

**Calendar No. 96**

103D CONGRESS  
1ST SESSION

**S. 20**

**[Report No. 103-58]**

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**A BILL**

To provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

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JUNE 16 (legislative day, JUNE 15), 1993

Reported with amendments and an amendment to the title

**Calendar No. 96**103<sup>D</sup> CONGRESS  
1ST SESSION**S. 20****[Report No. 103-58]**

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IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. ROTH (for himself, Mr. GLENN, Mr. GRAHAM, Mr. METZENBAUM, Mr. MCCAIN, Mr. AKAKA, Mr. ROBB, Mr. LUGAR, Mr. BINGAMAN, Mr. SIMPSON, Mr. SMITH, Mr. HATCH, Mr. COHEN, Mr. DORGAN, Mr. LIEBERMAN, Mr. COCHRAN, Mr. LOTT, Mr. REID, Mr. GRASSLEY, Mr. CAMPBELL, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

JUNE 16 (legislative day, JUNE 15), 1993

Reported by Mr. GLENN, with amendments and an amendment to the title  
[Omit the part struck through and insert the part printed in italic]

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**A BILL**

To provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Government Perform-  
3 ance and Results Act of 1993”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—The Congress finds that—

6 (1) waste and inefficiency in Federal programs  
7 undermine the confidence of the American people in  
8 the Government and reduces the Federal Govern-  
9 ment’s ability to address adequately vital public  
10 needs;

11 (2) Federal managers are seriously disadvan-  
12 taged in their efforts to improve program efficiency  
13 and effectiveness, because of insufficient articulation  
14 of program goals and inadequate information on  
15 program performance; and

16 (3) congressional policymaking, spending deci-  
17 sions and program oversight are seriously handi-  
18 capped by insufficient attention to program perform-  
19 ance and results.

20 (b) PURPOSES.—The purposes of this Act are to—

21 (1) improve the confidence of the American peo-  
22 ple in the capability of the Federal Government, by  
23 systematically holding Federal agencies accountable  
24 for achieving program results;

25 (2) initiate program performance reform with a  
26 series of pilot projects in setting program goals,

1 measuring program performance against those goals,  
2 and reporting publicly on their progress;

3 (3) improve Federal program effectiveness and  
4 public accountability by promoting a new focus on  
5 results, service quality, and customer satisfaction;

6 (4) help Federal managers improve service de-  
7 livery, by requiring that they plan for meeting pro-  
8 gram objectives and by providing them with informa-  
9 tion about program results and service quality;

10 (5) improve congressional decisionmaking by  
11 providing more objective information on achieving  
12 statutory objectives, and on the relative effectiveness  
13 and efficiency of Federal programs and spending;  
14 and

15 (6) improve internal management of the Fed-  
16 eral Government; and the intent of this Act is not  
17 to create any right or benefit, substantive or proce-  
18 dural, enforceable at law by any party against the  
19 United States, or any agency or office of the United  
20 States.

21 **SEC. 3. STRATEGIC PLANNING.**

22 Chapter 3 of title 5, United States Code, is amended  
23 by adding after section 305 the following new section:

1 **“§ 306. Strategic plans**

2 “(a) No later than September 30, 1997, the head of  
3 each agency shall submit to the Director of the Office of  
4 Management and Budget *and to the Congress* a strategic  
5 plan for program activities. Such plan shall contain—

6 “(1) a comprehensive mission statement cover-  
7 ing the major functions and operations of the  
8 agency;

9 “(2) general goals and objectives, including out-  
10 come-related goals and objectives, for the major  
11 functions and operations of the agency;

12 “(3) a description of how the goals and objec-  
13 tives are to be achieved, including a description of  
14 the operational processes, skills and technology, and  
15 the human, capital, information, and other resources  
16 required to meet those goals and objectives;

17 “(4) a description of how the performance goals  
18 included in the plan required by section 1115(a) of  
19 title 31 shall be related to the general goals and ob-  
20 jectives in the strategic plan;

21 “(5) an identification of those key factors exter-  
22 nal to the agency and beyond its control that could  
23 significantly affect the achievement of the general  
24 goals and objectives; and

25 “(6) a description of the program evaluations  
26 used in establishing or revising general goals and ob-

1       jectives, with a schedule for future program evalua-  
2       tions.

3       “(b) The strategic plan shall cover a period of not  
4 less than five years forward from the fiscal year in which  
5 it is submitted, and shall be updated and revised at least  
6 every three years.

7       “(c) The performance plan required by section 1115  
8 of title 31 shall be consistent with the agency’s strategic  
9 plan. A performance plan may not be submitted for a fis-  
10 cal year not covered by a current strategic plan under this  
11 section.

12       “(d) When developing a strategic plan, the agency  
13 shall consult with the Congress, and shall solicit and con-  
14 sider the views and suggestions of those entities poten-  
15 tially affected by or interested in such a plan.

