

Calendar No. 722

114TH CONGRESS
2D SESSION**S. 2834**

To improve the Governmentwide management of unnecessarily duplicative
Government programs and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 21, 2016

Mr. CARPER (for himself, Mr. JOHNSON, Mr. BOOKER, Ms. BALDWIN, and
Mr. PETERS) introduced the following bill; which was read twice and re-
ferred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 9, 2016

Reported by Mr. JOHNSON, with an amendment

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

A BILL

To improve the Governmentwide management of unneces-
sarily duplicative Government programs and for other
purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to increase the efficiency
3 and effectiveness of the Federal Government in measuring
4 and managing unnecessary duplication, fragmentation,
5 and overlap in Government programs and in addressing
6 recommendations from the Government Accountability Of-
7 fice.

8 **SEC. 3. IDENTIFICATION, CONSOLIDATION, AND ELIMI-**
9 **NATION OF UNNECESSARILY DUPLICATIVE**
10 **GOVERNMENT PROGRAMS.**

11 Section 21 of the Joint Resolution entitled “Joint
12 Resolution increasing the statutory limit on the public
13 debt” (Public Law 111–139; 31 U.S.C. 712 note) is
14 amended to read as follows:

15 **“SEC. 21. IDENTIFICATION, CONSOLIDATION, AND ELIMI-**
16 **NATION OF UNNECESSARILY DUPLICATIVE**
17 **GOVERNMENT PROGRAMS.**

18 “(a) IN GENERAL.—The Comptroller General of the
19 United States shall—

20 “(1) conduct routine investigations to identify
21 programs, agencies, offices, and initiatives with un-
22 necessarily duplicative goals and activities within de-
23 partments and agencies and Governmentwide; and

24 “(2) submit to Congress an annual report on
25 the findings of the investigations under paragraph
26 (1).”

1 “(b) CONTENTS OF REPORTS.—Each report sub-
 2 mitted under subsection (a)(2) shall, to the extent pos-
 3 sible—

4 “(1) include—

5 “(A) information from available reports es-
 6 timating the cost of unnecessary duplication
 7 identified under subsection (a)(1); and

8 “(B) recommendations for consolidation,
 9 coordination, and elimination to reduce unnec-
 10 essary duplication, which shall identify specific
 11 rescissions; and

12 “(2) aggregate separately—

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

16 “(B) estimates of other potential cost sav-
 17 ings and revenue collection reported by the
 18 Comptroller General during the period covered
 19 by the report.”.

20 **SEC. 4. IMPROVEMENTS TO ELIMINATION OF UNNECES-**
 21 **SARY DUPLICATION.**

22 (a) **SYSTEMATIC AGENCY REVIEW OF OPER-**
 23 **ATIONS.**—Section 305(e) of title 5, United States Code,
 24 is amended—

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

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

6 (3) by inserting after paragraph (1) the fol-
7 lowing:

8 “(2) informing the processes of the agency for
9 learning and decisionmaking;

10 “(3) assessing potential opportunities to im-
11 prove coordination within the agency and with other
12 agencies, and to address actual and potential unnec-
13 essary duplication;” and

14 (4) in paragraph (5), as so redesignated, by in-
15 serting “and performance toward achieving the mis-
16 sion of the agency” before the period.

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

19 (1) in paragraph (1)—

20 (A) by inserting “evaluation,” after “meas-
21 urement,”; and

22 (B) by inserting “risk management,” after
23 “progress,”;

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

1 (3) by inserting after paragraph (1) the fol-
 2 lowing:

3 ~~“(2) address crosseutting program and manage-~~
 4 ~~ment issues, including opportunities to improve co-~~
 5 ~~ordination and address unnecessary duplication,~~
 6 ~~within and external to the agency using an enter-~~
 7 ~~prise risk management approach;”;~~

8 (4) in paragraph (4), as so redesignated, by in-
 9 serting “of mission-oriented components and units
 10 and mission support” after “management”; and

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

12 (A) by striking “such as the Chief” and in-
 13 serting the following: “such as—

14 “~~(A) the heads of mission-related compo-~~
 15 ~~nents and units at the agency and the major~~
 16 ~~components of the agency; and~~

17 “~~(B) the Chief~~”; and

18 (B) by striking “other line of business”
 19 and all that follows and inserting “heads of
 20 mission support functions at the agency and at
 21 the major components of the agency.”.

