

§ 1124. Performance Improvement Officers and the Performance Improvement Council

(a) PERFORMANCE IMPROVEMENT OFFICERS.—

(1) ESTABLISHMENT.—At each agency, the head of the agency, in consultation with the agency Chief Operating Officer, shall designate a senior executive of the agency as the agency Performance Improvement Officer.

(2) FUNCTION.—Each Performance Improvement Officer shall report directly to the Chief Operating Officer. Subject to the direction of the Chief Operating Officer, each Performance Improvement Officer shall—

(A) advise and assist the head of the agency and the Chief Operating Officer to ensure that the mission and goals of the agency are achieved through strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

(B) advise the head of the agency and the Chief Operating Officer on the selection of agency goals, including opportunities to collaborate with other agencies on common goals;

(C) assist the head of the agency and the Chief Operating Officer in overseeing the implementation of the agency strategic planning, performance planning, and reporting requirements provided under sections 1115 through 1122 of this title and sections 306 of title 5, including the contributions of the agency to the Federal Government priority goals;

(D) support the head of agency and the Chief Operating Officer in the conduct of regular reviews of agency performance, including at least quarterly reviews of progress achieved toward agency priority goals, if applicable;

(E) assist the head of the agency and the Chief Operating Officer in the development and use within the agency of performance measures in personnel performance appraisals, and, as appropriate, other agency personnel and planning processes and assessments; and

(F) ensure that agency progress toward the achievement of all goals is communicated to leaders, managers, and employees in the agency and Congress, and made available on a public website of the agency.

(b) PERFORMANCE IMPROVEMENT COUNCIL.—

(1) ESTABLISHMENT.—There is established a Performance Improvement Council, consisting of—

(A) the Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council;

(B) the Performance Improvement Officer from each agency defined in section 901(b) of this title;

(C) other Performance Improvement Officers as determined appropriate by the chairperson; and

(D) other individuals as determined appropriate by the chairperson.

(2) FUNCTION.—The Performance Improvement Council shall—

(A) be convened by the chairperson or the designee of the chairperson, who shall pre-

side at the meetings of the Performance Improvement Council, determine its agenda, direct its work, and establish and direct subgroups of the Performance Improvement Council, as appropriate, to deal with particular subject matters;

(B) assist the Director of the Office of Management and Budget to improve the performance of the Federal Government and achieve the Federal Government priority goals;

(C) assist the Director of the Office of Management and Budget in implementing the planning, reporting, and use of performance information requirements related to the Federal Government priority goals provided under sections 1115, 1120, 1121, and 1122 of this title;

(D) work to resolve specific Government-wide or crosscutting performance issues, as necessary;

(E) facilitate the exchange among agencies of practices that have led to performance improvements within specific programs, agencies, or across agencies;

(F) coordinate with other interagency management councils;

(G) seek advice and information as appropriate from nonmember agencies, particularly smaller agencies;

(H) consider the performance improvement experiences of corporations, nonprofit organizations, foreign, State, and local governments, Government employees, public sector unions, and customers of Government services;

(I) receive such assistance, information and advice from agencies as the Council may request, which agencies shall provide to the extent permitted by law; and

(J) develop and submit to the Director of the Office of Management and Budget, or when appropriate to the President through the Director of the Office of Management and Budget, at times and in such formats as the chairperson may specify, recommendations to streamline and improve performance management policies and requirements.

(3) SUPPORT.—

(A) IN GENERAL.—The Administrator of General Services shall provide administrative and other support for the Council to implement this section.

(B) PERSONNEL.—The heads of agencies with Performance Improvement Officers serving on the Council shall, as appropriate and to the extent permitted by law, provide at the request of the chairperson of the Performance Improvement Council up to 2 personnel authorizations to serve at the direction of the chairperson.

(Added Pub. L. 111-352, §9, Jan. 4, 2011, 124 Stat. 3878.)

§ 1125. Elimination of unnecessary agency reporting

(a) DEFINITIONS.—In this section:

(1) BUDGET JUSTIFICATION MATERIALS.—The term “budget justification materials” has the meaning given the term in section 3(b)(2) of

the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note; Public Law 109-282).

(2) **PLAN OR REPORT.**—The term “plan or report” means any plan or report submitted to Congress, any committee of Congress, or subcommittee thereof, by not less than 1 agency—

(A) in accordance with Federal law; or

(B) at the direction or request of a congressional report.

(3) **RECURRING PLAN OR REPORT.**—The term “recurring plan or report” means a plan or report submitted on a recurring basis.

(4) **RELEVANT CONGRESSIONAL COMMITTEE.**—The term “relevant congressional committee”—

(A) means a congressional committee to which a recurring plan or report is required to be submitted; and

(B) does not include any plan or report that is required to be submitted solely to the Committee on Armed Services of the House of Representatives or the Senate.

(b) **AGENCY IDENTIFICATION OF UNNECESSARY REPORTS.**—

(1) **IN GENERAL.**—The head of each agency shall include in the budget justification materials of the agency the following:

(A) Subject to paragraphs (2) and (3), the following:

(i) A list of each recurring plan or report submitted by the agency.

(ii) An identification of whether the recurring plan or report listed in clause (i) was included in the most recent report issued by the Clerk of the House of Representatives concerning the reports that any agency is required by law or directed or requested by a committee report to make to Congress, any committee of Congress, or subcommittee thereof.

(iii) If applicable, the unique alphanumeric identifier for the recurring plan or report as required by section 7243(b)(1)(C)(vii) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263).

(iv) The identification of any recurring plan or report the head of the agency determines to be outdated or duplicative.

