

Union Calendar No. 474

108TH CONGRESS
2D SESSION

H. R. 3826

[Report No. 108-768]

To require the review of Government programs at least once every 5 years
for purposes of evaluating their performance.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2004

Mr. PLATTS (for himself and Mr. TOM DAVIS of Virginia) introduced the
following bill; which was referred to the Committee on Government Reform

OCTOBER 8, 2004

Additional sponsor: Mr. SESSIONS

OCTOBER 8, 2004

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

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

[For text of introduced bill, see copy of bill as introduced on February 25, 2004]

A BILL

To require the review of Government programs at least once
every 5 years for purposes of evaluating their performance.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Program Assessment and*
3 *Results Act”.*

4 **SEC. 2. FINDINGS.**

5 *Congress finds that—*

6 (1) *inefficiency and ineffectiveness in Federal*
7 *programs undermines the confidence of the American*
8 *people in the Government and reduces the Federal*
9 *Government’s ability to adequately address vital pub-*
10 *lic needs;*

11 (2) *insufficient information on program per-*
12 *formance seriously disadvantages Federal managers*
13 *in their efforts to improve program efficiency and ef-*
14 *fectiveness;*

15 (3) *congressional policy making, spending deci-*
16 *sions, and program oversight are handicapped by in-*
17 *sufficient attention to program performance and re-*
18 *sults;*

19 (4) *programs performing similar or duplicative*
20 *functions that exist within a single agency or across*
21 *multiple agencies should be identified and their per-*
22 *formance and results shared among all such programs*
23 *to improve their performance and results;*

24 (5) *advocates of good government continue to*
25 *seek ways to improve accountability, focus on results,*

1 *and integrate the performance of programs with deci-*
2 *sions about budgets;*

3 *(6) with the passage of the Government Perform-*
4 *ance and Results Act of 1993, the Congress directed*
5 *the executive branch to seek improvements in the effec-*
6 *tiveness, efficiency, and accountability of Federal pro-*
7 *grams by having agencies focus on program results;*
8 *and*

9 *(7) the Government Performance and Results Act*
10 *of 1993 provided a strong framework for the executive*
11 *branch to monitor the long-term goals and annual*
12 *performance of its departments and agencies.*

13 **SEC. 3. PURPOSE.**

14 *The purposes of this Act are—*

15 *(1) to improve the Government Performance and*
16 *Results Act of 1993 by implementing a program as-*
17 *essment and evaluation process that attempts to de-*
18 *termine the strengths and weaknesses of Federal pro-*
19 *grams with a particular focus on the results produced*
20 *by individual programs;*

21 *(2) to use the information gathered in the assess-*
22 *ment and evaluation process to build on the ground-*
23 *work laid in the Government Performance and Re-*
24 *sults Act of 1993 to help the executive branch make*
25 *informed management decisions and evidence-based*

1 *funding requests aimed at achieving positive results;*
 2 *and*

3 *(3) to provide congressional policy makers the*
 4 *information needed to conduct more effective over-*
 5 *sight, to make better-informed authorization decisions,*
 6 *and to make more evidence-based spending decisions*
 7 *that achieve positive results for the American people.*

8 **SEC. 4. PROGRAM ASSESSMENT.**

9 *(a) REQUIREMENT FOR PROGRAM ASSESSMENTS.—*
 10 *Chapter 11 of title 31, United States Code, as amended by*
 11 *the Government Performance and Results Act of 1993, is*
 12 *amended by adding at the end the following new section:*

13 **“§ 1120. Program assessment**

14 *“(a) ASSESSMENT.—The Director of the Office of Man-*
 15 *agement and Budget to the maximum extent practicable*
 16 *shall conduct, jointly with agencies of the Federal Govern-*
 17 *ment, an assessment of each program at least once every*
 18 *5 fiscal years.*

19 *“(b) ASSESSMENT REQUIREMENTS.—In conducting an*
 20 *assessment of a program under subsection (a), the Director*
 21 *of the Office of Management and Budget and the head of*
 22 *the relevant agency shall—*

23 *“(1) coordinate to determine the programs to be*
 24 *assessed; and*

1 “(2) evaluate the purpose, design, strategic plan,
2 management, and results of the program, and such
3 other matters as the Director considers appropriate.

