NOVEMBER 3, 2015.—Ordered to be printed

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NOVEMBER 3, 2015.—Ordered to be printed

Mr. JOHNSON, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 1550]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 1550) to amend title 31, United States Code, to establish entities tasked with improving program and project management in certain Federal agencies, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

S. 1550, the Program Management Improvement and Accountability Act of 2015, seeks to improve program and project management practices within the Federal government by requiring the development of governmentwide standards, policies, and guidelines for program management, establishing an inter-agency Program Management Policy Council to focus on improving program management, and requiring clearer identification of skills and competencies necessary for effective program management. The legisla-

tion builds upon existing guidance and would not affect current agency organization structure. S. 1550 will help ensure agency leadership focuses on improving processes that are critical to effective management of major government projects and programs.

II. BACKGROUND AND THE NEED FOR LEGISLATION

Many Federal projects and programs are substantially over budget, significantly behind schedule, or fall short of meeting their original purpose, sometimes because they fail to utilize common best practices and standards acknowledged both within the government and the private sector.¹ Many of these projects are terminated years after the program was implemented, wasting billions of taxpayer dollars.²

Below are just a few examples taken from Government Accountability Office (GAO) reports of recent troubled or failed major projects at government agencies, specifically in the areas of information technology (IT). According to GAO, “these and other failed IT projects often suffered from a lack of disciplined and effective management, such as project planning, requirements definition, and program oversight and governance.”³

- The Healthcare.gov Preparation and Launch: The administration spent \$840 million on the creation of healthcare.gov and its supporting systems. According to GAO:

CMS incurred significant cost increases, schedule slips, and delayed system functionality for the FFM [federally facilitated marketplace] and data hub systems due primarily to changing requirements that were exacerbated by oversight gaps. From September 2011 to February 2014, FFM obligations increased from \$56 million to more than \$209 million. . . . Because of unclear guidance and inconsistent oversight, there was confusion about who had the authority to approve contractor requests to expend funds for additional work. . . . As a result, CMS launched Healthcare.gov without verification that it met performance requirements.⁴

- The Department of Veterans Affairs (VA) Scheduling Replacement Project: Terminated in September 2009 after spending an estimated \$127 million over nine years.⁵ Despite spending nearly a decade attempting to modernize the department’s 25 year old outpatient scheduling system, the VA had not implemented any of the planned system’s capabilities and it was

¹See, e.g., Gov’t Accountability Office, GAO–15–282, Defense Major Automated Information Systems: Cost and Schedule Commitments Need To Be Established Earlier (Feb. 26, 2015), available at <http://www.gao.gov/products/GAO-15-282>; Gov’t Accountability Office, GAO–14–231, Plutonium Disposition Program: DOE Needs To Analyze the Root Causes of Cost Increases and Develop Better Cost Estimates (2014), available at <http://www.gao.gov/products/GAO-14-231>; Gov’t Accountability Office, GAO–15–290, High-Risk Series: An Update (2015), available at <http://www.gao.gov/products/GAO-15-290>.

²See, e.g., Gov’t Accountability Office, GAO–13–524, Information Technology: Additional Executive Review Sessions Needed to Address Troubled Projects (2013), available at <http://gao.gov/assets/660/655214.pdf>; Gov’t Accountability Office, GAO–15–290, High-Risk Series: An Update (2015), available at <http://www.gao.gov/products/GAO-15-290>.

³*Id.*

⁴Gov’t Accountability Office, GAO–15–290, Healthcare.gov: Ineffective Planning and Oversight Practices Underscore the Need for Improved Contract Management (2014), available at <http://www.gao.gov/assets/670/665179.pdf>.