22 (c) FEDERAL GOVERNMENT AND AGENCY PERFORM-
 23 ANCE PLANS.—Section 1115 of title 31, United States
 24 Code, is amended—

1 (1) in subsection (a)(6), by inserting “, includ-
 2 ing actual or potential unnecessary duplication,”
 3 after “crosscutting in nature”;

4 (2) in subsection (b)(9), in the matter pre-
 5 ceding subparagraph (A), by inserting “, including
 6 actual or potential unnecessary duplication,” after
 7 “agency faces”; and

8 (3) in subsection (h)—

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

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

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

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

22 (D) in paragraph (13), as so redesignated,
 23 by striking the period and inserting a semi-
 24 colon; and

25 (E) by adding at the end the following:

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

2 “(A) an adverse event or phenomenon oc-
3 ccurring; or

4 “(B) a beneficial opportunity remaining
5 unexploited; and

6 “(15) ‘risk management’ means the processes
7 that are used to identify, assess, prioritize, monitor,
8 mitigate, and report on risks to achieving the mis-
9 sions, goals, and objectives of a department, agency,
10 or program, or group thereof, using resources and
11 processes appropriate to the nature of the risks and
12 resources available.”.

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

16 (1) in subsection (a)—

17 (A) in paragraph (1)(B)—

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

21 (ii) in clause (v), by striking the semi-
22 colon and inserting a period; and

23 (B) in paragraph (3)—

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

4 (ii) by striking “shall consult” and in-
 5 serting the following: “shall—

6 “(A) consider recommendations of the Gov-
 7 ernment Accountability Office in—

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

13 “(ii) the High Risk list; and

14 “(B) consult”; and

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

18 (2) in subsection (b)(1)(A), by inserting “bien-
 19 nial” before “consultations”.

20 (e) PERFORMANCE IMPROVEMENT OFFICERS AND
 21 THE PERFORMANCE IMPROVEMENT COUNCIL.—Section
 22 1124 of title 31, United States Code, is amended—

23 (1) in subsection (a)(2)(A)—

1 (A) by inserting “, in collaboration with
2 heads of agency components and mission sup-
3 port functions,” after “Officer”;

4 (B) by inserting “evaluation,” after “meas-
5 urement,”; and

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

8 (2) in subsection (b)(2)—

9 (A) in subparagraph (D), by inserting “in-
10 cluding issues relating to coordination and un-
11 necessary duplication,” after “issues,”;

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

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

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

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

23 (F) by adding at the end the following:

24 “(K) establish a public website; and

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

4 “(i) structure (including any commit-
5 tees or task forces);

6 “(ii) budget and relevant sources of
7 funds;

8 “(iii) staffing, on a full-time equiva-
9 lent basis (including an accounting of de-
10 tails from agencies); and

11 “(iv) past, current, and planned ac-
12 tivities.”.

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

18 “(A) a citation to the relevant statutory re-
19 quirement or direction in a congressional re-
20 port; and

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

1 (g) AGENCY REPORTS.—Section 720(b) of title 31,
 2 United States Code, is amended, in the matter preceding
 3 paragraph (1), by inserting “, including the annual report
 4 on unnecessarily duplicative goals and activities within de-
 5 partments and governmentwide required under section 21
 6 of the joint resolution entitled ‘A joint resolution increas-
 7 ing the statutory limit on the public debt’ (Public Law
 8 111–139; 31 U.S.C. 712 note) and the High Risk list of
 9 the Government Accountability Office,” after “makes a re-
 10 port”.