16       “(e) *The functions and activities of this section shall*  
17 *be considered to be inherently Governmental functions. The*  
18 *drafting of strategic plans under this section shall be per-*  
19 *formed only by Federal employees.*

20       “(e) (f) For purposes of this section the term ‘agency’  
21 means an Executive agency defined under section 105, but  
22 does not include the Central Intelligence Agency, the Gen-  
23 eral Accounting Office, the Panama Canal Commission,  
24 the United States Postal Service, and the Postal Rate  
25 Commission.”.

1 **SEC. 4. ANNUAL PERFORMANCE PLANS AND REPORTS.**

2 (a) BUDGET CONTENTS AND SUBMISSION TO CON-  
3 GRESS.—Section 1105(a) of title 31, United States Code,  
4 is amended by adding at the end thereof the following new  
5 paragraph:

6 “(29) beginning with fiscal year 1999, a Fed-  
7 eral Government performance plan for the overall  
8 budget as provided for under section 1115.”.

9 (b) PERFORMANCE PLANS AND REPORTS.—Chapter  
10 11 of title 31, United States Code, is amended by adding  
11 after section 1114 the following new sections:

12 **“§ 1115. Performance plans**

13 “(a) In carrying out the provisions of section  
14 1105(a)(29), the *Director of the* Office of Management and  
15 Budget shall require each agency to prepare an annual  
16 performance plan covering each program activity set forth  
17 in the budget of such agency. Such plan shall—

18 “(1) establish performance goals to define the  
19 level of performance to be achieved by a program  
20 activity;

21 “(2) express such goals in an objective, quan-  
22 tifiable, and measurable form unless ~~permitted~~ *au-*  
23 *thorized to be* in an alternative form under sub-  
24 section (b);

25 “(3) *briefly* describe the operational processes,  
26 skills and technology, and the human, capital, infor-

1 mation, ~~and~~ *or* other resources required to meet the  
 2 performance goals;

3 “(4) establish performance indicators to be used  
 4 in measuring or assessing the relevant outputs, serv-  
 5 ice levels, and outcomes of each program activity;

6 “(5) provide a basis for comparing actual pro-  
 7 gram results with the established performance goals;  
 8 and

9 “(6) describe the means to be used to verify  
 10 and validate measured values.

11 “(b) If an agency, in consultation with the *Director*  
 12 *of the Office of Management and Budget*, determines that  
 13 it is not feasible to express the performance goals for a  
 14 particular program activity in an objective, ~~and~~ quantifi-  
 15 able, *and measurable* form, the *Director of the Office of*  
 16 *Management and Budget* may authorize an alternative  
 17 form. Such alternative form shall—

18 “(1) include separate descriptive statements  
 19 of—

20 “(A) *(i)* a minimally effective program, and

21 “~~(B)~~ *(ii)* a successful program, *or*

22 “*(B)* *such alternative as authorized by the*  
 23 *Director of the Office of Management and*  
 24 *Budget,*



1 with sufficient precision and in such terms that  
2 would allow for an accurate, independent determina-  
3 tion of whether the program activity's performance  
4 meets the criteria of ~~either~~ *the* description; or

5 “(2) state why it is infeasible or impractical to  
6 express a performance goal in any form for the pro-  
7 gram activity.

8 “(c) ~~In preparing a comprehensive and informative~~  
9 ~~plan under~~ *For the purpose of complying with this section,*  
10 an agency may aggregate, disaggregate, or consolidate  
11 program activities, ~~provided~~ *except* that any aggregation  
12 or consolidation ~~does~~ *may* not omit or minimize the signifi-  
13 cance of any program activity constituting a major func-  
14 tion or operation for the agency.

15 “(d) An agency may prepare a classified or non-pub-  
16 lic annex to its plan covering program activities or parts  
17 of program activities relating to—

18 “(1) national security;

19 “(2) the conduct of foreign affairs; or

20 “(3) the avoidance of interference with criminal  
21 prosecution or revenue collection.

22 “(e) *The functions and activities of this section shall*  
23 *be considered to be inherently Governmental functions. The*  
24 *drafting of performance plans under this section shall be*  
25 *performed only by Federal employees.*

1       “(e) (f) For purposes of this section and sections  
2 1116 through 1119, and ~~section~~ *sections 9703 and 9704*  
3 the term—

4           “(1) ‘agency’ means an ~~Executive~~ agency de-  
5 fined under section 105 of title 5, United States  
6 Code, but does not include the Central Intelligence  
7 Agency, the General Accounting Office, the Panama  
8 Canal Commission, the United States Postal Service,  
9 and the Postal Rate Commission; *has the same*  
10 *meaning as such term is defined under section 306(f)*  
11 *of title 5;*

12           “(2) ‘outcome measure’ ~~refers to~~ *means* an as-  
13 sessment of the results of a program activity com-  
14 pared to its intended purpose;

15           “(3) ‘output measure’ ~~refers to~~ *means* the tab-  
16 ulation, calculation, or recording of activity or effort  
17 and can be expressed in a quantitative or qualitative  
18 manner;

19           “(4) ‘performance goal’ means a target level of  
20 performance expressed as a tangible, measurable ob-  
21 jective, against which actual achievement ~~shall~~ *can*  
22 be compared, including a goal expressed as a quan-  
23 titative standard, value, or rate;

1           “(5) ‘performance indicator’ ~~refers to~~ *means* a  
2           particular value or characteristic used to measure  
3           output or outcome;

4           “(6) ‘program activity’ means a specific activity  
5           or project as listed in the program and financing  
6           schedules of the annual budget of the United States  
7           Government; and

8           “(7) ‘program evaluation’ means an assessment,  
9           through objective measurement and systematic anal-  
10          ysis, of the manner and extent to which Federal pro-  
11          grams achieve intended objectives.