⁵Gov’t Accountability Office, GAO–15–290, High-Risk Series: An Update 44 (2015), available at <http://www.gao.gov/products/GAO-15-290>.

scrapped. VA began a new project for the scheduling system, which GAO warns is at risk due to “weaknesses in several key project management disciplines and a lack of effective oversight.”⁶

- The Department of Defense’s Expeditionary Combat Support System: Canceled in December 2012 after spending more than \$1 billion and failing to deploy within five years of initially obligating funds.⁷
- The Office of Personnel Management’s Retirement Systems Modernization Program: Canceled in February 2011 after spending approximately \$231 million on the agency’s third attempt to automate the processing of Federal employee retirement claims.⁸
- The Department of Homeland Security’s Secure Border Initiative Network program: Terminated in January 2011 after obligating more than \$1 billion to the program over six years, because it did not meet cost-effectiveness and viability standards.⁹
- The Department of Agriculture’s Modernize and Innovate the Delivery of Agricultural Systems (MIDAS) program: Canceled because the Farm Service Agency did not adequately implement key program management disciplines on MIDAS and “lacks the capacity to effectively manage successor programs.”¹⁰

Major Federal program and project failures are not just isolated to IT programs, however. Below are other recent major Federal projects that are failing or have failed due to project mismanagement:

- Four medical centers at the VA (Las Vegas, Orlando, Denver and New Orleans) have realized cost increases that “range from 66 percent to 427 percent and delays range from 14 to 86 months.” In the aggregate, these four projects will see cost increases of more than \$2.4 billion.¹¹
- Department of Defense (DOD) Weapon Systems Acquisition: According to GAO, “Congress and the DOD have long sought to improve the acquisition of major weapon systems, yet many DOD programs are still falling short of cost, schedule, and performance expectations. The results are unanticipated cost overruns, reduced buying power, and in some cases a reduction in the capability ultimately delivered to the warfighter.”¹² In 2014, “the total acquisition cost of DOD’s fiscal year 2013 portfolio of 80 programs grew by almost \$13 billion, or about 1 percent, from the previous year.”¹³ The overall schedule to deliver

⁶*Id.*

⁷*Id.* at 37.

⁸*Id.*

⁹*Id.*

¹⁰ Gov’t Accountability Office, GAO-15-506, Farm Program Modernization: Farm Service Agency Needs to Demonstrate the Capacity to Manage IT Initiatives (2015), available at <http://www.gao.gov/products/GAO-15-506>.

¹¹ Gov’t Accountability Office, GAO-15-546T, VA Construction: Actions to Address Cost Increases and Schedule Delays at Denver and Other VA Major Medical-Facility Projects (2015), available at <http://www.gao.gov/products/GAO-15-546T>.

¹² Gov’t Accountability Office, GAO-15-290, High-Risk Series: An Update 20 (Feb. 2015), available at http://www.gao.gov/highrisk/dod_weapon_systems/why_did_study#t=1.

¹³*Id.* at 197-98.

initial capabilities to the warfighter grew by two additional months.¹⁴

- Air Force Global Position System (GPS) Next Generation Operational Control System: According to GAO,

The Air Force has experienced significant difficulties developing the Global Positioning System (GPS) next generation operational control system (OCX) and consistently overstated progress to the Office of the Secretary of Defense (OSD) compared to advisory independent assessments it received. It needs \$1.1 billion and 4 years more than planned to deliver OCX due to poor acquisition decisions and a slow recognition of development problems.¹⁵

GAO also stated, “[a] combination of many factors, including technical challenges, poor contractor execution and program management, and ineffective acquisition oversight have all put GPS modernization at significant risk.”¹⁶

While it is difficult to determine whether these failures could have been prevented if agencies followed the practices and standards established under this bill,¹⁷ they are indicative of a need to strengthen project management across the Federal government. Additionally, the portfolio reviews required by this bill will shed light on failing projects earlier in the process. According to a study by Accenture, “[t]he United States alone could save as much as \$995 billion by 2025 by increasing public-sector efficiency by just 1 percent a year.”¹⁸ A 2013 survey sponsored by the Project Management Institute found that, “only 11 percent of government organizations (federal, state, and local) have a senior-level program management-related role (compared with 22 percent elsewhere on average), and only 37 percent of government respondents have a formal process for developing program management competency, 17 percent lower than industry.”¹⁹

According to the Project Management Institute, the following challenges remain for project and program management as a profession:

- 1) Laws and policies have been developed over time to address specific problems and do not holistically address the challenges of program management;
- 2) Program management is not consistently recognized as a management discipline that is essential to government performance, success and results;
- 3) Agency executives and stakeholders do not clearly understand their roles and responsibilities;

¹⁴ *Id.* at 198.

