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111TH CONGRESS
2D SESSION**H. R. 2142**

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2010

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

DECEMBER 7, 2010

Reported by Mr. LIEBERMAN, with an amendment

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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

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

3 **SEC. 2. FINDINGS AND PURPOSES.**

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

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

11 (2) To restore the confidence of the American
 12 people in its Government and to increase the Fed-
 13 eral Government’s ability to adequately address vital
 14 public needs, the Federal Government must contin-
 15 ually seek to improve the effectiveness, efficiency,
 16 and accountability of Federal programs.

17 (3) With the passage of the Government Per-
 18 formance and Results Act of 1993, Congress di-
 19 rected the executive branch to seek improvements in

1 the performance and accountability of Federal pro-
2 grams by having agencies focus on strategic objec-
3 tives and annual results.

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

13 (5) Congressional policy making, spending deci-
14 sions, and program oversight have been handicapped
15 by insufficient attention to program performance
16 and results.

17 (6) While improvements have been made in the
18 development of outcome-oriented strategic plans,
19 performance measures, and accountability reporting
20 for individual programs, progress is still needed to
21 ensure that agency leaders, employees, and delivery
22 partners regularly use performance information to
23 improve the effectiveness and efficiency of govern-
24 ment operations and to communicate performance
25 information coherently and candidly to inform con-

gressional decision-making in conducting program authorization, appropriation, and oversight.

(7) Regular performance assessments, complemented by periodic assessments of Federal programs, provide critical information on whether programs are achieving specific performance objectives; help Congress and the executive branch identify the most pressing policy and program issues; and determine if specific legislative, operational, financial, or strategic reforms are needed to increase program effectiveness and efficiency.

(8) Programs performing similar or duplicative functions within a single agency or across multiple agencies should be identified and their performance and results shared among all such programs to improve coordination or possible consolidation and, ultimately, performance and results.

(9) The performance reporting requirements of the Government Performance and Results Act of 1993, along with individual performance and accountability reporting requirements contained in legislation, are in some cases redundant, and steps should be taken to eliminate duplicative performance policies and to streamline outdated and unused reports.

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

3 (1) To improve the Government Performance
4 and Results Act of 1993 by implementing perform-
5 ance assessment processes that seek to assess Fed-
6 eral programs on a periodic basis with a particular
7 focus on the following:

8 (A) Identification by agency leaders of
9 clear priorities and setting of outcome-focused,
10 measurable, ambitious targets for those prior-
11 ities.

12 (B) Regular goal-focused, data driven per-
13 formance assessments to measure progress and
14 adjust strategies.

15 (C) Accountability expectations that en-
16 courage managers to innovate, informed by evi-
17 dence and analysis of experience.

18 (D) Transparent, coherent, and candid
19 communication of results.

20 (2) To use relevant performance and related in-
21 formation to help agencies make informed manage-
22 ment decisions, improve the effectiveness of agency
23 and program operations (particularly for those pro-
24 grams, projects, and activities that are deemed poor-

1 ly performing), and submit funding requests based
2 on evidence and other relevant information.

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

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

19 (5) To establish agency performance improve-
20 ment officers to institutionalize and enhance the
21 strategic and performance management activities of
22 Federal agencies.

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

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

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

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

16 **SEC. 5. PERFORMANCE ASSESSMENTS.**

17 (a) REQUIREMENT FOR PERFORMANCE ASSESS-
18 MENTS.—Chapter 11 of title 31, United States Code, is
19 amended by adding at the end the following new section:
20 **“§ 1120. Performance assessments**

21 **“(a) IDENTIFICATION OF HIGH-PRIORITY PERFORM-**
22 **ANCE GOALS.**—For the purpose of improving agency per-
23 formance, the head of each Federal agency, in consultation
24 with the Director of the Office of Management and Budg-
25 et, shall identify near-term and long-term high-priority

1 goals for purposes of this section. In identifying such
2 goals, the head of the agency shall—

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

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

7 “(3) select goals that—

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

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

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

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

1 ing through the integration and consolidation of
2 Federal functions; and

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

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

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

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

mission of the executive agency is achieved through performance planning, measurement, analysis, and regular assessment of progress, including the requirements of this section and sections 1115, 1116, 1117, 1120, and the first 9703 of this title and section 306 of title 5;

“(2) advise the head of the agency on the selection of agency goals, including opportunities to collaborate with other agencies on common goals, and on whether—

“(A) the performance targets required under section 1115 of this title and the strategic plans required under section 306 of title 5 are—

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

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

“(B) means for measurement of progress toward achievement of the goals are sufficiently rigorous, aligned to outcomes, useful, and accurate as appropriate to the intended use of the 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 “(e) 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 Budget
16 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(c)(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.

19 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

20 (a) *SHORT TITLE.*—This Act may be cited as the
 21 “GPRA Modernization Act of 2010”.

22 (b) *TABLE OF CONTENTS.*—The table of contents for
 23 this Act is as follows:

- Sec. 1. Short title; table of contents.*
- Sec. 2. Strategic planning amendments.*
- Sec. 3. Performance planning amendments.*
- Sec. 4. Performance reporting amendments.*
- Sec. 5. Federal Government and agency priority goals.*

Sec. 6. Quarterly priority progress reviews and use of performance information.

Sec. 7. Transparency of Federal Government programs, priority goals, and results.

Sec. 8. Agency Chief Operating Officers.

Sec. 9. Agency Performance Improvement Officers and the Performance Improvement Council.

Sec. 10. Format of performance plans and reports.

Sec. 11. Reducing duplicative and outdated agency reporting.

Sec. 12. Performance management skills and competencies.

Sec. 13. Technical and conforming amendments.

Sec. 14. Implementation of this Act.

Sec. 15. Congressional oversight and legislation.

