

to the Director of National Intelligence by the National Security Act of 1947, as amended ([former] 50 U.S.C. 401 *et seq.*) [now 50 U.S.C. 3001 *et seq.*], consistent with section 1018 of the Intelligence Reform and Terrorism Prevention Act (Public Law 108-458), and other applicable laws.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, or entities, its officers, employees, or agents, or any other person.

GEORGE W. BUSH.

§ 1116. Agency performance reporting

(a) The head of each agency shall make available on a public website of the agency and to the Office of Management and Budget an update on agency performance.

(b)(1) Each update shall compare actual performance achieved with the performance goals established in the agency performance plan under section 1115(b) and shall occur not later than 150 days after the end of each fiscal year, with more frequent updates of actual performance on indicators that provide data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden.

(2) If performance goals are specified in an alternative form under section 1115(c), the results shall be described in relation to such specifications, including whether the performance failed to meet the criteria of a minimally effective or successful program.

(c) Each update shall—

(1) review the success of achieving the performance goals and include actual results for the 5 preceding fiscal years;

(2) evaluate the performance plan for the current fiscal year relative to the performance achieved toward the performance goals during the period covered by the update;

(3) explain and describe where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 1115(c)(1)(A)(ii) or a corresponding level of achievement if another alternative form is used)—

(A) why the goal was not met;

(B) those plans and schedules for achieving the established performance goal; and

(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703 of this title;

(5) include a review of the performance goals and evaluation of the performance plan relative to the agency's strategic human capital management;

(6) describe how the agency ensures the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

(A) the means 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 has compensated for such limitations if needed to reach the required level of accuracy;

(7) include the summary findings of those program evaluations completed during the period covered by the update; and

(8) include a summary of the findings of the review of the agency under section 1121(c).

(d) If an agency performance update 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).

(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of agency performance updates under this section shall be performed only by Federal employees.

(Added Pub. L. 111-352, § 4, Jan. 4, 2011, 124 Stat. 3871; amended Pub. L. 118-190, §§2(b), 7(b), Dec. 23, 2024, 138 Stat. 2654, 2656.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1116, added Pub. L. 103-62, § 4(b), Aug. 3, 1993, 107 Stat. 288; amended Pub. L. 106-531, § 5(a)(1), (b), Nov. 22, 2000, 114 Stat. 2539; Pub. L. 107-296, title XIII, § 1311(b), Nov. 25, 2002, 116 Stat. 2290, related to program performance reports, prior to repeal by Pub. L. 111-352, § 4, Jan. 4, 2011, 124 Stat. 3871.

AMENDMENTS

2024—Subsec. (b)(1). Pub. L. 118-190, § 7(b), substituted “shall occur not later than 150 days after” for “shall occur no less than 150 days after”.

Subsec. (c)(8). Pub. L. 118-190, § 2(b)(1), added par. (8).

Subsecs. (f) to (i). Pub. L. 118-190, § 2(b)(2), struck out subsecs. (f) to (i) which related to determination of unmet performance goals and various action plans to address unmet goals after 1, 2, and 3 consecutive fiscal years.

Statutory Notes and Related Subsidiaries

MERIT SYSTEMS PROTECTION BOARD

Pub. L. 112-199, title I, § 116(b), Nov. 27, 2012, 126 Stat. 1474, provided that:

“(1) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

“(A) Information relating to the outcome of cases decided by the Merit Systems Protection Board during the period covered by such report in which violations of section 2302(b)(8) or (9)(A)(i), (B)(i), (C), or (D) of title 5, United States Code, were alleged.

“(B) The number of such cases filed in the regional and field offices, and the number of petitions for review filed in such cases, during the period covered by such report, and the outcomes of any such cases or petitions for review (irrespective of when filed) decided during such period.

“(2) FIRST REPORT.—The first report described under paragraph (1) submitted after the date of enactment of this Act [Nov. 27, 2012] shall include an addendum required under that paragraph that covers the period be-

ginning on the effective date of this Act [see Effective Date of 2012 Amendment note set out under section 1204 of Title 5, Government Organization and Employees] and ending at the end of the fiscal year in which such effective date occurs.”

§ 1117. Exemption

The Director of the Office of Management and Budget may exempt from the requirements of sections 1115 and 1116 of this title and section 306 of title 5, any agency with annual outlays of \$20,000,000 or less.

(Added Pub. L. 103-62, § 4(b), Aug. 3, 1993, 107 Stat. 289.)

Statutory Notes and Related Subsidiaries

CONSTRUCTION

No provision or amendment made by Pub. L. 103-62 to be construed as creating any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in such capacity, and no person not an officer or employee of the United States acting in such capacity to have standing to file any civil action in any court of the United States to enforce any provision or amendment made by Pub. L. 103-62, or to be construed as superseding any statutory requirement, see section 10 of Pub. L. 103-62, set out as a Construction of 1993 Amendment note under section 1101 of this title.

[§§ 1118, 1119. Repealed. Pub. L. 118-190, § 6(a), Dec. 23, 2024, 138 Stat. 2656]

Section 1118, added Pub. L. 103-62, § 6(a), Aug. 3, 1993, 107 Stat. 290, designated agencies as pilot projects in performance measurement for fiscal years 1994, 1995, and 1996.

Section 1119, added Pub. L. 103-62, § 6(c), Aug. 3, 1993, 107 Stat. 291, designated agencies as pilot projects in performance budgeting for fiscal years 1998 and 1999.

§ 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 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. Such goals shall—

- (A) be updated and revised not less frequently than during the first year of each Presidential term;
- (B) be made publicly available not less frequently than concurrently with the submission of the budget of the United States Gov-

ernment under section 1105(a) made during the first full fiscal year following any year during which a term of the President commences under section 101 of title 3;

(C) include plans for the successful achievement of each goal within each single Presidential term; and

(D) explicitly cite to any specific contents of the budget described in subparagraph (B) that support the achievement of each goal. 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 periodically with the Congress, including obtaining majority and minority views from—

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

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

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

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

(E) the Committee on Finance of the Senate;

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

(G) 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 a website described in 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 consultations with Congress and other interested parties required by section 306(d) of title 5;