

## Union Calendar No. 12

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 185

[Report No. 109–26]

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

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### IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

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

MARCH 17, 2005

Additional sponsor: Mr. MARIO DIAZ-BALART of Florida

MARCH 17, 2005

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

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## 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  
3 and Results Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) inefficiency and ineffectiveness in Federal  
7 programs undermines the confidence of the Amer-  
8 ican people in the Government and reduces the Fed-  
9 eral Government’s ability to adequately address vital  
10 public 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 pro-  
23 grams to improve their performance and results;

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

1 sults, and integrate the performance of programs  
2 with decisions about budgets;

3 (6) with the passage of the Government Per-  
4 formance and Results Act of 1993, the Congress di-  
5 rected the executive branch to seek improvements in  
6 the effectiveness, efficiency, and accountability of  
7 Federal programs by having agencies focus on pro-  
8 gram results; and

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

13 **SEC. 3. PURPOSE.**

14 The purposes of this Act are—

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

21 (2) to use the information gathered in the as-  
22 sessment and evaluation process to build on the  
23 groundwork laid in the Government Performance  
24 and Results Act of 1993 to help the executive  
25 branch make informed management decisions and

1 evidence-based funding requests aimed at achieving  
2 positive results; and

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

9 **SEC. 4. PROGRAM ASSESSMENT.**

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

14 **“§ 1120. Program assessment**

15 **“(a) ASSESSMENT.—**The Director of the Office of  
16 Management and Budget to the maximum extent prac-  
17 ticable shall conduct, jointly with agencies of the Federal  
18 Government, an assessment of each program at least once  
19 every 5 fiscal years.

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

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

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

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

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

24          “(e) PUBLICATION.—At least 90 days before com-  
25          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  
5 any successor website, and provide to the Committee  
6 on Government Reform of the House of Representa-  
7 tives and the Committee on Governmental Affairs of  
8 the 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 per-  
14 sons to comment on the programs being assessed  
15 and the criteria that will be used to assess the pro-  
16 grams.

17           “(f) REPORT.—(1) The results of the assessments  
18 conducted during a fiscal year shall be submitted in a re-  
19 port to Congress at the same time that the President sub-  
20 mits the next budget under section 1105 of this title after  
21 the end of that fiscal year.

22           “(2) The report shall—

23           “(A) include the performance goals for each  
24 program assessment;

1           “(B) specify the criteria used for each assess-  
2           ment;

3           “(C) describe the results of each assessment,  
4           including any significant limitation in the assess-  
5           ments;

6           “(D) describe significant modifications to the  
7           Federal Government performance plan required  
8           under section 1105(a)(28) of this title made as a re-  
9           sult of the assessments; and

10          “(E) be available in electronic form through the  
11          Office of Management and Budget website or any  
12          successor website.

13          “(g) CLASSIFIED INFORMATION.—(1) With respect  
14          to program assessments conducted during a fiscal year  
15          that contain classified information, the President shall  
16          submit on the same date as the report is submitted under  
17          subsection (f)—

18                 “(A) a copy of each such assessment (including  
19                 the classified information), to the appropriate com-  
20                 mittees of jurisdiction of the House of Representa-  
21                 tives and the Senate; and

22                 “(B) consistent with statutory law governing  
23                 the disclosure of classified information, an appendix  
24                 containing a list of each such assessment and the  
25                 committees to which a copy of the assessment was

1 submitted under subparagraph (A), to the Com-  
2 mittee on Government Reform of the House of Rep-  
3 resentatives and the Committee on Governmental  
4 Affairs of the Senate.

5 “(2) Upon request from the Committee on Govern-  
6 ment Reform of the House of Representatives or the Com-  
7 mittee on Governmental Affairs of the Senate, the Direc-  
8 tor of the Office of Management and Budget shall, con-  
9 sistent with statutory law governing the disclosure of clas-  
10 sified information, provide to the Committee a copy of—

11 “(A) any assessment described in subparagraph  
12 (A) of paragraph (1) (including any assessment not  
13 listed in any appendix submitted under subpara-  
14 graph (B) of such paragraph); and

15 “(B) any appendix described in subparagraph  
16 (B) of paragraph (1).

17 “(3) In this subsection, the term ‘classified informa-  
18 tion’ refers to matters described in section 552(b)(1)(A)  
19 of title 5.

20 “(h) INHERENTLY GOVERNMENTAL FUNCTIONS.—  
21 The functions and activities authorized or required by this  
22 section shall be considered inherently Governmental func-  
23 tions and shall be performed only by Federal employees.”.

24 (b) GUIDANCE.—Not later than 6 months after the  
25 date of the enactment of this Act, the Director of the Of-

1 fice of Management and Budget shall prescribe guidance  
2 to implement the requirements of section 1120 of title 31,  
3 United States Code, as added by subsection (a), including  
4 guidance on a definition of the term “program”.

5 (c) CONFORMING AND CLERICAL AMENDMENTS.—

6 (1) Section 1115(g) of title 31, United States  
7 Code, is amended by striking “1119” and inserting  
8 “1120”.

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

“1120. Program assessment.”.

12 **SEC. 5. STRATEGIC PLANNING AMENDMENTS.**

13 (a) CHANGE IN DEADLINE FOR STRATEGIC PLAN.—

14 Subsection (a) of section 306 of title 5, United States  
15 Code, is amended by striking “No later than September  
16 30, 1997,” and inserting “Not later than September 30  
17 of each year following a year in which an election for  
18 President occurs, beginning with September 30, 2005,”.

19 (b) CHANGE IN PERIOD OF COVERAGE OF STRA-  
20 TEGIC PLAN.—Subsection (b) of section 306 of title 5,  
21 United States Code, is amended to read as follows:

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

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