1 **SEC. 2. STRATEGIC PLANNING AMENDMENTS.**

2 Chapter 3 of title 5, United States Code, is amended
3 by striking section 306 and inserting the following:

4 **“§ 306. Agency strategic plans**

5 “(a) Not later than the first Monday in February of
6 any year following the year in which the term of the Presi-
7 dent commences under section 101 of title 3, the head of
8 each agency shall make available on the public website of
9 the agency a strategic plan and notify the President and
10 Congress of its availability. Such plan shall contain—

11 “(1) a comprehensive mission statement covering
12 the major functions and operations of the agency;

13 “(2) general goals and objectives, including out-
14 come-oriented goals, for the major functions and oper-
15 ations of the agency;

16 “(3) a description of how any goals and objec-
17 tives contribute to the Federal Government priority
18 goals required by section 1120(a) of title 31;

19 “(4) a description of how the goals and objectives
20 are to be achieved, including—

1 “(A) a description of the operational proc-
2 esses, skills and technology, and the human, cap-
3 ital, information, and other resources required to
4 achieve those goals and objectives; and

5 “(B) a description of how the agency is
6 working with other agencies to achieve its goals
7 and objectives as well as relevant Federal Gov-
8 ernment priority goals;

9 “(5) a description of how the goals and objectives
10 incorporate views and suggestions obtained through
11 congressional consultations required under subsection
12 (d);

13 “(6) a description of how the performance goals
14 provided in the plan required by section 1115(a) of
15 title 31, including the agency priority goals required
16 by section 1120(b) of title 31, if applicable, contribute
17 to the general goals and objectives in the strategic
18 plan;

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

23 “(8) a description of the program evaluations
24 used in establishing or revising general goals and ob-

1 *jectives, with a schedule for future program evalua-*
2 *tions to be conducted.*

3 *“(b) The strategic plan shall cover a period of not less*
4 *than 4 years following the fiscal year in which the plan*
5 *is submitted. As needed, the head of the agency may make*
6 *adjustments to the strategic plan to reflect significant*
7 *changes in the environment in which the agency is oper-*
8 *ating, with appropriate notification of Congress.*

9 *“(c) The performance plan required by section 1115(b)*
10 *of title 31 shall be consistent with the agency’s strategic*
11 *plan. A performance plan may not be submitted for a fiscal*
12 *year not covered by a current strategic plan under this sec-*
13 *tion.*

14 *“(d) When developing or making adjustments to a*
15 *strategic plan, the agency shall consult periodically with*
16 *the Congress, including majority and minority views from*
17 *the appropriate authorizing, appropriations, and oversight*
18 *committees, and shall solicit and consider the views and*
19 *suggestions of those entities potentially affected by or inter-*
20 *ested in such a plan. The agency shall consult with the ap-*
21 *propriate committees of Congress at least once every 2*
22 *years.*

23 *“(e) The functions and activities of this section shall*
24 *be considered to be inherently governmental functions. The*

1 *drafting of strategic plans under this section shall be per-*
 2 *formed only by Federal employees.*

3 “(f) *For purposes of this section the term ‘agency’*
 4 *means an Executive agency defined under section 105, but*
 5 *does not include the Central Intelligence Agency, the Gov-*
 6 *ernment Accountability Office, the United States Postal*
 7 *Service, and the Postal Regulatory Commission.”.*

8 **SEC. 3. PERFORMANCE PLANNING AMENDMENTS.**

9 *Chapter 11 of title 31, United States Code, is amended*
 10 *by striking section 1115 and inserting the following:*

11 **“§ 1115. Federal Government and agency performance**
 12 **plans**

13 “(a) *FEDERAL GOVERNMENT PERFORMANCE PLANS.—*
 14 *In carrying out the provisions of section 1105(a)(28), the*
 15 *Director of the Office of Management and Budget shall co-*
 16 *ordinate with agencies to develop the Federal Government*
 17 *performance plan. In addition to the submission of such*
 18 *plan with each budget of the United States Government,*
 19 *the Director of the Office of Management and Budget shall*
 20 *ensure that all information required by this subsection is*
 21 *concurrently made available on the website provided under*
 22 *section 1122 and updated periodically, but no less than an-*
 23 *nually. The Federal Government performance plan shall—*

24 “(1) *establish Federal Government performance*
 25 *goals to define the level of performance to be achieved*

1 *during the year in which the plan is submitted and*
2 *the next fiscal year for each of the Federal Govern-*
3 *ment priority goals required under section 1120(a) of*
4 *this title;*

5 “(2) *identify the agencies, organizations, pro-*
6 *gram activities, regulations, tax expenditures, poli-*
7 *cies, and other activities contributing to each Federal*
8 *Government performance goal during the current fis-*
9 *cal year;*

10 “(3) *for each Federal Government performance*
11 *goal, identify a lead Government official who shall be*
12 *responsible for coordinating the efforts to achieve the*
13 *goal;*

14 “(4) *establish common Federal Government per-*
15 *formance indicators with quarterly targets to be used*
16 *in measuring or assessing—*

17 “(A) *overall progress toward each Federal*
18 *Government performance goal; and*

19 “(B) *the individual contribution of each*
20 *agency, organization, program activity, regula-*
21 *tion, tax expenditure, policy, and other activity*
22 *identified under paragraph (2);*

23 “(5) *establish clearly defined quarterly mile-*
24 *stones; and*

1 “(6) *identify major management challenges that*
 2 *are Governmentwide or crosscutting in nature and*
 3 *describe plans to address such challenges, including*
 4 *relevant performance goals, performance indicators,*
 5 *and milestones.*

6 “(b) *AGENCY PERFORMANCE PLANS.—Not later than*
 7 *the first Monday in February of each year, the head of each*
 8 *agency shall make available on a public website of the agen-*
 9 *cy, and notify the President and the Congress of its avail-*
 10 *ability, a performance plan covering each program activity*
 11 *set forth in the budget of such agency. Such plan shall—*

12 “(1) *establish performance goals to define the*
 13 *level of performance to be achieved during the year in*
 14 *which the plan is submitted and the next fiscal year;*

15 “(2) *express such goals in an objective, quantifi-*
 16 *able, and measurable form unless authorized to be in*
 17 *an alternative form under subsection (c);*

18 “(3) *describe how the performance goals con-*
 19 *tribute to—*

20 “(A) *the general goals and objectives estab-*
 21 *lished in the agency’s strategic plan required by*
 22 *section 306(a)(2) of title 5; and*

23 “(B) *any of the Federal Government per-*
 24 *formance goals established in the Federal Gov-*

1 *ernment performance plan required by subsection*
2 *(a)(1);*

3 *“(4) identify among the performance goals those*
4 *which are designated as agency priority goals as re-*
5 *quired by section 1120(b) of this title, if applicable;*

6 *“(5) provide a description of how the perform-*
7 *ance goals are to be achieved, including—*

8 *“(A) the operation processes, training, skills*
9 *and technology, and the human, capital, infor-*
10 *mation, and other resources and strategies re-*
11 *quired to meet those performance goals;*

12 *“(B) clearly defined milestones;*

13 *“(C) an identification of the organizations,*
14 *program activities, regulations, policies, and*
15 *other activities that contribute to each perform-*
16 *ance goal, both within and external to the agen-*
17 *cy;*

