

111TH CONGRESS
2D SESSION

H. R. 2142

AN ACT

To require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council.

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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Government Efficiency, Effectiveness, and Performance
 4 Improvement Act of 2010”.

5 (b) TABLE OF CONTENTS.—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Agency defined.
- Sec. 4. Sense of Congress regarding the need for increased consultation between Congress and Federal agencies on performance management issues.
- Sec. 5. Performance assessments.
- Sec. 6. Strategic planning amendments.
- Sec. 7. Improving Government performance.
- Sec. 8. Assessments and reports.
- Sec. 9. Additions to performance plan.
- Sec. 10. Savings.
- Sec. 11. Funding.

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) Weaknesses in established management
 10 processes pertaining to the use of information about
 11 the performance of Federal agencies undermine the
 12 confidence of the American people in the Govern-
 13 ment and reduce the Federal Government’s ability to
 14 adequately address public needs.

15 (2) To restore the confidence of the American
 16 people in its Government and to increase the Fed-
 17 eral Government’s ability to adequately address vital
 18 public needs, the Federal Government must contin-

1 ually seek to improve the effectiveness, efficiency,
2 and accountability of Federal programs.

3 (3) With the passage of the Government Per-
4 formance and Results Act of 1993, Congress di-
5 rected the executive branch to seek improvements in
6 the performance and accountability of Federal pro-
7 grams by having agencies focus on strategic objec-
8 tives and annual results.

9 (4) The requirements of the Government Per-
10 formance and Results Act of 1993 have produced an
11 infrastructure of outcome-oriented strategic plans,
12 performance measures, and accountability reporting
13 that serve as a solid foundation for agencies working
14 with Congress to achieve long-term strategic goals
15 and improve the performance of Federal programs;
16 use of those plans and reports to improve outcomes
17 has, however, been limited.

18 (5) Congressional policy making, spending deci-
19 sions, and program oversight have been handicapped
20 by insufficient attention to program performance
21 and results.

22 (6) While improvements have been made in the
23 development of outcome-oriented strategic plans,
24 performance measures, and accountability reporting
25 for individual programs, progress is still needed to

1 ensure that agency leaders, employees, and delivery
2 partners regularly use performance information to
3 improve the effectiveness and efficiency of govern-
4 ment operations and to communicate performance
5 information coherently and candidly to inform con-
6 gressional decision-making in conducting program
7 authorization, appropriation, and oversight.

8 (7) Regular performance assessments, com-
9 plemented by periodic assessments of Federal pro-
10 grams, provide critical information on whether pro-
11 grams are achieving specific performance objectives,
12 help Congress and the executive branch identify the
13 most pressing policy and program issues, and deter-
14 mine if specific legislative, operational, financial, or
15 strategic reforms are needed to increase program ef-
16 fectiveness and efficiency.

17 (8) Programs performing similar or duplicative
18 functions within a single agency or across multiple
19 agencies should be identified and their performance
20 and results shared among all such programs to im-
21 prove coordination or possible consolidation and, ul-
22 timately, performance and results.

23 (9) The performance reporting requirements of
24 the Government Performance and Results Act of
25 1993, along with individual performance and ac-

1 countability reporting requirements contained in leg-
2 islation, are in some cases redundant, and steps
3 should be taken to eliminate duplicative performance
4 policies and to streamline outdated and unused re-
5 ports.

6 (b) PURPOSES.—The purposes of this Act are as fol-
7 lows:

8 (1) To improve the Government Performance
9 and Results Act of 1993 by implementing perform-
10 ance assessment processes that seek to assess Fed-
11 eral programs on a periodic basis with a particular
12 focus on the following:

13 (A) Identification by agency leaders of
14 clear priorities and setting of outcome-focused,
15 measurable, ambitious targets for those prior-
16 ities.

17 (B) Regular goal-focused, data driven per-
18 formance assessments to measure progress and
19 adjust strategies.

20 (C) Accountability expectations that en-
21 courage managers to innovate, informed by evi-
22 dence and analysis of experience.

23 (D) Transparent, coherent, and candid
24 communication of results.