¹⁵ Gov’t Accountability Office, GAO–15–657, GPS: Actions Needed to Address Ground System Development Problems and User Equipment Production Readiness (2015), available at <http://www.gao.gov/assets/680/672367.pdf>.

¹⁶ *Id.* at 42.

¹⁷ GAO has also reported that program managers face challenges beyond their control, such as funding instability and shifting agency priorities. See, e.g., Gov’t Accountability Office, GAO–14–332, Homeland Security Acquisitions, DHS Could Better Manage Its Portfolio to Address Funding Gaps and Improve Communications with Congress (2014), available at <http://www.gao.gov/products/GAO-14-332>.

¹⁸ Bernard Le Masson, Brian J. Moran, & Steve Rohleder, *Coup D’état: Radically Rethinking Public Services*, Accenture (Nov. 1, 2013), <https://www.accenture.com/us-en/insight-outlook-radically-rethinking-public-services-government.aspx>.

¹⁹ National Academy of Public Administration, *Improving Program Management in the Federal Government*, 6 (July 2015), available at https://www.pmi.org/****/media/PDF/Business-Solutions/improve-program-management-federal-government.ashx.

- 4) There is no consistency across the government in the training and development of program managers; and
- 5) Program managers lack a professional community within the Federal government that can provide support and a voice on issues affecting the development of program management.²⁰

S. 1550 would address these challenges and improve the effectiveness of program and project management in the Federal government and save taxpayer dollars by establishing a leader within each agency focused on project management, creating an inter-agency Program Management Policy Council to help drive improvements to program management, requiring the development of a specific job category with distinct qualifications for project managers, and requiring the issuance of project management standards to be utilized government-wide.

III. LEGISLATIVE HISTORY

The Program Management Improvement Accountability Act was introduced June 10, 2015, by Senator Joni Ernst (R-IA) and Senator Heidi Heitkamp (D-ND). The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 1550 at a business meeting on June 24, 2015. Senator Ernst offered a substitute amendment, and an additional modification to the substitute, both of which were adopted by voice vote with Senators Johnson, McCain, Lankford, Ayotte, Ernst, Sasse, Carper, Tester, Baldwin, and Heitkamp present.

Senator McCain offered an amendment to require the GAO to issue a report examining the effectiveness of the legislation on improving Federal program and project management in conjunction with the annual GAO High Risk list. The amendment was adopted by voice vote with Senators Johnson, McCain, Lankford, Ayotte, Ernst, Sasse, Carper, Tester, Baldwin, and Heitkamp present.

The Committee ordered the bill, as amended, reported favorably by voice vote *en bloc* on June 24, 2015. Senators present for final passage of the bill were Johnson, McCain, Lankford, Ayotte, Ernst, Sasse, Carper, Tester, Baldwin, and Heitkamp.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

Section 1 establishes the short title of the legislation as the “Program Management Improvement Accountability Act.”

Section 2. Deputy Director for Management

Section 2 adds additional functions for the Deputy Director of Management at the Office of Management and Budget related to program and project management. The additional functions include the adoption of government-wide standards for project management, project portfolio reviews, and other functions to improve project management at executive agencies. This section also sets a one-year deadline for the establishment of the standards.

²⁰*Id.* at 9–12.

Section 3. Program Management Improvement Officers and Program Management Policy Council

Section 3 establishes the Program Management Policy Council and requires agencies to designate a senior official as Program Management Improvement Officer, creating an accountable official for projects and programs agencywide. The policy council created under the bill is chaired by the Deputy Director for Management and is required to meet at least twice each year to share program management best practices and coordinate major projects governmentwide.

Section 4. Program and project management personnel standards

Section 4 requires the issuance of regulations to establish program and project management as a distinct job series with a specific career path and job requirements.

Section 5. GAO report on effectiveness of policies on program and project management

This section requires GAO to issue a report, not later than three years after the date of enactment and in conjunction with the release of the biannual GAO High Risk Report, examining the effectiveness of the provisions of the legislation in improving project and program management.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

SEPTEMBER 14, 2015.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1550, the Program Management Improvement Accountability Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

KEITH HALL.

Enclosure.