18 *“(D) a description of how the agency is*
19 *working with other agencies to achieve its per-*
20 *formance goals as well as relevant Federal Gov-*
21 *ernment performance goals; and*

22 *“(E) an identification of the agency offi-*
23 *cials responsible for the achievement of each per-*
24 *formance goal, who shall be known as goal lead-*
25 *ers;*

1 “(6) establish a balanced set of performance indi-
2 cators to be used in measuring or assessing progress
3 toward each performance goal, including, as appro-
4 priate, customer service, efficiency, output, and out-
5 come indicators;

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

8 “(8) a description of how the agency will ensure
9 the accuracy and reliability of the data used to meas-
10 ure progress towards its performance goals, including
11 an identification of—

12 “(A) the means to be used to verify and
13 validate measured values;

14 “(B) the sources for the data;

15 “(C) the level of accuracy required for the
16 intended use of the data;

17 “(D) any limitations to the data at the re-
18 quired level of accuracy; and

19 “(E) how the agency will compensate for
20 such limitations if needed to reach the required
21 level of accuracy;

22 “(9) describe major management challenges the
23 agency faces and identify—

24 “(A) planned actions to address such chal-
25 lenges;

1 “(B) performance goals, performance indi-
 2 cators, and milestones to measure progress to-
 3 ward resolving such challenges; and

4 “(C) the agency official responsible for re-
 5 solving such challenges; and

6 “(10) identify low-priority program activities
 7 based on an analysis of their contribution to the mis-
 8 sion and goals of the agency and include an evidence-
 9 based justification for designating a program activity
 10 as low priority.

11 “(c) *ALTERNATIVE FORM*.—If an agency, in consulta-
 12 tion with the Director of the Office of Management and
 13 Budget, determines that it is not feasible to express the per-
 14 formance goals for a particular program activity in an ob-
 15 jective, quantifiable, and measurable form, the Director of
 16 the Office of Management and Budget may authorize an
 17 alternative form. Such alternative form shall—

18 “(1) include separate descriptive statements of—

19 “(A)(i) a minimally effective program; and

20 “(ii) a successful program; or

21 “(B) such alternative as authorized by the
 22 Director of the Office of Management and Budg-
 23 et, with sufficient precision and in such terms
 24 that would allow for an accurate, independent
 25 determination of whether the program activity’s

1 *performance meets the criteria of the description;*
 2 *or*

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

6 “(d) *TREATMENT OF PROGRAM ACTIVITIES.—For the*
 7 *purpose of complying with this section, an agency may ag-*
 8 *gregate, disaggregate, or consolidate program activities, ex-*
 9 *cept that any aggregation or consolidation may not omit*
 10 *or minimize the significance of any program activity con-*
 11 *stituting a major function or operation for the agency.*

12 “(e) *APPENDIX.—An agency may submit with an an-*
 13 *nual performance plan an appendix covering any portion*
 14 *of the plan that—*

15 “(1) *is specifically authorized under criteria es-*
 16 *tablished by an Executive order to be kept secret in*
 17 *the interest of national defense or foreign policy; and*

18 “(2) *is properly classified pursuant to such Ex-*
 19 *ecutive order.*

20 “(f) *INHERENTLY GOVERNMENTAL FUNCTIONS.—The*
 21 *functions and activities of this section shall be considered*
 22 *to be inherently governmental functions. The drafting of*
 23 *performance plans under this section shall be performed*
 24 *only by Federal employees.*

1 “(g) *CHIEF HUMAN CAPITAL OFFICERS.*—*With respect*
 2 *to each agency with a Chief Human Capital Officer, the*
 3 *Chief Human Capital Officer shall prepare that portion of*
 4 *the annual performance plan described under subsection*
 5 *(b)(5)(A).*

6 “(h) *DEFINITIONS.*—*For purposes of this section and*
 7 *sections 1116 through 1125, and sections 9703 and 9704,*
 8 *the term—*

9 “(1) ‘agency’ *has the same meaning as such term*
 10 *is defined under section 306(f) of title 5;*

11 “(2) ‘crosscutting’ *means across organizational*
 12 *(such as agency) boundaries;*

13 “(3) ‘customer service measure’ *means an assess-*
 14 *ment of service delivery to a customer, client, citizen,*
 15 *or other recipient, which can include an assessment of*
 16 *quality, timeliness, and satisfaction among other fac-*
 17 *tors;*

18 “(4) ‘efficiency measure’ *means a ratio of a pro-*
 19 *gram activity’s inputs (such as costs or hours worked*
 20 *by employees) to its outputs (amount of products or*
 21 *services delivered) or outcomes (the desired results of*
 22 *a program);*

23 “(5) ‘major management challenge’ *means pro-*
 24 *grams or management functions, within or across*
 25 *agencies, that have greater vulnerability to waste,*

1 *fraud, abuse, and mismanagement (such as issues*
2 *identified by the Government Accountability Office as*
3 *high risk or issues identified by an Inspector General)*
4 *where a failure to perform well could seriously affect*
5 *the ability of an agency or the Government to achieve*
6 *its mission or goals;*

7 “(6) ‘milestone’ means a scheduled event signi-
8 *fying the completion of a major deliverable or a set*
9 *of related deliverables or a phase of work;*

10 “(7) ‘outcome measure’ means an assessment of
11 *the results of a program activity compared to its in-*
12 *tended purpose;*

13 “(8) ‘output measure’ means the tabulation, cal-
14 *culation, or recording of activity or effort that can be*
15 *expressed in a quantitative or qualitative manner;*

16 “(9) ‘performance goal’ means a target level of
17 *performance expressed as a tangible, measurable ob-*
18 *jective, against which actual achievement can be com-*
19 *pared, including a goal expressed as a quantitative*
20 *standard, value, or rate;*

21 “(10) ‘performance indicator’ means a par-
22 *ticular value or characteristic used to measure output*
23 *or outcome;*

24 “(11) ‘program activity’ means a specific activ-
25 *ity or project as listed in the program and financing*

1 *schedules of the annual budget of the United States*
 2 *Government; and*

3 *“(12) ‘program evaluation’ means an assessment,*
 4 *through objective measurement and systematic anal-*
 5 *ysis, of the manner and extent to which Federal pro-*
 6 *grams achieve intended objectives.”.*

7 **SEC. 4. PERFORMANCE REPORTING AMENDMENTS.**

8 *Chapter 11 of title 31, United States Code, is amended*
 9 *by striking section 1116 and inserting the following:*