11 (h) EXECUTIVE AGENCY ACCOUNTING AND OTHER
 12 FINANCIAL MANAGEMENT REPORTS AND PLANS.—Sec-
 13 tion 3512 of title 31, United States Code, is amended—

14 (1) in subsection (c)(1)—

15 (A) in subparagraph (B), by striking
 16 “and” at the end;

17 (B) by redesignating subparagraph (C) as
 18 subparagraph (D); and

19 (C) by inserting after subparagraph (B)
 20 the following:

21 “(C) high-priority enterprise risks are ad-
 22 dressed; and”; and

23 (2) in subsection (d)(1)(A), by inserting “, in-
 24 cluding systems and processes for coordination to
 25 provide enterprise risk management (as defined in

1 ~~section 1115)~~ for high-priority enterprise risks,”
 2 after “systems of the agency”.

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. PURPOSE.**

7 *The purpose of this Act is to increase the efficiency*
 8 *and effectiveness of the Federal Government in measuring*
 9 *and managing unnecessary duplication, fragmentation,*
 10 *and overlap in Government programs and in addressing*
 11 *recommendations from the Government Accountability Of-*
 12 *fice.*

13 **SEC. 3. IDENTIFICATION, CONSOLIDATION, AND ELIMI-**
 14 **NATION OF UNNECESSARILY DUPLICATIVE**
 15 **GOVERNMENT PROGRAMS.**

16 *Section 21 of the Joint Resolution entitled “Joint Res-*
 17 *olution increasing the statutory limit on the public debt”*
 18 *(Public Law 111–139; 31 U.S.C. 712 note) is amended to*
 19 *read as follows:*

20 **“SEC. 21. IDENTIFICATION, CONSOLIDATION, AND ELIMI-**
 21 **NATION OF UNNECESSARILY DUPLICATIVE**
 22 **GOVERNMENT PROGRAMS.**

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

1 “(1) conduct routine investigations to identify
 2 programs, agencies, offices, and initiatives with un-
 3 necessarily duplicative goals and activities within de-
 4 partments and agencies and Governmentwide; and

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

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

9 “(1) include—

10 “(A) information from available reports es-
 11 timating the cost of unnecessary duplication
 12 identified under subsection (a)(1); and

13 “(B) recommendations for consolidation, co-
 14 ordination, and elimination to reduce unneces-
 15 sary duplication, which shall identify specific re-
 16 scissions; and

17 “(2) aggregate separately—

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

21 “(B) estimates of other potential cost sav-
 22 ings and revenue collection reported by the
 23 Comptroller General during the period covered
 24 by the report.”.

1 **SEC. 4. IMPROVEMENTS TO ELIMINATION OF UNNECES-**
 2 **SARY DUPLICATION.**

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

5 (1) *in paragraph (1), by inserting “, and ways*
 6 *in which the agency might improve its performance*
 7 *toward its mission” before the semicolon;*

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

10 (3) *by inserting after paragraph (1) the fol-*
 11 *lowing:*

12 “(2) *informing the processes of the agency for*
 13 *learning and decisionmaking;*

14 “(3) *assessing potential opportunities to improve*
 15 *coordination within the agency and with other agen-*
 16 *cies, and to address actual and potential unnecessary*
 17 *duplication;”;* and

18 (4) *in paragraph (5), as so redesignated, by in-*
 19 *serting “and performance toward achieving the mis-*
 20 *sion of the agency” before the period.*

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

23 (1) *in paragraph (1)—*

24 (A) *by inserting “evaluation,” after “meas-*
 25 *urement,”;* and

1 (B) by inserting “risk management,” after
2 “progress,”;

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

5 (3) by inserting after paragraph (1) the fol-
6 lowing:

7 “(2) address crosscutting program and manage-
8 ment issues, including opportunities to improve co-
9 ordination and address unnecessary duplication,
10 within and external to the agency using an enterprise
11 risk management approach;”;

12 (4) in paragraph (4), as so redesignated, by in-
13 serting “of mission-oriented components and units
14 and mission support” after “management”; and

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

16 (A) by striking “such as the Chief” and in-
17 serting the following: “such as—

18 “(A) the heads of mission-related compo-
19 nents and units at the agency and the major
20 components of the agency; and

21 “(B) the Chief”; and

22 (B) by striking “other line of business” and
23 all that follows and inserting “heads of mission
24 support functions at the agency and at the major
25 components of the agency.”.