12       **“§ 1116. Program performance reports**

13          “(a) No later than March 31, 2000, and no later than  
14          March 31 of each year thereafter, the head of each agency  
15          shall prepare and submit to the President and the Con-  
16          gress, a report on program performance for the previous  
17          fiscal year.

18          “(b)(1) Each program performance report shall set  
19          forth the performance indicators established in the depart-  
20          mental or agency performance plan *under section 1115*,  
21          along with the actual program performance achieved com-  
22          pared with the performance goals expressed in the plan  
23          for that fiscal year.

24          ~~“(2) If performance goals are specified by descriptive~~  
25          statements of a minimally effective program activity and

1 a successful program activity, the results of such program  
2 shall be described in relationship to those categories, in-  
3 cluding whether the performance failed to meet the cri-  
4 teria of either category.

5       “(2) If performance goals are specified in an alter-  
6 native form under section 1115(b), the results of such pro-  
7 gram shall be described in relation to such specifications,  
8 including whether the performance failed to meet the cri-  
9 teria of a minimally effective or successful program.

10       “(c) The report for fiscal year 2000 shall include ac-  
11 tual results for the preceding fiscal year, the report for  
12 fiscal year 2001 shall include actual results for the two  
13 preceding fiscal years, and the report for fiscal year 2002  
14 and all subsequent reports shall include actual results for  
15 the three preceding fiscal years.

16       “(d) Each report shall—

17               “(1) review the success of achieving the per-  
18 formance goals of the fiscal year;

19               “(2) evaluate the performance plan for the cur-  
20 rent fiscal year relative to the performance achieved  
21 toward the performance goals in the fiscal year cov-  
22 ered by the report;

23               “(3) explain and describe, where a performance  
24 goal has not been met, (including when a program  
25 activity’s performance is determined not to have met

1 the criteria of a successful program activity under  
2 ~~section 1115(b)(2)~~ *section 1115(b)(1)(A)(ii) or a cor-*  
3 *responding level of achievement if another alternative*  
4 *form is used)—*

5 “(A) why the goal was not met;

6 “(B) those plans and schedules for achiev-  
7 ing the established performance goal; and

8 “(C) if the performance goal is impractical  
9 or infeasible, why that is the case and what ac-  
10 tion is recommended;

11 “(4) describe the use and assess the effective-  
12 ness in achieving performance goals of any waiver  
13 under section 9703 of this title; and

14 “(5) include the summary findings of those pro-  
15 gram evaluations completed during the fiscal year  
16 covered by the report.

17 “(e) *The* An agency head may include all program  
18 performance information required annually under this sec-  
19 tion in an annual financial statement required under sec-  
20 tion 3515 if any such statement is submitted to the Con-  
21 gress no later than March 31 of the applicable fiscal year.

22 “(f) *The functions and activities of this section shall*  
23 *be considered to be inherently Governmental functions. The*  
24 *drafting of program performance reports under this section*  
25 *shall be performed only by Federal employees.*

1 **“§ 1117. Exemption**

2 “The Director of the Office of Management and  
3 Budget may exempt from the requirements of sections  
4 1115 and 1116 *of this title* and section 306 of title 5, any  
5 agency with annual outlays of \$20,000,000 or less.”.

6 **SEC. 5. MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.**

7 (a) MANAGERIAL ACCOUNTABILITY AND FLEXIBIL-  
8 ITY.—Chapter 97 of title 31, United States Code, is  
9 amended by adding after section 9702, the following new  
10 section:

11 **“§ 9703. Managerial accountability and flexibility**

12 “(a) Beginning with fiscal year 1999, the perform-  
13 ance plans required under section 1115 may include pro-  
14 posals to waive administrative procedural requirements  
15 and controls, including specification of personnel staffing  
16 levels, limitations on compensation or remuneration, and  
17 prohibitions or restrictions on funding transfers among  
18 budget object classification 20 and subclassifications 11,  
19 12, 31, and 32 of each annual budget submitted under  
20 section 1105, in return for specific individual or organiza-  
21 tion accountability to achieve a performance goal. In pre-  
22 paring and submitting the performance plan under section  
23 1105(a)(29), the *Director of the* Office of Management and  
24 Budget shall review and may approve any proposed waiv-  
25 ers. A waiver shall take effect at the beginning of the fiscal  
26 year for which the waiver is approved.