10 **“§ 1116. Agency performance reporting**

11 *“(a) The head of each agency shall make available on*
 12 *a public website of the agency and to the Office of Manage-*
 13 *ment and Budget an update on agency performance.*

14 *“(b)(1) Each update shall compare actual performance*
 15 *achieved with the performance goals established in the agen-*
 16 *cy performance plan under section 1115(b) and shall occur*
 17 *no less than 150 days after the end of each fiscal year, with*
 18 *more frequent updates of actual performance on indicators*
 19 *that provide data of significant value to the Government,*
 20 *Congress, or program partners at a reasonable level of ad-*
 21 *ministrative burden.*

22 *“(2) If performance goals are specified in an alter-*
 23 *native form under section 1115(c), the results shall be de-*
 24 *scribed in relation to such specifications, including whether*

1 *the performance failed to meet the criteria of a minimally*
2 *effective or successful program.*

3 “(c) *Each update shall—*

4 “(1) *review the success of achieving the perform-*
5 *ance goals and include actual results for the 5 pre-*
6 *ceding fiscal years;*

7 “(2) *evaluate the performance plan for the cur-*
8 *rent fiscal year relative to the performance achieved*
9 *toward the performance goals during the period cov-*
10 *ered by the update;*

11 “(3) *explain and describe where a performance*
12 *goal has not been met (including when a program ac-*
13 *tivity’s performance is determined not to have met the*
14 *criteria of a successful program activity under section*
15 *1115(c)(1)(A)(ii) or a corresponding level of achieve-*
16 *ment if another alternative form is used)—*

17 “(A) *why the goal was not met;*

18 “(B) *those plans and schedules for achieving*
19 *the established performance goal; and*

20 “(C) *if the performance goal is impractical*
21 *or infeasible, why that is the case and what ac-*
22 *tion is recommended;*

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

1 “(5) include a review of the performance goals
2 and evaluation of the performance plan relative to the
3 agency’s strategic human capital management;

4 “(6) describe how the agency ensures the accu-
5 racy and reliability of the data used to measure
6 progress towards its performance goals, including an
7 identification of—

8 “(A) the means used to verify and validate
9 measured values;

10 “(B) the sources for the data;

11 “(C) the level of accuracy required for the
12 intended use of the data;

13 “(D) any limitations to the data at the re-
14 quired level of accuracy; and

15 “(E) how the agency has compensated for
16 such limitations if needed to reach the required
17 level of accuracy; and

18 “(7) include the summary findings of those pro-
19 gram evaluations completed during the period covered
20 by the update.

21 “(d) If an agency performance update includes any
22 program activity or information that is specifically author-
23 ized under criteria established by an Executive Order to
24 be kept secret in the interest of national defense or foreign
25 policy and is properly classified pursuant to such Executive

1 *Order, the head of the agency shall make such information*
 2 *available in the classified appendix provided under section*
 3 *1115(e).*

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

8 “(f) *Each fiscal year, the Office of Management and*
 9 *Budget shall determine whether the agency programs or ac-*
 10 *tivities meet performance goals and objectives outlined in*
 11 *the agency performance plans and submit a report on*
 12 *unmet goals to—*

13 “(1) *the head of the agency;*

14 “(2) *the Committee on Homeland Security and*
 15 *Governmental Affairs of the Senate;*

16 “(3) *the Committee on Oversight and Govern-*
 17 *mental Reform of the House of Representatives; and*

18 “(4) *the Government Accountability Office.*

19 “(g) *If an agency’s programs or activities have not met*
 20 *performance goals as determined by the Office of Manage-*
 21 *ment and Budget for 1 fiscal year, the head of the agency*
 22 *shall submit a performance improvement plan to the Office*
 23 *of Management and Budget to increase program effective-*
 24 *ness for each unmet goal with measurable milestones. The*
 25 *agency shall designate a senior official who shall oversee*

1 *the performance improvement strategies for each unmet*
2 *goal.*

3 “(h)(1) *If the Office of Management and Budget deter-*
4 *mines that agency programs or activities have unmet per-*
5 *formance goals for 2 consecutive fiscal years, the head of*
6 *the agency shall—*

7 “(A) *submit to Congress a description of the ac-*
8 *tions the Administration will take to improve per-*
9 *formance, including proposed statutory changes or*
10 *planned executive actions; and*

11 “(B) *describe any additional funding the agency*
12 *will obligate to achieve the goal, if such an action is*
13 *determined appropriate in consultation with the Di-*
14 *rector of the Office of Management and Budget, for an*
15 *amount determined appropriate by the Director.*

16 “(2) *In providing additional funding described under*
17 *paragraph (1)(B), the head of the agency shall use any re-*
18 *programming or transfer authority available to the agency.*
19 *If after exercising such authority additional funding is nec-*
20 *essary to achieve the level determined appropriate by the*
21 *Director of the Office of Management and Budget, the head*
22 *of the agency shall submit a request to Congress for addi-*
23 *tional reprogramming or transfer authority.*

24 “(i) *If an agency’s programs or activities have not met*
25 *performance goals as determined by the Office of Manage-*

1 *ment and Budget for 3 consecutive fiscal years, the Director*
 2 *of the Office of Management and Budget shall submit rec-*
 3 *ommendations to Congress on actions to improve perform-*
 4 *ance not later than 60 days after that determination, in-*
 5 *cluding—*

6 “(1) reauthorization proposals for each program
 7 or activity that has not met performance goals;

8 “(2) proposed statutory changes necessary for the
 9 program activities to achieve the proposed level of
 10 performance on each performance goal; and

11 “(3) planned executive actions or identification
 12 of the program for termination or reduction in the
 13 President’s budget.”.