(B) With respect to each recurring plan or report identified in subparagraph (A)(iv), the following:

(i) A recommendation on whether to sunset, modify, consolidate, or reduce the frequency of the submission of the recurring plan or report.

(ii) A citation to each provision of law or directive or request in a congressional report that requires or requests the submission of the recurring plan or report.

(iii) A list of the relevant congressional committees for the recurring plan or report.

(C) A justification explaining, with respect to each recommendation described in subparagraph (B)(i) relating to a recurring plan or report—

(i) why the head of the agency made the recommendation, which may include an

estimate of the resources expended by the agency to prepare and submit the recurring plan or report; and

(ii) the understanding of the head of the agency of the purpose of the recurring plan or report.

(2) **AGENCY CONSULTATION.**—

(A) **IN GENERAL.**—In preparing the list required under paragraph (1)(A), if, in submitting a recurring plan or report, an agency is required to coordinate or consult with another agency or entity, the head of the agency submitting the recurring plan or report shall consult with the head of each agency or entity with whom consultation or coordination is required.

(B) **INCLUSION IN LIST.**—If, after a consultation under subparagraph (A), the head of each agency or entity consulted under that subparagraph agrees that a recurring plan or report is outdated or duplicative, the head of the agency required to submit the recurring plan or report shall—

(i) include the recurring plan or report in the list described in paragraph (1)(A); and

(ii) identify each agency or entity with which the head of the agency is required to coordinate or consult in submitting the recurring plan or report.

(C) **DISAGREEMENT.**—If the head of any agency or entity consulted under subparagraph (A) does not agree that a recurring plan or report is outdated or duplicative, the head of the agency required to submit the recurring plan or report shall not include the recurring plan or report in the list described in paragraph (1)(A).

(3) **GOVERNMENT-WIDE OR MULTI-AGENCY PLAN AND REPORT SUBMISSIONS.**—With respect to a recurring plan or report required to be submitted by not less than 2 agencies, the Director of the Office of Management and Budget shall—

(A) determine whether the requirement to submit the recurring plan or report is outdated or duplicative; and

(B) make recommendations to Congress accordingly.

(4) **PLAN AND REPORT SUBMISSIONS CONFORMITY TO THE ACCESS TO CONGRESSIONALLY MANDATED REPORTS ACT.**—With respect to an agency recommendation, citation, or justification made under subparagraph (B) or (C) of paragraph (1) or a recommendation by the Director of the Office of Management and Budget under paragraph (3), the agency or Director, as applicable, shall also provide this information to the Director of the Government Publishing Office in conformity with the agency submission requirements under section 7244(a) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263; chapter 41 of title 44 note) in conformity with guidance issued by the Director of the Office of Management and Budget under section 7244(b) of such Act.

(c) **RULE OF CONSTRUCTION ON AGENCY REQUIREMENTS.**—Nothing in this section shall be construed to exempt the head of an agency from a

requirement to submit a recurring plan or report.

(d) **REQUEST FOR ELIMINATION OF UNNECESSARY REPORTS.**—In addition to including the list of plans and reports determined to be outdated or duplicative by each agency in the budget justification materials of each agency, the Director of the Office of Management and Budget may concurrently submit to Congress legislation to eliminate or consolidate such plans and reports. (Added Pub. L. 111–352, §11(b), Jan. 4, 2011, 124 Stat. 3881; amended Pub. L. 118–172, §2(a), Dec. 23, 2024, 138 Stat. 2593.)

Editorial Notes

REFERENCES IN TEXT

Sections 7243(b)(1)(C)(vii) and 7244(a), (b) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, referred to in subsec. (b)(1)(A)(iii), (4), are sections 7243(b)(1)(C)(vii) and 7244(a), (b) of Pub. L. 117–263, which are set out in a note preceding section 4101 of Title 44, Public Printing and Documents.

AMENDMENTS

2024—Subsecs. (a), (b). Pub. L. 118–172, §2(a)(2), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which related to agency identification of unnecessary reports and plans and reports for first year of implementation and subsequent years, respectively.

Subsec. (c). Pub. L. 118–172, §2(a)(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 118–172, §2(a)(3), substituted “in the budget justification materials of each agency” for “in the budget of the United States Government, as provided by section 1105(a)(37)”.

Pub. L. 118–172, §2(a)(1), redesignated subsec. (c) as (d).

Statutory Notes and Related Subsidiaries

UPDATED OMB GUIDANCE

Pub. L. 118–172, §2(c)(2), Dec. 23, 2024, 138 Stat. 2596, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2024], the Director of the Office of Management and Budget shall issue updated guidance to agencies to ensure that the requirements under subsections (a) and (b) of section 1125 of title 31, United States Code, as amended by this Act, for agency submissions of recommendations and justifications for plans and reports to sunset, modify, consolidate, or reduce the frequency of the submission of [sic] are also submitted as a separate attachment in conformity with the agency submission requirements of electronic copies of reports submitted by agencies under section 7244(a) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; chapter 41 of title 44, United States Code, note [44 U.S.C. 4101 note prec.]) for publication on the online portal established under section 7243 of such Act.”

§ 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, who has significant program and project management oversight responsibilities, 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 manager 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 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 chapter 87 of title 10. For purposes of paragraph (1), the Under Secretary of Defense for Acquisition and Sustainment (or a designee of the Under Secretary) shall be considered the Program Management Improvement Officer.

(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 Government Accountability Office and make recommendations for actions to be taken by the Deputy Director for Management of the Office of Management and Budget or a designee;

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

(i) career development and workforce development needs;