1       “(b) Any such proposal under subsection (a) shall de-  
2 scribe the anticipated effects on performance resulting  
3 from greater managerial or organizational flexibility, dis-  
4 cretion, and authority, and shall quantify the expected im-  
5 provements in performance resulting from any waiver. The  
6 expected improvements shall be compared to current ac-  
7 tual performance, and to the projected level of perform-  
8 ance that would be achieved independent of any waiver.

9       “(c) Any proposal waiving limitations on compensa-  
10 tion or remuneration shall precisely express the monetary  
11 change in compensation or remuneration amounts, such  
12 as bonuses or awards, that shall result from meeting, ex-  
13 ceeding, or failing to meet performance goals.

14       “(d) Any proposed waiver of procedural requirements  
15 or controls imposed by an agency (other than the propos-  
16 ing agency or the Office of Management and Budget) ~~shall~~  
17 *be may not be included in a performance plan unless it*  
18 *is* endorsed by the agency that established the require-  
19 ment, and the endorsement included in the proposing  
20 agency’s performance plan.

21       “(e) A waiver shall be in effect for one or two years  
22 *as specified by the Director of the Office of Management*  
23 *and Budget in approving the waiver.* A waiver may be re-  
24 newed for a subsequent year. After a waiver has been in  
25 effect for three consecutive years, the performance plan

1 prepared under section 1115 may propose that a waiver,  
2 other than a waiver of limitations on compensation or re-  
3 muneration, be made permanent.”

4 “(f) For purposes of this section, the definitions under  
5 section 1115(f) shall apply.”

6 **SEC. 6. PILOT PROJECTS.**

7 (a) PERFORMANCE PLANS AND REPORTS.—Chapter  
8 11 of title 31, United States Code, is amended by inserting  
9 after section 1117 (as added by section 4 of this Act) the  
10 following new section:

11 **“§ 1118. Pilot projects for performance goals**

12 “(a) The Director of the Office of Management and  
13 Budget, after consultation with the head of each agency,  
14 shall designate not less than ten agencies as pilot projects  
15 in performance measurement for fiscal years 1994, 1995,  
16 and 1996. The selected agencies shall reflect a representa-  
17 tive range of Government functions and capabilities in  
18 measuring and reporting program performance.

19 “(b) Pilot projects in the designated agencies shall  
20 undertake the preparation of performance plans under  
21 section 1115, and program performance reports under sec-  
22 tion 1116, other than section 1116(c), for one or more  
23 of the major functions and operations of the agency. A  
24 strategic plan shall be used when preparing agency per-



1 formance plans during one or more years of the pilot  
2 period.

3 “(c) No later than May 1, 1997, the Director of the  
4 Office of Management and Budget shall submit a report  
5 to the President and to the Congress which shall—

6 “(1) assess the benefits, costs, and usefulness  
7 of the plans and reports prepared by the pilot agen-  
8 cies in meeting the purposes of the Government Per-  
9 formance and Results Act of ~~1992~~ 1993;

10 “(2) identify any significant difficulties experi-  
11 enced by the pilot agencies in preparing plans and  
12 reports; and

13 “(3) set forth any recommended changes in the  
14 requirements of the provisions of Government Per-  
15 formance and Results Act of ~~1992~~ 1993, section 306  
16 of title 5, sections 1105, 1115, 1116, 1117, 1119  
17 and ~~9704~~ 9703 of this title, and this section.”.

18 (b) MANAGERIAL ACCOUNTABILITY AND FLEXIBIL-  
19 ITY.—Chapter 97 of title 31, United States Code, is  
20 amended by inserting after section 9703 (as added by sec-  
21 tion 5 of this Act) the following new section:

22 **“§9704. Pilot projects for managerial accountability**  
23 **and flexibility**

24 “(a) The Director of the Office of Management and  
25 Budget shall designate not less than five agencies as pilot

1 projects in managerial accountability and flexibility for fis-  
2 cal years 1995 and 1996. Such agencies shall be selected  
3 from those designated as pilot projects under section 1118  
4 and shall reflect a representative range of Government  
5 functions and capabilities in measuring and reporting pro-  
6 gram performance.

7 “(b) Pilot projects in the designated agencies shall  
8 include proposed waivers in accordance with section 9703  
9 for one or more of the major functions and operations of  
10 the agency.

11 “(c) The Director of the Office of Management and  
12 Budget shall include in the report to the President and  
13 to the Congress required under ~~section 1118(b)~~ the follow-  
14 ~~ing~~ *section 1118(c)*—

15 “(1) an assessment of the benefits, costs, and  
16 usefulness of increasing managerial and organiza-  
17 tional flexibility, discretion, and authority in ex-  
18 change for improved performance through a waiver;  
19 and

20 “(2) an identification of any significant difficul-  
21 ties experienced by the pilot agencies in preparing  
22 proposed waivers.

23 “(d) For purposes of this section the definitions  
24 under section 1115(~~e~~) (*f*) shall apply.”.