14 **SEC. 5. FEDERAL GOVERNMENT AND AGENCY PRIORITY**
 15 **GOALS.**

16 Chapter 11 of title 31, United States Code, is amended
 17 by adding after section 1119 the following:

18 **“§ 1120. Federal Government and agency priority**
 19 **goals**

20 “(a) **FEDERAL GOVERNMENT PRIORITY GOALS.—**

21 “(1) The Director of the Office of Management
 22 and Budget shall coordinate with agencies to develop
 23 priority goals to improve the performance and man-
 24 agement of the Federal Government. Such Federal
 25 Government priority goals shall include—

1 “(A) outcome-oriented goals covering a lim-
2 ited number of crosscutting policy areas; and

3 “(B) goals for management improvements
4 needed across the Federal Government, includ-
5 ing—

6 “(i) financial management;

7 “(ii) human capital management;

8 “(iii) information technology manage-
9 ment;

10 “(iv) procurement and acquisition
11 management; and

12 “(v) real property management;

13 “(2) The Federal Government priority goals
14 shall be long-term in nature. At a minimum, the Fed-
15 eral Government priority goals shall be updated or re-
16 vised every 4 years and made publicly available con-
17 currently with the submission of the budget of the
18 United States Government made in the first full fiscal
19 year following any year in which the term of the
20 President commences under section 101 of title 3. As
21 needed, the Director of the Office of Management and
22 Budget may make adjustments to the Federal Govern-
23 ment priority goals to reflect significant changes in
24 the environment in which the Federal Government is
25 operating, with appropriate notification of Congress.

1 “(3) When developing or making adjustments to
2 *Federal Government priority goals, the Director of the*
3 *Office of Management and Budget shall consult peri-*
4 *odically with the Congress, including obtaining ma-*
5 *jority and minority views from—*

6 “(A) the Committees on Appropriations of
7 *the Senate and the House of Representatives;*

8 “(B) the Committees on the Budget of the
9 *Senate and the House of Representatives;*

10 “(C) the Committee on Homeland Security
11 *and Governmental Affairs of the Senate;*

12 “(D) the Committee on Oversight and Gov-
13 *ernment Reform of the House of Representatives;*

14 “(E) the Committee on Finance of the Sen-
15 *ate;*

16 “(F) the Committee on Ways and Means of
17 *the House of Representatives; and*

18 “(G) any other committees as determined
19 *appropriate;*

20 “(4) The Director of the Office of Management
21 *and Budget shall consult with the appropriate com-*
22 *mittees of Congress at least once every 2 years.*

23 “(5) The Director of the Office of Management
24 *and Budget shall make information about the Federal*

1 *Government priority goals available on the website*
2 *described under section 1122 of this title.*

3 “(6) *The Federal Government performance plan*
4 *required under section 1115(a) of this title shall be*
5 *consistent with the Federal Government priority*
6 *goals.*

7 “(b) *AGENCY PRIORITY GOALS.—*

8 “(1) *Every 2 years, the head of each agency list-*
9 *ed in section 901(b) of this title, or as otherwise deter-*
10 *mined by the Director of the Office of Management*
11 *and Budget, shall identify agency priority goals from*
12 *among the performance goals of the agency. The Di-*
13 *rector of the Office of Management and Budget shall*
14 *determine the total number of agency priority goals*
15 *across the Government, and the number to be devel-*
16 *oped by each agency. The agency priority goals*
17 *shall—*

18 “(A) *reflect the highest priorities of the*
19 *agency, as determined by the head of the agency*
20 *and informed by the Federal Government pri-*
21 *ority goals provided under subsection (a) and the*
22 *consultations with Congress and other interested*
23 *parties required by section 306(d) of title 5;*

24 “(B) *have ambitious targets that can be*
25 *achieved within a 2-year period;*

1 “(C) have a clearly identified agency offi-
2 cial, known as a goal leader, who is responsible
3 for the achievement of each agency priority goal;

4 “(D) have interim quarterly targets for per-
5 formance indicators if more frequent updates of
6 actual performance provides data of significant
7 value to the Government, Congress, or program
8 partners at a reasonable level of administrative
9 burden; and

10 “(E) have clearly defined quarterly mile-
11 stones.

12 “(2) If an agency priority goal includes any pro-
13 gram activity or information that is specifically au-
14 thorized under criteria established by an Executive
15 order to be kept secret in the interest of national de-
16 fense or foreign policy and is properly classified pur-
17 suant to such Executive order, the head of the agency
18 shall make such information available in the classi-
19 fied appendix provided under section 1115(e).

20 “(c) The functions and activities of this section shall
21 be considered to be inherently governmental functions. The
22 development of Federal Government and agency priority
23 goals shall be performed only by Federal employees.”.

1 **SEC. 6. QUARTERLY PRIORITY PROGRESS REVIEWS AND**
 2 **USE OF PERFORMANCE INFORMATION.**

3 *Chapter 11 of title 31, United States Code, is amended*
 4 *by adding after section 1120 (as added by section 5 of this*
 5 *Act) the following:*

6 **“§ 1121. Quarterly priority progress reviews and use of**
 7 **performance information**

8 *“(a) USE OF PERFORMANCE INFORMATION TO*
 9 *ACHIEVE FEDERAL GOVERNMENT PRIORITY GOALS.—Not*
 10 *less than quarterly, the Director of the Office of Manage-*
 11 *ment and Budget, with the support of the Performance Im-*
 12 *provement Council, shall—*

13 *“(1) for each Federal Government priority goal*
 14 *required by section 1120(a) of this title, review with*
 15 *the appropriate lead Government official the progress*
 16 *achieved during the most recent quarter, overall trend*
 17 *data, and the likelihood of meeting the planned level*
 18 *of performance;*

19 *“(2) include in such reviews officials from the*
 20 *agencies, organizations, and program activities that*
 21 *contribute to the accomplishment of each Federal Gov-*
 22 *ernment priority goal;*

23 *“(3) assess whether agencies, organizations, pro-*
 24 *gram activities, regulations, tax expenditures, poli-*
 25 *cies, and other activities are contributing as planned*
 26 *to each Federal Government priority goal;*

1 “(4) categorize the Federal Government priority
2 goals by risk of not achieving the planned level of per-
3 formance; and

4 “(5) for the Federal Government priority goals
5 at greatest risk of not meeting the planned level of
6 performance, identify prospects and strategies for per-
7 formance improvement, including any needed changes
8 to agencies, organizations, program activities, regula-
9 tions, tax expenditures, policies or other activities.