4 “(c) *CRITERIA FOR IDENTIFYING PROGRAMS TO AS-*
5 *SESS.*—*The Director of the Office of Management and*
6 *Budget shall develop criteria for identifying programs to*
7 *be assessed each fiscal year. In developing the criteria, the*
8 *Director shall take into account the advantages of assessing*
9 *during the same fiscal year any programs that are per-*
10 *forming similar functions, have similar purposes, or share*
11 *common goals, such as those contained in strategic plans*
12 *under section 306 of title 5. To the maximum extent pos-*
13 *sible, the Director shall assess a representative sample of*
14 *Federal spending each fiscal year.*

15 “(d) *CRITERIA FOR MORE FREQUENT ASSESS-*
16 *MENTS.*—*The Director of the Office of Management and*
17 *Budget shall make every effort to assess programs more fre-*
18 *quently than required under subsection (a) in cases in*
19 *which programs are determined to be of higher priority,*
20 *special circumstances exist, improvements have been made,*
21 *or the head of the relevant agency and the Director deter-*
22 *mine that more frequent assessment is warranted.*

23 “(e) *PUBLICATION.*—*At least 90 days before com-*
24 *pleting the assessments under this section to be conducted*

1 *during a fiscal year, the Director of the Office of Manage-*
 2 *ment and Budget shall—*

3 “(1) *make available in electronic form through*
 4 *the Office of Management and Budget website or any*
 5 *successor website, and provide to the Committee on*
 6 *Government Reform of the House of Representatives*
 7 *and the Committee on Governmental Affairs of the*
 8 *Senate—*

9 “(A) *a list of the programs to be assessed*
 10 *during that fiscal year; and*

11 “(B) *the criteria that will be used to assess*
 12 *the programs; and*

13 “(2) *provide a mechanism for interested persons*
 14 *to comment on the programs being assessed and the*
 15 *criteria that will be used to assess the programs.*

16 “(f) *REPORT.—(1) The results of the assessments con-*
 17 *ducted during a fiscal year shall be submitted in a report*
 18 *to Congress at the same time that the President submits*
 19 *the next budget under section 1105 of this title after the*
 20 *end of that fiscal year.*

21 “(2) *The report shall—*

22 “(A) *include the performance goals for each pro-*
 23 *gram assessment;*

24 “(B) *specify the criteria used for each assess-*
 25 *ment;*

1 “(C) describe the results of each assessment, in-
2 cluding any significant limitation in the assessments;

3 “(D) describe significant modifications to the
4 Federal Government performance plan required under
5 section 1105(a)(28) of this title made as a result of
6 the assessments; and

7 “(E) be available in electronic form through the
8 Office of Management and Budget website or any suc-
9 cessor website.

10 “(3) Nothing in this section requires the publication
11 of classified information or the inclusion of classified infor-
12 mation in a report under this subsection.

13 “(g) *TERMINATION*.—This section shall not be in effect
14 after September 30, 2013.”.

15 (b) *GUIDANCE*.—Not later than 6 months after the date
16 of the enactment of this Act, the Director of the Office of
17 Management and Budget shall prescribe guidance to imple-
18 ment the requirements of section 1120 of title 31, United
19 States Code, as added by subsection (a), including guidance
20 on a definition of the term “program”.

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

22 (1) Section 1115(g) of title 31, United States
23 Code, is amended by striking “1119” and inserting
24 “1120”.

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

“1120. Program assessment.”.

4 **SEC. 5. STRATEGIC PLANNING AMENDMENTS.**

5 (a) *CHANGE IN DEADLINE FOR STRATEGIC PLAN.—*
6 *Subsection (a) of section 306 of title 5, United States Code,*
7 *is amended by striking “No later than September 30, 1997,”*
8 *and inserting “Not later than September 30 of each year*
9 *following a year in which an election for President occurs,*
10 *beginning with September 30, 2005.”.*

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

14 *“(b) Each strategic plan shall cover the 4-year period*
15 *beginning on October 1 of the year following a year in*
16 *which an election for President occurs.”.*

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