1 (c) PERFORMANCE BUDGETING.—Chapter 11 of title  
2 31, United States Code, is amended by inserting after sec-  
3 tion 1118 (as added by section 6 of this Act) the following  
4 new section:

5 **“§ 1119. Pilot projects for performance budgeting**

6 “(a) The Director of the Office of Management and  
7 Budget, after consultation with the head of each agency  
8 shall designate not less than five agencies as pilot projects  
9 in performance budgeting for fiscal years 1998 and 1999.  
10 At least three of the agencies shall be selected from those  
11 designated as pilot projects under section 1118, and shall  
12 also reflect a representative range of Government func-  
13 tions and capabilities in measuring and reporting program  
14 performance.

15 “(b) Pilot projects in the designated agencies shall  
16 cover the preparation of performance budgets. Such budg-  
17 ets shall present, for one or more of the major functions  
18 and operations of the agency, the varying levels of per-  
19 formance, including outcome-related performance, that  
20 would result from different budgeted amounts.

21 “(c) The Director of the Office of Management and  
22 Budget shall include, as an alternative budget presen-  
23 tation in the budget submitted under section 1105 for fis-  
24 cal year 1999, the performance budgets of the designated  
25 agencies for this fiscal year.

1       “(d) No later than March 31, 2001, the Director of  
2 the Office of Management and Budget shall transmit a  
3 report to the President and to the Congress on the per-  
4 formance budgeting ~~pilots~~ *pilot projects* which shall—

5               “(1) assess the feasibility and advisability of in-  
6 cluding a performance budget as part of the annual  
7 budget submitted under section 1105;

8               “(2) describe any difficulties encountered by the  
9 pilot agencies in preparing a performance budget;

10              “(3) recommend whether legislation requiring  
11 performance budgets should be proposed and the  
12 general provisions of any legislation; and

13              “(4) set forth any recommended changes in the  
14 other requirements of the Government Performance  
15 and Results Act of ~~1992~~ *1993*, section 306 of title  
16 5, sections 1105, 1115, 1116, 1117, ~~1118~~, and ~~9704~~  
17 *and 9703* of this title, and this section.

18       “(e) After receipt of the report required under sub-  
19 section (d), the Congress may specify that a performance  
20 budget be submitted as part of the annual budget submit-  
21 ted under section 1105.”.

22 **SEC. 7. UNITED STATES POSTAL SERVICE.**

23       Part III of title 39, United States Code, is amended  
24 by adding at the end thereof the following new chapter:

1       **“CHAPTER 28—STRATEGIC PLANNING**  
2       **AND PERFORMANCE MANAGEMENT**

“Sec.

“2801. Definitions.

“2802. Strategic plans.

“2803. Performance plans.

“2804. Program performance reports.

“2805. *Inherently Governmental functions.*

3       **“§ 2801. Definitions**

4       “For purposes of this chapter the term—

5               “(1) ‘outcome measure’ refers to an assessment  
6               of the results of a program activity compared to its  
7               intended purpose;

8               “(2) ‘output measure’ refers to the tabulation,  
9               calculation, or recording of activity or effort and can  
10              be expressed in a quantitative or qualitative manner;

11              “(3) ‘performance goal’ means a target level of  
12              performance expressed as a tangible, measurable ob-  
13              jective, against which actual achievement shall be  
14              compared, including a goal expressed as a quan-  
15              titative standard, value, or rate;

16              “(4) ‘performance indicator’ refers to a particu-  
17              lar value or characteristic used to measure output or  
18              outcome;

19              “(5) ‘program activity’ means a specific activity  
20              related to the mission of the Postal Service; and

21              “(6) ‘program evaluation’ means an assessment,  
22              through objective measurement and systematic anal-

1        ysis, of the manner and extent to which Postal Serv-  
2        ice programs achieve intended objectives.

3        **“§ 2802. Strategic plans**

4        “(a) No later than September 30, 1997, the Postal  
5        Service shall submit to the President and the Congress  
6        a strategic plan for its program activities. Such plan shall  
7        contain—

8                “(1) a comprehensive mission statement cover-  
9                ing the major functions and operations of the Postal  
10              Service;

11              “(2) general goals and objectives, including out-  
12              come-related goals and objectives, for the major  
13              functions and operations of the Postal Service;

14              “(3) a description of how the goals and objec-  
15              tives are to be achieved, including a description of  
16              the operational processes, skills and technology, and  
17              the human, capital, information, and other resources  
18              required to meet those goals and objectives;

19              “(4) a description of how the performance goals  
20              included in the plan required under section 2803  
21              shall be related to the general goals and objectives  
22              in the strategic plan;

23              “(5) an identification of those key factors exter-  
24              nal to the Postal Service and beyond its control that

1 could significantly affect the achievement of the gen-  
2 eral goals and objectives; and

3 “(6) a description of the program evaluations  
4 used in establishing or revising general goals and ob-  
5 jectives, with a schedule for future program evalua-  
6 tions.