1 (2) To use relevant performance and related in-
2 formation to help agencies make informed manage-
3 ment decisions, improve the effectiveness of agency
4 and program operations (particularly for those pro-
5 grams, projects, and activities that are deemed poor-
6 ly performing), and submit funding requests based
7 on evidence and other relevant information.

8 (3) To provide congressional policy makers with
9 information needed to conduct more effective over-
10 sight and assist in the improvement of agency oper-
11 ations, and to make performance-informed and re-
12 sults-based authorization and appropriation deci-
13 sions that improve the effectiveness of program op-
14 erations.

15 (4) To establish the Performance Improvement
16 Council as a body that will assist in the development
17 of performance measurement and management
18 standards and assessment methodologies, identify
19 best practices in Federal performance management,
20 facilitate the exchange of information among agen-
21 cies on these practices, and collaborate on and
22 strengthen the effectiveness of agency performance
23 improvement efforts.

24 (5) To establish agency performance improve-
25 ment officers to institutionalize and enhance the

1 strategic and performance management activities of
2 Federal agencies.

3 **SEC. 3. AGENCY DEFINED.**

4 In this Act, the term “agency” means an executive
5 agency as defined in section 306 of title 5, United States
6 Code.

7 **SEC. 4. SENSE OF CONGRESS REGARDING THE NEED FOR**
8 **INCREASED CONSULTATION BETWEEN CON-**
9 **GRESS AND FEDERAL AGENCIES ON PER-**
10 **FORMANCE MANAGEMENT ISSUES.**

11 It is the sense of Congress that the head of each Fed-
12 eral agency should make every effort to consult with the
13 committees with jurisdiction over the agency and other in-
14 terested members of Congress each fiscal year regarding
15 the performance plan and priorities of the agency (re-
16 quired by sections 1115 and 1120 of title 31, United
17 States Code).

18 **SEC. 5. PERFORMANCE ASSESSMENTS.**

19 (a) REQUIREMENT FOR PERFORMANCE ASSESS-
20 MENTS.—Chapter 11 of title 31, United States Code, is
21 amended by adding at the end the following new section:

22 **“§ 1120. Performance assessments**

23 **“(a) IDENTIFICATION OF HIGH-PRIORITY PERFORM-**
24 **ANCE GOALS.—**For the purpose of improving agency per-
25 formance, the head of each Federal agency, in consultation

1 with the Director of the Office of Management and Budg-
2 et, shall identify near-term and long-term high-priority
3 goals for purposes of this section. In identifying such
4 goals, the head of the agency shall—

5 “(1) rely on the agency’s mission, strategic plan
6 and objectives, and statutory directives;

7 “(2) consult with Congress, including each ap-
8 propriate committee of Congress;

9 “(3) select goals that—

10 “(A) clearly identify agency priorities and
11 have performance outcomes that can be clearly
12 and objectively assessed and measured;

13 “(B) are ambitious targets that have high
14 direct value to the public;

15 “(C) involve indicators for which the agen-
16 cy can collect reliable and timely data that may
17 be used in performance assessments to measure
18 progress and adjust strategies; and

19 “(D) involve multiple programs, including
20 programs within and across multiple agencies
21 that are performing similar functions, serve
22 similar populations, have similar purposes, or
23 share common objectives, for purposes of identi-
24 fying common challenges, exemplary goals and
25 practices, common measures of performance,

1 and potential opportunities for more effective
2 and efficient means of achieving goals, includ-
3 ing through the integration and consolidation of
4 Federal functions; and

5 “(4) with respect to a subcomponent of the
6 agency, ensure the goals are consistent with the
7 goals of the entire agency.

8 “(b) PERFORMANCE ASSESSMENTS.—The head of
9 each Federal agency, in consultation with the Director of
10 the Office of Management and Budget, shall, not less
11 often than quarterly for high-priority goals identified in
12 subsection (a), and on a semi-annual basis for perform-
13 ance goals established pursuant to section 1115(a)(1) of
14 this title—

15 “(1) assess progress toward achieving the goals
16 identified under subsection (a) and toward achieving
17 the annual performance goals for each program ac-
18 tivity established pursuant to section 1115(a)(1) of
19 this title;

20 “(2) assess whether relevant agency programs
21 and initiatives are contributing as expected toward
22 the goals identified under subsection (a) and the an-
23 nual performance goals for each program activity es-
24 tablished pursuant to section 1115(a)(1) of this title;
25 and

1 “(3) identify prospects and strategies for per-
2 formance improvement, including any needed
3 changes to agency programs or initiatives.