S. 1550—Program Management Improvement Accountability Act

Summary: S. 1550 would amend federal law with the aim to improve program and project management in the federal government. The bill would establish a council to be the primary interagency

forum related to program and project management. The legislation also would add additional responsibilities to the Office of Management and Budget (OMB), and require agencies to designate a senior executive as the Program Management Improvement Officer. Finally, S. 1550 would establish standards for program and project management personnel.

CBO estimates that implementing S. 1550 would increase the administrative costs of federal agencies by a total of \$20 million over the 2016–2020 period; such spending would be subject to the availability of appropriated funds. Enacting S. 1550 could affect direct spending by some agencies (such as the Tennessee Valley Authority) because they are authorized to use receipts from the sale of goods, fees, and other collections to cover their operating costs. Therefore, pay-as-you-go procedures apply. Because most of those agencies can make adjustments to the amounts collected as operating costs change, CBO estimates that any net changes in direct spending by those agencies would not be significant. Enacting the bill would not affect revenues.

S. 1550 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary effect of S. 1550 is shown in the following table. The costs of this legislation fall primarily within budget function 800 (general government).

| | By fiscal year, in millions of dollars— | | | | | |
|--|---|------|------|------|------|-----------|
| | 2016 | 2017 | 2018 | 2019 | 2020 | 2016–2020 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION | | | | | | |
| Estimated Authorization Level | 2 | 3 | 5 | 5 | 5 | 20 |
| Estimated Outlays | 2 | 3 | 5 | 5 | 5 | 20 |

Basis of estimate: For this estimate, CBO assumes that S. 1550 will be enacted late in 2015 and that spending will follow historical patterns for similar activities.

Some provisions of the legislation would codify and expand upon current project management efforts such as the General Services Administration’s Performance Improvement Council where federal agencies and OMB collaborate to improve the performance of federal programs. However, based on information from OMB and the cost of similar councils, CBO anticipates that the workload of the 20 largest federal agencies would increase by as much as \$500,000 per year to meet the bill’s requirements to fund the council’s activities, prepare new reports, and conduct additional management training. CBO estimates that implementing S. 1550 would cost about \$5 million annually after a phase-in period. Over the 2016–2020 period, CBO estimates that implementing the bill would cost \$20 million for additional personal and training expenses; such spending would be subject to the availability of appropriated funds.

Pay-as-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. Enacting S. 1550 could affect direct spending by some agencies (such as the Tennessee Valley Authority) because they are authorized to use re-

ceipts from the sale of goods, fees, and other collections to cover their operating costs. Therefore, pay-as-you-go procedures apply. Because most of those agencies can adjust the amounts collected as operating costs change, CBO estimates that any net changes in direct spending by those agencies would not be significant. Enacting the bill would not affect revenues.

Intergovernmental and private-sector impact: S. 1550 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Matthew Pickford; Impact on State, Local, and Tribal Governments: Jon Sperl; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 1550 as reported are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 31—MONEY AND FINANCE

* * * * *

CHAPTER 5. OFFICE OF MANAGEMENT AND BUDGET

* * * * *

SEC. 503. FUNCTIONS OF DEPUTY DIRECTOR FOR MANAGEMENT

(a) * * *

(b) * * *

(c) *PROGRAM AND PROJECT MANAGEMENT.*—

(1) REQUIREMENT.—*Subject to the direction and approval of the Director, the Deputy Director for Management or designee shall—*

(A) adopt governmentwide standards, policies, and guidelines for program and project management for executive agencies;

(B) oversee implementation of programs and project management for the standards, policies, and guidelines established under subparagraph (A);

(C) chair the Program Management Policy Council established under section 1126(b);

(D) establish standards and policies for executive agencies, in accordance with widely accepted standards for program and project management planning and delivery;

(E) engage with the private sector to identify best practices in program and project management that would improve Federal program and project management;

(F) conduct portfolio reviews to address programs identified as high risk by the Government Accountability Office;

(G) not less than annually, conduct portfolio reviews of agency programs in coordination with Project Management

Improvement Officers designated under section 1126(a)(1) to assess the quality and effectiveness of program management; and

(H) establish a 5-year strategic plan for program and project management.