7 “(b) The strategic plan shall cover a period of not  
8 less than five years forward from the fiscal year in which  
9 it is submitted, and shall be updated and revised at least  
10 every three years.

11 “(c) The performance plan required under section  
12 2803 shall be consistent with the Postal Service’s strategic  
13 plan. A performance plan may not be submitted for a fis-  
14 cal year not covered by a current strategic plan under this  
15 section.

16 “(d) When developing a strategic plan, the Postal  
17 Service shall solicit and consider the views and suggestions  
18 of those entities potentially affected by or interested in  
19 such a plan, and shall advise the Congress of the contents  
20 of the plan.

21 **“§ 2803. Performance plans**

22 “(a) The Postal Service shall prepare an annual per-  
23 formance plan covering each program activity set forth in  
24 the Postal Service budget, which shall be included in the

1 comprehensive statement presented under section 2401(g)  
2 of this title. Such plan shall—

3 “(1) establish performance goals to define the  
4 level of performance to be achieved by a program  
5 activity;

6 “(2) express such goals in an objective, quan-  
7 tifiable, and measurable form unless an alternative  
8 form is used under subsection (b);

9 “(3) *briefly* describe the operational processes,  
10 skills and technology, and the human, capital, infor-  
11 mation, ~~and~~ *or* other resources required to meet the  
12 performance goals;

13 “(4) establish performance indicators to be used  
14 in measuring or assessing the relevant outputs, serv-  
15 ice levels, and outcomes of each program activity;

16 “(5) provide a basis for comparing actual pro-  
17 gram results with the established performance goals;  
18 and

19 “(6) describe the means to be used to verify  
20 and validate measured values.

21 “(b) If the Postal Service determines that it is not  
22 feasible to express the performance goals for a particular  
23 program activity in an objective ~~and~~, quantifiable, *and*  
24 *measurable* form, the Postal Service may use an alter-  
25 native form. Such alternative form shall—



1           “(1) include separate descriptive statements  
2 of—

3                   “(A) a minimally effective program, and

4                   “(B) a successful program,

5 with sufficient precision and in such terms that  
6 would allow for an accurate, independent determina-  
7 tion of whether the program activity’s performance  
8 meets the criteria of either description; or

9           “(2) state why it is infeasible or impractical to  
10 express a performance goal in any form for the pro-  
11 gram activity.

12           “(c) In preparing a comprehensive and informative  
13 plan under this section, the Postal Service may aggregate,  
14 disaggregate, or consolidate program activities, ~~provided~~  
15 *except* that any aggregation or consolidation ~~does~~ *may* not  
16 omit or minimize the significance of any program activity  
17 constituting a major function or operation.

18           “(d) The Postal Service may prepare a non-public  
19 annex to its plan covering program activities or parts of  
20 program activities relating to—

21                   “(1) the avoidance of interference with criminal  
22 prosecution; or

23                   “(2) matters otherwise exempt from public dis-  
24 closure under section ~~401~~ 410(c) of this title.

1 **“§ 2804. Program performance reports**

2 “(a) The Postal Service shall prepare a report on pro-  
3 gram performance for each fiscal year, which shall be in-  
4 cluded in the annual comprehensive statement presented  
5 under section 2401(g) of this title.

6 “(b)(1) The program performance report shall set  
7 forth the performance indicators established in the Postal  
8 Service performance plan, along with the actual program  
9 performance achieved compared with the performance  
10 goals expressed in the plan for that fiscal year.

11 “(2) If performance goals are specified by descriptive  
12 statements of a minimally effective program activity and  
13 a successful program activity, the results of such program  
14 shall be described in relationship to those categories, in-  
15 cluding whether the performance failed to meet the cri-  
16 teria of either category.

17 “(c) The report for fiscal year 2000 shall include ac-  
18 tual results for the preceding fiscal year, the report for  
19 fiscal year 2001 shall include actual results for the two  
20 preceding fiscal years, and the report for fiscal year 2002  
21 and all subsequent reports shall include actual results for  
22 the three preceding fiscal years.

23 “(d) Each report shall—

24 “(1) review the success of achieving the per-  
25 formance goals of the fiscal year;

1           “(2) evaluate the performance plan for the cur-  
2           rent fiscal year relative to the performance achieved  
3           towards the performance goals in the fiscal year cov-  
4           ered by the report;

5           “(3) explain and describe, where a performance  
6           goal has not been met, (including when a program  
7           activity’s performance is determined not to have met  
8           the criteria of a successful program activity under  
9           section 2803(b)(2))—

10                   “(A) why the goal was not met;

11                   “(B) those plans and schedules for achiev-  
12                   ing the established performance goal; and

13                   “(C) if the performance goal is impractical  
14                   or infeasible, why that is the case and what ac-  
15                   tion is recommended; and

16           “(4) include the summary findings of those pro-  
17           gram evaluations completed during the fiscal year  
18           covered by the report.”.