4 “(c) PERFORMANCE ASSESSMENT REQUIRE-
5 MENTS.—In conducting an assessment of agency progress
6 toward achieving the goals identified under subsection (a)
7 and toward achieving the annual performance goals for
8 each program activity established pursuant to section
9 1115(a)(1) of this title, the head of a Federal agency, in
10 consultation with the Director of the Office of Manage-
11 ment and Budget, shall—

12 “(1) coordinate with relevant personnel within
13 and outside the agency who contribute to the accom-
14 plishment of the goals; and

15 “(2) encourage innovation and hold leaders and
16 managers accountable for effective and efficient im-
17 plementation based on evidence and continuing anal-
18 ysis of experience.

19 “(d) TRANSPARENCY OF GOALS AND PERFORMANCE
20 ASSESSMENTS.—The Director of the Office of Manage-
21 ment and Budget shall—

22 “(1) make available, as part of the President’s
23 budget submission and through the Office of Man-
24 agement and Budget website and other relevant

1 websites, and provide to the congressional commit-
2 tees described in subsection (i)—

3 “(A) a list of goals identified under sub-
4 section (a) and reviewed by the Director;

5 “(B) consistent with section 1115 of this
6 title, annual goals defined by objectively meas-
7 urable outcomes for each program administered
8 in whole or in part by the agency;

9 “(C) the methods that will be used to
10 make progress toward achieving the goals iden-
11 tified under subparagraphs (A) and (B);

12 “(D) the expected contribution that dif-
13 ferent agency programs and initiatives will
14 make toward achieving the goals identified
15 under subparagraphs (A) and (B) and the ex-
16 pected timeline for achieving those goals; and

17 “(E) the approach that will be used by
18 agencies to assess progress toward achieving
19 the goals identified under subparagraphs (A)
20 and (B);

21 “(2) provide a mechanism for interested per-
22 sons, including the general public and members and
23 committees of Congress, to submit comments on the
24 goals being assessed under subsection (a) and the
25 annual performance goals for each program activity

1 established pursuant to section 1115(a)(1) of this
2 title and the methods that will be used to make
3 progress toward achieving those goals;

4 “(3) provide a mechanism for agency delivery to
5 and consideration of comments provided under para-
6 graph (2) by each relevant agency and adjustment
7 of goals under subsection (a) and the annual per-
8 formance goals for each program activity established
9 pursuant to section 1115(a)(1) of this title based on
10 the comments, with approval of the Director; and

11 “(4) make available through the Office of Man-
12 agement and Budget website a summary of com-
13 ments received under paragraph (2), any adjustment
14 of goals under paragraph (3), and any changes to
15 goals required by the Office of Management and
16 Budget.

17 “(e) TRANSPARENCY OF PERFORMANCE RESULTS.—

18 (1) The head of an agency shall ensure that all results
19 of the assessments conducted under this section by the
20 agency during a fiscal year shall be readily accessible to
21 and easily found on the Internet by the public and mem-
22 bers and committees of Congress in a searchable, machine
23 readable format, in accordance with guidance provided by
24 the Director of the Office of Management and Budget that
25 ensures such information is provided in a way that pre-

1 sends a coherent picture of the performance of Federal
2 agencies. At a minimum, the results of the assessments
3 conducted under this section shall be available on the
4 website of the Office of Management and Budget and also
5 may be made available on any other website considered
6 appropriate by the agency or the Director. The Director
7 shall also notify the appropriate committees of Congress
8 when quarterly assessments become available on the Inter-
9 net.