(2) APPLICATION TO DEPARTMENT OF DEFENSE.—Paragraph (1) shall not apply to the Department of Defense to the extent that the provisions of that paragraph are substantially similar to or duplicative of the provisions of section 810 of the National Defense Authorization Act for Fiscal Year 2016.

* * * * *

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

* * * * *

SEC. 1126. PROGRAM MANAGEMENT IMPROVEMENT OFFICERS AND PROGRAM MANAGEMENT POLICY COUNCIL

(a) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS.—

(1) DESIGNATION.—The head of each agency described in section 901(b) shall designate a senior executive of the agency as the Program Management Improvement Officer of the agency.

(2) FUNCTIONS.—The Program Management Improvement Officer of an agency designated under paragraph (1) shall—

(A) implement program management policies established by the agency under section 503(c); and

(B) develop a strategy for enhancing the role of program managers within the agency that includes the following:

(i) Enhanced training and educational opportunities for program managers that shall include—

(I) training in the relevant competencies encompassed with program and project management within the private sector for program managers; and

(II) training that emphasizes cost containment for large projects and programs.

(ii) Mentoring of current and future program managers by experienced senior executives and program managers within the agency.

(iii) Improved career paths and career opportunities for program managers.

(iv) A plan to encourage the recruitment and retention of highly qualified individuals to serve as program managers.

(v) Improved means of collecting and disseminating best practices and lessons learned to enhance program management across the agency.

(vi) Common templates and tools to support improved data gathering and analysis for program management and oversight purposes.

(3) APPLICATION TO THE DEPARTMENT OF DEFENSE.—This subsection shall not apply to the Department of Defense to the extent that the provisions of this subsection are substantially similar to or duplicative of the provisions of section 810 of the National Defense Authorization Act for Fiscal Year 2016.

(b) PROGRAM MANAGEMENT POLICY COUNCIL.—

(1) ESTABLISHMENT.—There is established in the Office of Management and Budget a council to be known as the ‘Program Management Policy Council’ (in this subsection referred to as the ‘Council’).

(2) PURPOSE AND FUNCTIONS.—The Council shall act as the principal interagency forum for improving agency practices related to program and project management. The Council shall—

(A) advise and assist the Deputy Director for Management of the Office of Management and Budget;

(B) review programs identified as high risk by the General Accountability Office and make recommendations for actions to be taken by the Deputy Director for Management of the Office of Management and Budget or designee;

(C) discuss topics of importance to the workforce, including—

(i) career development and workforce development needs;

(ii) policy to support continuous improvement in program and project management; and

(iii) major challenges across agencies in managing programs;

(D) advise on the development and applicability of standards governmentwide for program management transparency; and

(E) review the information published on the website of the Office of Management and Budget pursuant to section 1122.

(3) MEMBERSHIP.—

(A) COMPOSITION.—The Council shall be composed of the following members:

(i) Five members from the Office of Management and Budget as follows:

(I) The Deputy Director for Management.

(II) The Administrator of the Office of Electronic Government.

(III) The Administrator of the Office of Federal Procurement Policy.

(IV) The Controller of the Office of Federal Financial Management.

(V) The Director of the Office of Performance and Personnel Management.

(ii) The Program Management Improvement Officer from each agency described in section 901(b).

(iii) Other individuals as determined appropriate by the Chairperson.

(B) CHAIRPERSON AND VICE CHAIRPERSON.—

(i) IN GENERAL.—The Deputy Director for Management of the Office of Management and Budget shall be the Chairperson of the Council. A Vice Chairperson shall be elected by the members and shall serve a term of not more than 1 year.

(ii) DUTIES.—The Chairperson shall preside at the meetings of the Council, determine the agenda of the

Council, direct the work of the Council, and establish and direct subgroups of the Council as appropriate.

(4) MEETINGS.—The Council shall meet not less than twice per fiscal year and may meet at the call of the Chairperson or a majority of the members of the Council.

(5) SUPPORT.—The head of each agency with a Project Management Improvement Officer serving on the Council shall provide administrative support to the Council, as appropriate, at the request of the Chairperson.

(6) COMMITTEE DURATION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

* * * * *