19    **“§ 2805. Inherently Governmental functions**

20           *“The functions and activities of this chapter shall be*  
21 *considered to be inherently Governmental functions. The*  
22 *drafting of strategic plans, performance plans, and pro-*  
23 *gram performance reports under this section shall be per-*  
24 *formed only by employees of the Postal Service.”.*

1 **SEC. 8. CONGRESSIONAL OVERSIGHT AND LEGISLATION.**

2 (a) IN GENERAL.—Nothing in this Act shall be con-  
3 strued as limiting the ability of Congress to establish,  
4 amend, suspend, or annul a performance goal. Any such  
5 action shall have the effect of superseding that goal in the  
6 plan submitted under section 1105(a)(29) of title 31,  
7 United States Code.

8 (b) GAO REPORT.—No later than June 1, 1997, the  
9 Comptroller General of the United States shall report to  
10 Congress on the implementation of this Act, including the  
11 prospects for compliance by Federal agencies beyond those  
12 participating as pilot projects under sections 1118 and  
13 9704 of title 31, United States Code.

14 **SEC. 9. TRAINING.**

15 The Office of Personnel Management shall, in con-  
16 sultation with the Director of the Office of Management  
17 and Budget and the Comptroller General of the United  
18 States, develop a strategic planning and performance  
19 measurement training component for its management  
20 training program and otherwise provide managers with an  
21 orientation on the development and use of strategic plan-  
22 ning and program performance measurement.

23 **SEC. 10. APPLICATION OF ACT.**

24 No person who is not an officer or employee of the  
25 United States acting in such capacity shall have standing  
26 to file any civil action in a court of the United States to

1 enforce any provision or amendment made by this Act. No  
 2 provision or amendment made by this Act may be con-  
 3 strued as creating any right, privilege, benefit, or entitle-  
 4 ment for any person who is not an officer or employee  
 5 of the United States acting in such capacity.

6 **SEC. 11. TECHNICAL AND CONFORMING AMENDMENT**

7 ***AMENDMENTS.***

8 (a) AMENDMENT TO TITLE 5, UNITED STATES  
 9 CODE.—The table of sections for chapter 3 of title 5,  
 10 United States Code, is amended by adding after the item  
 11 relating to section 305 the following:

“306. Strategic plans.”.

12 (b) AMENDMENTS TO TITLE 31, UNITED STATES  
 13 CODE.—

14 (1) AMENDMENT TO CHAPTER 11.—The table  
 15 of sections for chapter 11 of title 31, United States  
 16 Code, is amended by adding after the item relating  
 17 to section 1114 the following:

“1115. Performance plans.

“1116. Program performance reports.

“1117. Exemptions.

“1118. Pilot projects for performance goals.

“1119. Pilot projects for performance budgeting.”.

18 (2) AMENDMENT TO CHAPTER 97.—The table  
 19 of sections for chapter 97 of title 31, United States  
 20 Code, is amended by adding after the item relating  
 21 to section 9702 the following:

“9703. Managerial accountability and flexibility.

“9704. Pilot projects for managerial accountability and flexibility.”.

1 (c) AMENDMENT TO TITLE 39, UNITED STATES  
 2 CODE.—The table of chapters for part III of title 39,  
 3 United States Code, is amended by adding at the end  
 4 thereof the following new item:

“28. Strategic planning and performance management ..... 2801”.

5 **SEC. 12. EFFECTIVE DATES AND PROCEDURES.**

6 (a) IN GENERAL.—The provisions of this Act and  
 7 amendments made by this Act shall take effect on the date  
 8 of the enactment of this Act, except sections 3, 4, 5, 6(c),  
 9 and 7 of this Act, and the amendments made by such sec-  
 10 tions, shall take effect on the date of enactment of the  
 11 resolution described in subsection (b).

12 (b) RESOLUTION APPROVING PERFORMANCE  
 13 PLANS.—

14 (1) RESOLUTION DESCRIBED.—A resolution re-  
 15 ferred to in subsection (a) is a joint resolution the  
 16 matter after the resolving clause of which is as fol-  
 17 lows: “That Congress approves the development of  
 18 departmental and agency strategic plans, perform-  
 19 ance plans and reports pursuant to section 306 of  
 20 title 5, United States Code, sections 1105(a)(29)  
 21 and 9703 of title 31, United States Code, sections  
 22 1115, 1116, 1117, and 1119 of title 31, United  
 23 States Code, and chapter 28 of title 39, United  
 24 States Code (as amended by sections 3, 4, 5, 6, and

1 7 of the Government Performance and Results Act  
2 of 1992).”.

3 (2) INTRODUCTION OF RESOLUTION.—No later  
4 than 30 days after the transmittal by the Comptrol-  
5 ler General of the United States to the Congress of  
6 the report referred to in section 7(b), a resolution as  
7 described in paragraph (1) shall be introduced in the  
8 Senate by the chairman of the Committee on Gov-  
9 ernmental Affairs of the Senate, or by a Member or  
10 Members of the Senate designated by such chair-  
11 man, and shall be introduced in the House by the  
12 chairman of the Committee on Government Oper-  
13 ations of the House of Representatives, or by a  
14 Member or Members of the House designated by  
15 such chairman.