10 “(2) The performance information related to the as-
11 sessments of goals in this section and section 1115 of this
12 title shall—

13 “(A) include—

14 “(i) a brief summary of the problem or op-
15 portunity being addressed and reasons for iden-
16 tifying these agency goals as well as key find-
17 ings of the assessments;

18 “(ii) a list of each program and agency
19 contributing to achievement of the goal and the
20 time frame for such contributions;

21 “(iii) an assessment of the quality of the
22 performance measures, and the extent to which
23 necessary performance data are collected;

24 “(iv) a description of how leaders and
25 managers are held accountable for achieving

1 program results, and the extent to which strong
2 financial management tools are in place;

3 “(v) contextual indicators that provide a
4 sense of external factors that can influence per-
5 formance trends related to key outcomes;

6 “(vi) as appropriate, indicators that pro-
7 vide information about the population being
8 served and to the extent possible, the impact on
9 disadvantaged and minority communities and
10 individuals;

11 “(vii) factors affecting the performance of
12 programs, projects, and activities and how they
13 are impeding or contributing to failures or suc-
14 cesses of the programs, projects, and activities,
15 and the reasons for any substantial variation
16 from the targeted level of achievement of the
17 goals;

18 “(viii) the process used by the agency to
19 assess progress made toward achieving the
20 goals; and

21 “(ix) such other items and adjustments as
22 may be specified by the Director;

23 “(B) describe the extent to which any trends,
24 developments, or emerging conditions affect the need

1 to change the mission of programs being carried out
2 to achieve the goal;

3 “(C) identify, as part of any performance as-
4 sessment, practices that resulted in positive out-
5 comes, and the key reasons why such practices re-
6 sulted in positive outcomes; and

7 “(D) include recommendations for actions to
8 improve results, including opportunities that might
9 exist for the coordination, consolidation, or integra-
10 tion of programs to improve service or generate cost
11 savings.

12 “(3) The head of each agency shall—

13 “(A) use, as necessary and appropriate, a vari-
14 ety of assessment methods to support performance
15 assessments, including methods contained in reports
16 from evaluation centers, in assessments by States,
17 and in available Federal program assessments;

18 “(B) maintain an archive of information re-
19 quired to be disclosed under this section that is, to
20 the maximum extent practicable, readily available,
21 accessible, and easily found by the public; and

22 “(C) consider the relevant comments submitted
23 under subsection (d)(2).

24 “(f) CLASSIFIED INFORMATION.—(1) With respect to
25 performance assessments conducted during a fiscal year

1 that contain classified information, the President shall
2 submit—

3 “(A) each quarterly performance assessment
4 (including the classified information), to the appro-
5 priate committees of Congress; and

6 “(B) an appendix containing a list of each af-
7 fected goal and the committees to which a copy of
8 the performance assessment was submitted under
9 subparagraph (A), to the congressional committees
10 described in subsection (i).

11 “(2) Upon request from a congressional committee
12 described in subsection (i), the Director of the Office of
13 Management and Budget shall provide to the Committee
14 a copy of—

15 “(A) any performance assessment described in
16 subparagraph (A) of paragraph (1) (including any
17 assessment not listed in any appendix submitted
18 under subparagraph (B) of such paragraph); and

19 “(B) any appendix described in subparagraph
20 (B) of paragraph (1).

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

24 “(g) INHERENTLY GOVERNMENTAL FUNCTIONS.—
25 The functions and activities authorized or required by this

1 section shall be considered inherently governmental func-
 2 tions and shall be performed only by Federal employees.

3 “(h) REPORT STREAMLINING.—To eliminate redun-
 4 dancy, the head of an agency may determine each year,
 5 subject to the approval of the Director of the Office of
 6 Management and Budget and provided that it meets the
 7 requirements of this section and sections 1115, 1116,
 8 1117, 1121, and the first 9703 of this title, that the per-
 9 formance information provided to the public on the Inter-
 10 net is sufficient to meet the planning and reporting re-
 11 quirements of such sections.

12 “(i) CONGRESSIONAL COMMITTEES.—The congres-
 13 sional committees described in this subsection are the fol-
 14 lowing:

15 “(1) The Committee on Oversight and Govern-
 16 ment Reform of the House of Representatives.

17 “(2) The Committee on Homeland Security and
 18 Governmental Affairs of the Senate.