10 “(b) AGENCY USE OF PERFORMANCE INFORMATION TO
11 ACHIEVE AGENCY PRIORITY GOALS.—Not less than quar-
12 terly, at each agency required to develop agency priority
13 goals required by section 1120(b) of this title, the head of
14 the agency and Chief Operating Officer, with the support
15 of the agency Performance Improvement Officer, shall—

16 “(1) for each agency priority goal, review with
17 the appropriate goal leader the progress achieved dur-
18 ing the most recent quarter, overall trend data, and
19 the likelihood of meeting the planned level of perform-
20 ance;

21 “(2) coordinate with relevant personnel within
22 and outside the agency who contribute to the accom-
23 plishment of each agency priority goal;

24 “(3) assess whether relevant organizations, pro-
25 gram activities, regulations, policies, and other activi-

1 *ties are contributing as planned to the agency pri-*
 2 *ority goals;*

3 *“(4) categorize agency priority goals by risk of*
 4 *not achieving the planned level of performance; and*

5 *“(5) for agency priority goals at greatest risk of*
 6 *not meeting the planned level of performance, identify*
 7 *prospects and strategies for performance improve-*
 8 *ment, including any needed changes to agency pro-*
 9 *gram activities, regulations, policies, or other activi-*
 10 *ties.”.*

11 **SEC. 7. TRANSPARENCY OF FEDERAL GOVERNMENT PRO-**
 12 **GRAMS, PRIORITY GOALS, AND RESULTS.**

13 *Chapter 11 of title 31, United States Code, is amended*
 14 *by adding after section 1121 (as added by section 6 of this*
 15 *Act) the following:*

16 **“§1122. Transparency of programs, priority goals,**
 17 **and results**

18 *“(a) TRANSPARENCY OF AGENCY PROGRAMS.—*

19 *“(1) IN GENERAL.—Not later than October 1,*
 20 *2012, the Office of Management and Budget shall—*

21 *“(A) ensure the effective operation of a sin-*
 22 *gle website;*

23 *“(B) at a minimum, update the website on*
 24 *a quarterly basis; and*

1 “(C) include on the website information
2 about each program identified by the agencies.

3 “(2) *INFORMATION.*—Information for each pro-
4 gram described under paragraph (1) shall include—

5 “(A) an identification of how the agency de-
6 fines the term ‘program’, consistent with guid-
7 ance provided by the Director of the Office of
8 Management and Budget, including the program
9 activities that are aggregated, disaggregated, or
10 consolidated to be considered a program by the
11 agency;

12 “(B) a description of the purposes of the
13 program and the contribution of the program to
14 the mission and goals of the agency; and

15 “(C) an identification of funding for the
16 current fiscal year and previous 2 fiscal years.

17 “(b) *TRANSPARENCY OF AGENCY PRIORITY GOALS AND*
18 *RESULTS.*—The head of each agency required to develop
19 agency priority goals shall make information about each
20 agency priority goal available to the Office of Management
21 and Budget for publication on the website, with the excep-
22 tion of any information covered by section 1120(b)(2) of
23 this title. In addition to an identification of each agency
24 priority goal, the website shall also consolidate information
25 about each agency priority goal, including—

1 “(1) a description of how the agency incor-
2 porated any views and suggestions obtained through
3 congressional consultations about the agency priority
4 goal;

5 “(2) an identification of key factors external to
6 the agency and beyond its control that could signifi-
7 cantly affect the achievement of the agency priority
8 goal;

9 “(3) a description of how each agency priority
10 goal will be achieved, including—

11 “(A) the strategies and resources required to
12 meet the priority goal;

13 “(B) clearly defined milestones;

14 “(C) the organizations, program activities,
15 regulations, policies, and other activities that
16 contribute to each goal, both within and external
17 to the agency;

18 “(D) how the agency is working with other
19 agencies to achieve the goal; and

20 “(E) an identification of the agency official
21 responsible for achieving the priority goal;

22 “(4) the performance indicators to be used in
23 measuring or assessing progress;

24 “(5) a description of how the agency ensures the
25 accuracy and reliability of the data used to measure

1 *progress towards the priority goal, including an iden-*
 2 *tification of—*

3 *“(A) the means used to verify and validate*
 4 *measured values;*

5 *“(B) the sources for the data;*

6 *“(C) the level of accuracy required for the*
 7 *intended use of the data;*

8 *“(D) any limitations to the data at the re-*
 9 *quired level of accuracy; and*

10 *“(E) how the agency has compensated for*
 11 *such limitations if needed to reach the required*
 12 *level of accuracy;*

13 *“(6) the results achieved during the most recent*
 14 *quarter and overall trend data compared to the*
 15 *planned level of performance;*

16 *“(7) an assessment of whether relevant organiza-*
 17 *tions, program activities, regulations, policies, and*
 18 *other activities are contributing as planned;*

19 *“(8) an identification of the agency priority*
 20 *goals at risk of not achieving the planned level of per-*
 21 *formance; and*

22 *“(9) any prospects or strategies for performance*
 23 *improvement.*

24 *“(c) TRANSPARENCY OF FEDERAL GOVERNMENT PRI-*
 25 *ORITY GOALS AND RESULTS.—The Director of the Office*

1 *of Management and Budget shall also make available on*
2 *the website—*

3 “(1) *a brief description of each of the Federal*
4 *Government priority goals required by section*
5 *1120(a) of this title;*

6 “(2) *a description of how the Federal Govern-*
7 *ment priority goals incorporate views and suggestions*
8 *obtained through congressional consultations;*

9 “(3) *the Federal Government performance goals*
10 *and performance indicators associated with each Fed-*
11 *eral Government priority goal as required by section*
12 *1115(a) of this title;*

13 “(4) *an identification of the lead Government of-*
14 *ficial for each Federal Government performance goal;*

15 “(5) *the results achieved during the most recent*
16 *quarter and overall trend data compared to the*
17 *planned level of performance;*

18 “(6) *an identification of the agencies, organiza-*
19 *tions, program activities, regulations, tax expendi-*
20 *tures, policies, and other activities that contribute to*
21 *each Federal Government priority goal;*

22 “(7) *an assessment of whether relevant agencies,*
23 *organizations, program activities, regulations, tax ex-*
24 *penditures, policies, and other activities are contrib-*
25 *uting as planned;*

1 “(8) an identification of the Federal Government
2 priority goals at risk of not achieving the planned
3 level of performance; and

4 “(9) any prospects or strategies for performance
5 improvement.

6 “(d) *INFORMATION ON WEBSITE.*—The information
7 made available on the website under this section shall be
8 readily accessible and easily found on the Internet by the
9 public and members and committees of Congress. Such in-
10 formation shall also be presented in a searchable, machine-
11 readable format. The Director of the Office of Management
12 and Budget shall issue guidance to ensure that such infor-
13 mation is provided in a way that presents a coherent pic-
14 ture of all Federal programs, and the performance of the
15 Federal Government as well as individual agencies.”.

16 **SEC. 8. AGENCY CHIEF OPERATING OFFICERS.**

17 Chapter 11 of title 31, United States Code, is amended
18 by adding after section 1122 (as added by section 7 of this
19 Act) the following:

20 **“§ 1123. Chief Operating Officers**

21 “(a) *ESTABLISHMENT.*—At each agency, the deputy
22 head of agency, or equivalent, shall be the Chief Operating
23 Officer of the agency.