16 (3) REFERRAL.—A resolution described in  
17 paragraph (1), shall be referred to the Committee on  
18 Governmental Affairs of the Senate and the Com-  
19 mittee on Government Operations of the House of  
20 Representatives by the President of the Senate or  
21 the Speaker of the House of Representatives, as the  
22 case may be. The committee shall make its rec-  
23 ommendations to the Senate or the House of Rep-  
24 resentatives, respectively, within 30 calendar days  
25 following the date of such resolution’s introduction.

1           (4) DISCHARGE OF COMMITTEE.—If the com-  
2           mittee to which is referred a resolution introduced  
3           pursuant to paragraph (2) (or, in the absence of  
4           such a resolution, the first resolution introduced  
5           with respect to the same departmental or agency  
6           plans and reports) has not reported such resolution  
7           or identical resolution at the end of 30 calendar days  
8           after its introduction, such committee shall be  
9           deemed to be discharged from further consideration  
10          of such resolution and such resolution shall be  
11          placed on the appropriate calendar of the House in-  
12          volved.

13          (5) PROCEDURE AFTER REPORT OR DISCHARGE  
14          OF COMMITTEE; VOTE ON FINAL PASSAGE.—(A)  
15          When the committee has reported, or has been  
16          deemed to be discharged (under paragraph (4)) from  
17          further consideration of a resolution described in  
18          paragraph (1), it is at any time thereafter in order  
19          (even though a previous motion to the same effect  
20          has been disagreed to) for any Member of the re-  
21          spective House to move to proceed to the consider-  
22          ation of the resolution. The motion is highly privi-  
23          leged and is not debatable. The motion shall not be  
24          subject to amendment, or to a motion to postpone,  
25          or to a motion to proceed to the consideration of



1 other business. A motion to reconsider the vote by  
2 which the motion is agreed to or disagreed to shall  
3 not be in order. If a motion to proceed to the consid-  
4 eration of the resolution is agreed to, the resolution  
5 shall remain the unfinished business of the respec-  
6 tive House until disposed of.

7 (B) Debate on the resolution, and on all debat-  
8 able motions and appeals in connection therewith,  
9 shall be limited to not more than 10 hours, which  
10 shall be divided equally between individuals favoring  
11 and individuals opposing the resolution. A motion  
12 further to limit debate is in order and not debatable.  
13 An amendment to, or a motion to postpone, or a mo-  
14 tion to recommit the resolution is not in order. A  
15 motion to reconsider the vote by which the resolution  
16 is passed or rejected shall not be in order.

17 (C) Immediately following the conclusion of the  
18 debate on the resolution and a single quorum call at  
19 the conclusion of the debate if requested in accord-  
20 ance with the rules of the appropriate House, the  
21 vote on final passage of the resolution shall occur.

22 (D) Appeals from the decisions of the Chair re-  
23 lating to the application of the rules of the Senate  
24 or the House of Representatives, as the case may be,

1 to the procedure relating to a resolution described in  
2 paragraph (1), shall be decided without debate.

3 ~~(E) If, prior to the passage by one House of a~~  
4 ~~resolution of that House, that House receives a reso-~~  
5 ~~lution with respect to departmental or agency strate-~~  
6 ~~gic plans, performance plans and reports from the~~  
7 ~~other House, then—~~

8 ~~(i) the procedure in that House shall be~~  
9 ~~the same as if no resolution had been received~~  
10 ~~from the other House; but~~

11 ~~(ii) the vote on final passage shall be on~~  
12 ~~the resolution of the other House.~~

13 ~~(F) It shall not be in order in either the Senate~~  
14 ~~or the House of Representatives to consider a resolu-~~  
15 ~~tion described in paragraph (1), or to consider any~~  
16 ~~conference report on such a resolution, unless the~~  
17 ~~Comptroller General of the United States transmits~~  
18 ~~to the Congress a report under section 7(b).~~

19 ~~(6) RULEMAKING POWER OF CONGRESS.—The~~  
20 ~~provisions of this section are enacted by the Con-~~  
21 ~~gress—~~

22 ~~(A) as an exercise of the rulemaking power~~  
23 ~~of the Senate and the House of Representatives~~  
24 ~~and as such shall be considered as part of the~~  
25 ~~rules of each House, and shall supersede other~~

1 rules only to the extent that they are inconsis-  
2 ent therewith; and

3 ~~(B) with full recognition of the constitu-~~  
4 ~~tional right of either House to change the rules~~  
5 ~~(so far as they relate to the procedures of that~~  
6 ~~House) at any time, in the same manner, and~~  
7 ~~to the same extent as in the case of any other~~  
8 ~~rule of that House.~~

Amend the title so as to read: “A bill to provide for the establishment of strategic planning and performance measurement in the Federal Government, and for other purposes.”.

S 20 RS—2

S 20 RS—3