19 “(3) The Committees on Appropriations of the
 20 House of Representatives and the Senate.

21 “(4) The Committees on the Budget of the
 22 House of Representatives and the Senate.

23 “(j) DEFINITIONS.—In this section:

24 “(1) AGENCY PERFORMANCE IMPROVEMENT
 25 OFFICER.—The term ‘agency performance improve-

1 ment officer’ means a senior executive of an agency
 2 who is designated by the head of the agency, and re-
 3 ports to the head of the agency, the agency Deputy
 4 Secretary, or such other agency official designated
 5 by the head of the agency, to carry out the require-
 6 ments of this section.

7 “(2) PERFORMANCE INFORMATION.—The term
 8 ‘performance information’ means the results of as-
 9 sessments conducted under this section.

10 “(k) CONSTRUCTION.—Nothing in this section shall
 11 be construed as requiring the head of an agency to per-
 12 form impact evaluations that estimate quantitatively, for
 13 one or more variables, the effect a program or policy had
 14 compared to what may have otherwise happened.”.

15 (b) PERFORMANCE ASSESSMENTS TO BE CONSID-
 16 ERED IN EVALUATING SENIOR EXECUTIVES.—Section
 17 4313 of title 5, United States Code, is amended (in the
 18 matter before paragraph (1)) by striking “organizational
 19 performance,” and inserting the following: “organizational
 20 performance (including such reviews of agency perform-
 21 ance, conducted under section 1120 of title 31, as are rel-
 22 evant),”.

23 (c) CLERICAL AMENDMENT.—The table of sections
 24 at the beginning of chapter 11 of title 31, United States
 25 Code, is amended by adding at the end the following:

“1120. Performance assessments.”.

1 **SEC. 6. STRATEGIC PLANNING AMENDMENTS.**

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

3 Subsection (a) of section 306 of title 5, United States
4 Code, is amended by striking “No later than September
5 30, 1997,” and inserting “Not later than September 30
6 of the second year following a year in which an election
7 for President occurs, beginning with September 30,
8 2010,”.

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

12 “(b) Each strategic plan shall cover the four-year pe-
13 riod beginning on October 1 of the second year following
14 a year in which an election for President occurs.”.

15 **SEC. 7. IMPROVING GOVERNMENT PERFORMANCE.**

16 (a) IMPROVING GOVERNMENT PERFORMANCE.—

17 Chapter 11 of title 31, United States Code, as amended
18 by section 5, is further amended by adding at the end the
19 following new section:

20 **“§ 1121. Improving Government performance**

21 “(a) DUTIES OF AGENCY PERFORMANCE IMPROVE-
22 MENT OFFICERS.—Subject to the direction of the head of
23 the agency, each agency performance improvement officer
24 shall—

25 “(1) advise and assist the head of the executive
26 agency and other agency officials to ensure that the

1 mission of the executive agency is achieved through
2 performance planning, measurement, analysis, and
3 regular assessment of progress, including the re-
4 quirements of this section and sections 1115, 1116,
5 1117, 1120, and the first 9703 of this title and sec-
6 tion 306 of title 5;

7 “(2) advise the head of the agency on the selec-
8 tion of agency goals, including opportunities to col-
9 laborate with other agencies on common goals, and
10 on whether—

11 “(A) the performance targets required
12 under section 1115 of this title and the stra-
13 tegic plans required under section 306 of title
14 5 are—

15 “(i) sufficiently aggressive toward full
16 achievement of the purposes of the agency;
17 and

18 “(ii) realistic in light of authority and
19 resources provided for operations; and

20 “(B) means for measurement of progress
21 toward achievement of the goals are sufficiently
22 rigorous, aligned to outcomes, useful, and accu-
23 rate as appropriate to the intended use of the
24 measures;

1 “(3) support the head of the agency, agency
2 Deputy Secretary, or such other agency senior offi-
3 cial designated by the head of the agency in the con-
4 duct of at least quarterly performance assessments,
5 while strengthening the performance management
6 activities of the entire agency (including subcompo-
7 nents) through at least quarterly performance as-
8 sessments to—