1 “(b) *FUNCTION.—Each Chief Operating Officer shall*
2 *be responsible for improving the management and perform-*
3 *ance of the agency, and shall—*

4 “(1) *provide overall organization management to*
5 *improve agency performance and achieve the mission*
6 *and goals of the agency through the use of strategic*
7 *and performance planning, measurement, analysis,*
8 *regular assessment of progress, and use of perform-*
9 *ance information to improve the results achieved;*

10 “(2) *advise and assist the head of agency in car-*
11 *rying out the requirements of sections 1115 through*
12 *1122 of this title and section 306 of title 5;*

13 “(3) *oversee agency-specific efforts to improve*
14 *management functions within the agency and across*
15 *Government; and*

16 “(4) *coordinate and collaborate with relevant*
17 *personnel within and external to the agency who have*
18 *a significant role in contributing to and achieving the*
19 *mission and goals of the agency, such as the Chief Fi-*
20 *nancial Officer, Chief Human Capital Officer, Chief*
21 *Acquisition Officer/Senior Procurement Executive,*
22 *Chief Information Officer, and other line of business*
23 *chiefs at the agency.”.*

1 **SEC. 9. AGENCY PERFORMANCE IMPROVEMENT OFFICERS**
 2 **AND THE PERFORMANCE IMPROVEMENT**
 3 **COUNCIL.**

4 *Chapter 11 of title 31, United States Code, is amended*
 5 *by adding after section 1123 (as added by section 8 of this*
 6 *Act) the following:*

7 **“§ 1124. Performance Improvement Officers and the**
 8 **Performance Improvement Council**

9 **“(a) PERFORMANCE IMPROVEMENT OFFICERS.—**

10 *“(1) ESTABLISHMENT.—At each agency, the head*
 11 *of the agency, in consultation with the agency Chief*
 12 *Operating Officer, shall designate a senior executive*
 13 *of the agency as the agency Performance Improvement*
 14 *Officer.*

15 *“(2) FUNCTION.—Each Performance Improve-*
 16 *ment Officer shall report directly to the Chief Oper-*
 17 *ating Officer. Subject to the direction of the Chief Op-*
 18 *erating Officer, each Performance Improvement Offi-*
 19 *cer shall—*

20 *“(A) advise and assist the head of the agen-*
 21 *cy and the Chief Operating Officer to ensure that*
 22 *the mission and goals of the agency are achieved*
 23 *through strategic and performance planning,*
 24 *measurement, analysis, regular assessment of*
 25 *progress, and use of performance information to*
 26 *improve the results achieved;*

1 “(B) advise the head of the agency and the
2 Chief Operating Officer on the selection of agen-
3 cy goals, including opportunities to collaborate
4 with other agencies on common goals;

5 “(C) assist the head of the agency and the
6 Chief Operating Officer in overseeing the imple-
7 mentation of the agency strategic planning, per-
8 formance planning, and reporting requirements
9 provided under sections 1115 through 1122 of
10 this title and sections 306 of title 5, including
11 the contributions of the agency to the Federal
12 Government priority goals;

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

18 “(E) assist the head of the agency and the
19 Chief Operating Officer in the development and
20 use within the agency of performance measures
21 in personnel performance appraisals, and, as ap-
22 propriate, other agency personnel and planning
23 processes and assessments; and

24 “(F) ensure that agency progress toward the
25 achievement of all goals is communicated to

1 *leaders, managers, and employees in the agency*
2 *and Congress, and made available on a public*
3 *website of the agency.*

4 “(b) *PERFORMANCE IMPROVEMENT COUNCIL.—*

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

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

10 “(B) *the Performance Improvement Officer*
11 *from each agency defined in section 901(b) of*
12 *this title;*

13 “(C) *other Performance Improvement Offi-*
14 *cers as determined appropriate by the chair-*
15 *person; and*

16 “(D) *other individuals as determined ap-*
17 *propriate by the chairperson.*

18 “(2) *FUNCTION.—The Performance Improvement*
19 *Council shall—*

20 “(A) *be convened by the chairperson or the*
21 *designee of the chairperson, who shall preside at*
22 *the meetings of the Performance Improvement*
23 *Council, determine its agenda, direct its work,*
24 *and establish and direct subgroups of the Per-*

1 *formance Improvement Council, as appropriate,*
2 *to deal with particular subject matters;*

3 *“(B) assist the Director of the Office of*
4 *Management and Budget to improve the per-*
5 *formance of the Federal Government and achieve*
6 *the Federal Government priority goals;*

7 *“(C) assist the Director of the Office of*
8 *Management and Budget in implementing the*
9 *planning, reporting, and use of performance in-*
10 *formation requirements related to the Federal*
11 *Government priority goals provided under sec-*
12 *tions 1115, 1120, 1121, and 1122 of this title;*

13 *“(D) work to resolve specific Government-*
14 *wide or crosscutting performance issues, as nec-*
15 *essary;*

16 *“(E) facilitate the exchange among agencies*
17 *of practices that have led to performance im-*
18 *provements within specific programs, agencies,*
19 *or across agencies;*

20 *“(F) coordinate with other interagency*
21 *management councils;*

22 *“(G) seek advice and information as appro-*
23 *priate from nonmember agencies, particularly*
24 *smaller agencies;*

1 “(H) consider the performance improvement
2 experiences of corporations, nonprofit organiza-
3 tions, foreign, State, and local governments, Gov-
4 ernment employees, public sector unions, and
5 customers of Government services;

6 “(I) receive such assistance, information
7 and advice from agencies as the Council may re-
8 quest, which agencies shall provide to the extent
9 permitted by law; and

10 “(J) develop and submit to the Director of
11 the Office of Management and Budget, or when
12 appropriate to the President through the Direc-
13 tor of the Office of Management and Budget, at
14 times and in such formats as the chairperson
15 may specify, recommendations to streamline and
16 improve performance management policies and
17 requirements.