1 (c) *FEDERAL GOVERNMENT AND AGENCY PERFORM-*
 2 *ANCE PLANS.*—Section 1115 of title 31, United States Code,
 3 *is amended—*

4 (1) *in subsection (a)(6), by inserting “, includ-*
 5 *ing actual or potential unnecessary duplication,”*
 6 *after “crosscutting in nature”;*

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

11 (3) *in subsection (h)—*

12 (A) *by redesignating paragraphs (5)*
 13 *through (12) as paragraphs (6) through (13), re-*
 14 *spectively;*

15 (B) *by inserting after paragraph (4) the fol-*
 16 *lowing:*

17 “(5) ‘enterprise risk management’ means the
 18 *processes that are used to address the full spectrum of*
 19 *risks across multiple programs and organizations that*
 20 *are located within a larger entity or initiative, plac-*
 21 *ing the risks into an integrated and interrelated port-*
 22 *folio, and prioritizing their mitigation;”;*

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

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

4 (E) by adding at the end the following:

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

6 “(A) an adverse event or phenomenon occur-
 7 ring; or

8 “(B) a beneficial opportunity remaining
 9 unexploited; and

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

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

20 (1) in subsection (a)—

21 (A) in paragraph (1)(B)—

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

1 (ii) in clause (v), by striking the semi-
2 colon and inserting a period; and

3 (B) in paragraph (3)—

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

7 (ii) by striking “shall consult” and in-
8 serting the following: “shall—

9 “(A) consider recommendations of the Gov-
10 ernment Accountability Office in—

11 “(i) the annual report submitted under
12 section 21 of the Joint Resolution entitled
13 ‘Joint Resolution increasing the statutory
14 limit on the public debt’ (Public Law 111–
15 139; 31 U.S.C. 712 note); or

16 “(ii) the High Risk list; and

17 “(B) consult”; and

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

21 (2) in subsection (b)(1)(A), by inserting “bien-
22 nial” before “consultations”.

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

1 (1) in subsection (a)(2)(A)—

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

5 (B) by inserting “evaluation,” after “meas-
6 urement,”; and

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

9 (2) in subsection (b)(2)—

10 (A) in subparagraph (D), by inserting “in-
11 cluding issues relating to coordination and un-
12 necessary duplication,” after “issues,”;

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

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

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

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

23 (F) by adding at the end the following:

24 “(K) establish a public website; and

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

4 “(i) structure (including any commit-
5 tees or task forces);

6 “(ii) budget and relevant sources of
7 funds;

8 “(iii) staffing, on a full-time equiva-
9 lent basis (including an accounting of de-
10 tails from agencies); and

11 “(iv) past, current, and planned ac-
12 tivities.”.

13 (f) *ELIMINATION OF UNNECESSARY AGENCY REPORT-*
14 *ING.*—Section 1125(a)(1) of title 31, United States Code,
15 is amended by striking “reports;” and inserting the fol-
16 lowing: “reports, and place the list on a public website,
17 which shall include, for each plan or report—

18 “(A) a citation to the relevant statutory re-
19 quirement or direction in a congressional report;
20 and

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

1 (g) *AGENCY REPORTS*.—Section 720(b) of title 31,
2 *United States Code*, is amended, in the matter preceding
3 *paragraph (1)*, by inserting “, including the annual report
4 *on unnecessarily duplicative goals and activities within de-*
5 *partments and governmentwide required under section 21*
6 *of the Joint Resolution entitled ‘A joint resolution increas-*
7 *ing the statutory limit on the public debt’ (Public Law 111–*
8 *139; 31 U.S.C. 712 note) and the High Risk list of the Gov-*
9 *ernment Accountability Office,”* after “makes a report”.

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114TH CONGRESS
2^D Session

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A BILL

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and for other purposes.

DECEMBER 9, 2016

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