9 “(A) assess progress toward achievement
10 of the goals administered in whole or in part by
11 the agency, as well as any goals common to
12 that agency and other agencies;

13 “(B) identify factors affecting progress
14 and benchmarking comparisons;

15 “(C) consider actions to improve the per-
16 formance and efficiency of programs, projects,
17 and activities; and

18 “(D) hold leaders and managers account-
19 able for effective and efficient implementation
20 and for adjusting agency actions based on
21 evolving evidence;

22 “(4) assist the head of the agency in the devel-
23 opment and use within the agency of performance
24 measures in personnel performance appraisals, and,

1 as appropriate, other agency personnel and planning
2 processes and assessments;

3 “(5) assist the head of the agency in overseeing
4 the implementation required under section 1120 of
5 this title;

6 “(6) ensure that agency progress toward
7 achievement of all goals is communicated to leaders,
8 managers, and employees in the agency and Con-
9 gress, and made public on the Internet; and

10 “(7) provide training for agency managers, pro-
11 gram directors, supervisors, and employees on how
12 to use performance targets, measure key perform-
13 ance indicators, assess programs, and analyze data
14 to improve performance.

15 “(b) ESTABLISHMENT AND OPERATION OF PER-
16 FORMANCE IMPROVEMENT COUNCIL.—

17 “(1) There is established in the executive
18 branch a Performance Improvement Council.

19 “(2) The Performance Improvement Council
20 shall consist exclusively of—

21 “(A) the Deputy Director for Management
22 of the Office of Management and Budget, who
23 shall serve as Chair;

1 “(B) such agency performance improve-
2 ment officers as determined appropriate by the
3 Chair; and

4 “(C) such other permanent employees of
5 an agency as determined appropriate by the
6 Chair in consultation with the agency con-
7 cerned.

8 “(3) The Chair or the Chair’s designee shall
9 convene and preside at the meetings of the Perform-
10 ance Improvement Council, determine its agenda, di-
11 rect its work, and establish and direct subgroups of
12 the Performance Improvement Council, as appro-
13 priate to deal with particular subject matters.

14 “(4) To assist in implementing the require-
15 ments of sections 1105, 1115, 1116, 1117, 1120,
16 and the first 9703 of this title and section 306 of
17 title 5, the Performance Improvement Council
18 shall—

19 “(A) develop and submit to the Director of
20 the Office of Management and Budget, or when
21 appropriate to the President through the Direc-
22 tor of the Office of Management and Budget, at
23 times and in such formats as the Chair may
24 specify, recommendations concerning—

1 “(i) performance management policies
2 and requirements;

3 “(ii) criteria for assessment of pro-
4 gram, project, and activity performance;
5 and

6 “(iii) how the goals required by sec-
7 tion 1120(a) of this title can inform the
8 Federal Government performance plan re-
9 quired by section 1105(a)(28) of this title,
10 and lead to improved results from and
11 interagency coordination of programs that
12 perform similar functions;

13 “(B) facilitate the exchange among agen-
14 cies of information on performance manage-
15 ment, including strategic and annual planning
16 and reporting, to accelerate improvements in
17 performance;

18 “(C) monitor the performance assessment
19 process required under section 1120 of this
20 title;

21 “(D) facilitate keeping members and com-
22 mittees of Congress and the public informed,
23 and with such assistance of heads of agencies
24 and agency performance improvement officers
25 as the Director of the Office of Management

1 and Budget may require, provide members and
2 committees of Congress and the public with in-
3 formation on the Internet on how well each
4 agency performs and that serves as a com-
5 prehensive source of information on—

6 “(i) agency strategic plans;

7 “(ii) annual performance plans and
8 annual performance reports;

9 “(iii) performance information re-
10 quired under section 1120 (d) of this title;

11 “(iv) the status of the implementation
12 of performance assessments required under
13 section 1120 of this title;

14 “(v) relevant impact and process as-
15 sessments; and

16 “(vi) consistent with the direction of
17 the head of the agency concerned after
18 consultation with the Director of the Office
19 of Management and Budget, any publicly
20 available reports by the agency’s Inspector
21 General concerning agency program per-
22 formance;

23 “(E) monitor implementation by agencies
24 of the policy set forth in sections 1115, 1116,
25 1117, 1120, and the first 9703 of this title and

1 section 306 of title 5 and report thereon from
2 time to time as appropriate to the Director of
3 the Office of Management and Budget, or when
4 appropriate to the President through the Direc-
5 tor of the Office of Management and Budget, at
6 such times and in such formats as the Chair
7 may specify, together with any recommenda-
8 tions of the Council for more effective imple-
9 mentation of such policy;

10 “(F) obtain information and advice, as ap-
11 propriate, in a manner that seeks individual ad-
12 vice and does not involve collective judgment or
13 consensus advice or deliberation, from—

14 “(i) State, local, territorial, and tribal
15 officials;

16 “(ii) representatives of entities or
17 other individuals; and

18 “(iii) members and committees of
19 Congress;

20 “(G) coordinate with other interagency
21 management councils; and

22 “(H) make recommendations to Congress
23 on duplicative, unused, or outdated performance
24 policies or reporting requirements.

1 “(5)(A) The Administrator of General Services
2 shall provide administrative and other support for
3 the Council to implement this section.

4 “(B) The heads of agencies shall provide, as ap-
5 propriate and to the extent permitted by law, such
6 information and assistance as the Chair may request
7 to implement this section.

8 “(c) ADDITIONAL DUTIES OF THE COUNCIL.—The
9 Council—

10 “(1) shall develop a website for Federal agency
11 performance information;

12 “(2) shall link program performance informa-
13 tion to program spending information on the website
14 www.USASpending.gov; and

15 “(3) shall submit a report to Congress on the
16 feasibility of creating a single web-based platform
17 for all Government spending information and all
18 program performance information.”.

19 (b) GUIDANCE.—Not later than 6 months after the
20 date of the enactment of this Act, the Director of the Of-
21 fice of Management and Budget shall prescribe guidance
22 to implement the requirements of section 1120 and 1121
23 of title 31, United States Code, as added by subsection
24 (a).

25 (c) CONFORMING AND CLERICAL AMENDMENTS.—

1 (1) Section 1115(g) of title 31, United States
2 Code, is amended by striking “1119” and inserting
3 “1121”.

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

“1121. Improving Government performance.”.

7 **SEC. 8. ASSESSMENTS AND REPORTS.**

8 (a) ASSESSMENTS.—

9 (1) IN GENERAL.—No less frequently than the
10 first, third, and fifth year after the date of the en-
11 actment of this Act, and thereafter every three years
12 and at such other times as may be requested by
13 Congress, the Comptroller General of the United
14 States shall assess the implementation of this Act by
15 the Director of the Office of Management and Budg-
16 et and the agencies described in section 901(b) of
17 title 31, United States Code, with emphasis on the
18 matters specified in paragraph (2).

19 (2) MATTERS TO BE ASSESSED.—The matters
20 to be assessed under paragraph (1) shall include,
21 with respect to the fiscal year covered by the assess-
22 ment:

23 (A) Whether the selection of goals, identi-
24 fied pursuant to section 1120(a) of title 31,
25 United States Code, as added by section 5, and

1 established pursuant to section 1115 of such
2 title, is tied to performance outcomes that can
3 be objectively assessed and measured and have
4 a high direct value to the public.

5 (B) The use of agency performance goals
6 and measures and program assessments to im-
7 prove performance and ensure taxpayer dollars
8 are spent in an efficient and effective manner,
9 including the need to streamline or enhance
10 Federal programs or initiatives to maximize the
11 likelihood of accomplishing such performance
12 goals.

13 (C) The use of agency performance goals,
14 identified pursuant to section 1120(a) of title
15 31, United States Code, as added by section 5,
16 and established pursuant to section 1115 of
17 such title, and measures to clearly communicate
18 performance priorities and results to the public.

19 (D) How any revision of goals, identified
20 pursuant to section 1120(a) of title 31, United
21 States Code, as added by section 5, and estab-
22 lished pursuant to section 1115 of such title,
23 has contributed to the effectiveness of agency
24 and program performance.

1 (E) The tracking of program performance
2 toward achieving identified goals and the con-
3 tribution of such tracking to agency perform-
4 ance improvement.

5 (F) The use of input from Congress and
6 the public in the assessment of programs and in
7 the identification and assessment of goals.

8 (G) The use of the archive of information
9 referred to in section 1120(e)(3)(B) of title 31,
10 United States Code, to create a coherent, longi-
11 tudinal picture of the performance of agencies
12 and programs over time.

13 (H) Best practices of agencies.

14 (I) Whether the annual performance plan
15 established pursuant to section 1115 of title 31,
16 United States Code, conforms with the require-
17 ments for such plans described in paragraphs
18 (1) through (11) of section 1115(a) of such
19 title.

20 (J) The progress each agency has made in
21 achieving the goals identified pursuant to sec-
22 tion 1120(a) of title 31, United States Code, as
23 added by section 5, and established pursuant to
24 section 1115 of such title.

1 (b) REPORTS.—The Comptroller General shall con-
2 sult with the Inspectors General when evaluating program
3 and agency performance and shall submit to Congress a
4 report on the results of each assessment conducted under
5 subsection (a). The report shall include a list of rec-
6 ommendations on ways to improve the performance as-
7 sessment and communication process and the operations
8 of agency performance improvement officers and the Per-
9 formance Improvement Council.

10 (c) EFFECTIVENESS ASSESSMENT.—With respect to
11 the assessment conducted under subsection (a) in the
12 third year after the date of the enactment of this Act, the
13 Comptroller General shall include in the report relating
14 to such assessment submitted to Congress under this sec-
15 tion the following:

16 (1) An assessment of the effectiveness of this
17 Act, and the amendments made by this Act.

18 (2) The impact of this Act on sections 1115,
19 1116, 1117, and the first 9703 of title 31, United
20 States Code, and section 306 of title 5, United
21 States Code.

22 (3) Any recommendations for improving the ef-
23 fectiveness of sections 1115, 1116, 1117, and the
24 first 9703 of title 31, United States Code, and sec-

1 tion 306 of title 5, United States Code and reducing
2 duplication.

3 **SEC. 9. ADDITIONS TO PERFORMANCE PLAN.**

4 Section 1115(a) of title 31, United States Code, is
5 amended—

6 (1) in paragraph (5), by striking “and”;

7 (2) in paragraph (6), by striking the period and
8 inserting “; and”; and

9 (3) by inserting after paragraph (6) the fol-
10 lowing new paragraphs:

11 “(7) describe the existence and current scope of
12 the problem that the program is intended to address,
13 defined as an outcome that addresses the needs of
14 the American people, not an input (such as staffing
15 or resources expended) or an intermediate goal (such
16 as teachers or police hired);

17 “(8) to the extent practicable, take into account
18 the other efforts (if any) being made in Federal,
19 State or local governments or the private sector to
20 address the problem described under paragraph (7)
21 and the relative cost-effectiveness of such efforts;

22 “(9) if the program is not new, describe the
23 amount of funds expended in the previous year and
24 state the progress made in the previous year toward
25 solving the problem described under paragraph (7),

1 including evidence of whether the problem is increas-
2 ing, decreasing, or staying the same;

3 “(10) describe the specific level of improvement
4 expected to be made toward addressing the problem
5 described under paragraph (7); and

6 “(11) state the long-term goal for the program
7 and when that goal is expected to be achieved or the
8 problem described under paragraph (7) reduced to
9 an acceptable level.”.

10 **SEC. 10. SAVINGS.**

11 Any savings or reductions in expenditures generated
12 by this Act shall be used to offset the costs of implementa-
13 tion of this Act and any additional savings shall be used
14 to offset the deficit.

15 **SEC. 11. FUNDING.**

16 Agencies shall fund the reporting requirements of
17 this Act out of existing budgets and are authorized to
18 make necessary reprogramming of funds.

Passed the House of Representatives June 16, 2010.

Attest:

Clerk.

111TH CONGRESS
2^D SESSION

H. R. 2142

AN ACT

To require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council.