18 “(3) SUPPORT.—

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

23 “(B) PERSONNEL.—The heads of agencies
24 with Performance Improvement Officers serving
25 on the Council shall, as appropriate and to the

1 *extent permitted by law, provide at the request*
 2 *of the chairperson of the Performance Improve-*
 3 *ment Council up to 2 personnel authorizations to*
 4 *serve at the direction of the chairperson.”.*

5 **SEC. 10. FORMAT OF PERFORMANCE PLANS AND REPORTS.**

6 *(a) SEARCHABLE, MACHINE-READABLE PLANS AND*
 7 *REPORTS.—For fiscal year 2012 and each fiscal year there-*
 8 *after, each agency required to produce strategic plans, per-*
 9 *formance plans, and performance updates in accordance*
 10 *with the amendments made by this Act shall—*

11 *(1) not incur expenses for the printing of stra-*
 12 *tegic plans, performance plans, and performance re-*
 13 *ports for release external to the agency, except when*
 14 *providing such documents to the Congress;*

15 *(2) produce such plans and reports in searchable,*
 16 *machine-readable formats; and*

17 *(3) make such plans and reports available on the*
 18 *website described under section 1122 of title 31,*
 19 *United States Code.*

20 *(b) WEB-BASED PERFORMANCE PLANNING AND RE-*
 21 *PORTING.—*

22 *(1) IN GENERAL.—Not later than June 1, 2012,*
 23 *the Director of the Office of Management and Budget*
 24 *shall issue guidance to agencies to provide concise*
 25 *and timely performance information for publication*

1 *on the website described under section 1122 of title 31,*
 2 *United States Code, including, at a minimum, all re-*
 3 *quirements of sections 1115 and 1116 of title 31,*
 4 *United States Code, except for section 1115(e).*

5 (2) *HIGH-PRIORITY GOALS.*—*For agencies re-*
 6 *quired to develop agency priority goals under section*
 7 *1120(b) of title 31, United States Code, the perform-*
 8 *ance information required under this section shall be*
 9 *merged with the existing information required under*
 10 *section 1122 of title 31, United States Code.*

11 (3) *CONSIDERATIONS.*—*In developing guidance*
 12 *under this subsection, the Director of the Office of*
 13 *Management and Budget shall take into consideration*
 14 *the experiences of agencies in making consolidated*
 15 *performance planning and reporting information*
 16 *available on the website as required under section*
 17 *1122 of title 31, United States Code.*

18 **SEC. 11. REDUCING DUPLICATIVE AND OUTDATED AGENCY**
 19 **REPORTING.**

20 (a) *BUDGET CONTENTS.*—*Section 1105(a) of title 31,*
 21 *United States Code, is amended—*

22 (1) *by redesignating second paragraph (33) as*
 23 *paragraph (35); and*

24 (2) *by adding at the end the following:*

1 “(37) the list of plans and reports, as provided
 2 for under section 1125, that agencies identified for
 3 elimination or consolidation because the plans and re-
 4 ports are determined outdated or duplicative of other
 5 required plans and reports.”.

6 (b) *ELIMINATION OF UNNECESSARY AGENCY REPORT-*
 7 *ING.*—Chapter 11 of title 31, United States Code, is further
 8 amended by adding after section 1124 (as added by section
 9 9 of this Act) the following:

10 **“§ 1125. Elimination of unnecessary agency reporting**

11 “(a) *AGENCY IDENTIFICATION OF UNNECESSARY RE-*
 12 *PORTS.*—Annually, based on guidance provided by the Di-
 13 rector of the Office of Management and Budget, the Chief
 14 Operating Officer at each agency shall—

15 “(1) compile a list that identifies all plans and
 16 reports the agency produces for Congress, in accord-
 17 ance with statutory requirements or as directed in
 18 congressional reports;

19 “(2) analyze the list compiled under paragraph
 20 (1), identify which plans and reports are outdated or
 21 duplicative of other required plans and reports, and
 22 refine the list to include only the plans and reports
 23 identified to be outdated or duplicative;

24 “(3) consult with the congressional committees
 25 that receive the plans and reports identified under

1 *paragraph (2) to determine whether those plans and*
 2 *reports are no longer useful to the committees and*
 3 *could be eliminated or consolidated with other plans*
 4 *and reports; and*

5 *“(4) provide a total count of plans and reports*
 6 *compiled under paragraph (1) and the list of out-*
 7 *dated and duplicative reports identified under para-*
 8 *graph (2) to the Director of the Office of Management*
 9 *and Budget.*

10 “(b) *PLANS AND REPORTS.*—

11 “(1) *FIRST YEAR.*—*During the first year of im-*
 12 *plementation of this section, the list of plans and re-*
 13 *ports identified by each agency as outdated or dupli-*
 14 *cative shall be not less than 10 percent of all plans*
 15 *and reports identified under subsection (a)(1).*

16 “(2) *SUBSEQUENT YEARS.*—*In each year fol-*
 17 *lowing the first year described under paragraph (1),*
 18 *the Director of the Office of Management and Budget*
 19 *shall determine the minimum percent of plans and*
 20 *reports to be identified as outdated or duplicative on*
 21 *each list of plans and reports.*

22 “(c) *REQUEST FOR ELIMINATION OF UNNECESSARY*
 23 *REPORTS.*—*In addition to including the list of plans and*
 24 *reports determined to be outdated or duplicative by each*
 25 *agency in the budget of the United States Government, as*

1 *provided by section 1105(a)(37), the Director of the Office*
 2 *of Management and Budget may concurrently submit to*
 3 *Congress legislation to eliminate or consolidate such plans*
 4 *and reports.”.*

5 **SEC. 12. PERFORMANCE MANAGEMENT SKILLS AND COM-**
 6 **PETENCIES.**

7 (a) *PERFORMANCE MANAGEMENT SKILLS AND COM-*
 8 *PETENCIES.*—Not later than 1 year after the date of enact-
 9 *ment of this Act, the Director of the Office of Personnel*
 10 *Management, in consultation with the Performance Im-*
 11 *provement Council, shall identify the key skills and com-*
 12 *petencies needed by Federal Government personnel for de-*
 13 *veloping goals, evaluating programs, and analyzing and*
 14 *using performance information for the purpose of improv-*
 15 *ing Government efficiency and effectiveness.*

16 (b) *POSITION CLASSIFICATIONS.*—Not later than 2
 17 *years after the date of enactment of this Act, based on the*
 18 *identifications under subsection (a), the Director of the Of-*
 19 *fice of Personnel Management shall incorporate, as appro-*
 20 *priate, such key skills and competencies into relevant posi-*
 21 *tion classifications.*

22 (c) *INCORPORATION INTO EXISTING AGENCY TRAIN-*
 23 *ING.*—Not later than 2 years after the enactment of this
 24 *Act, the Director of the Office of Personnel Management*
 25 *shall work with each agency, as defined under section 306(f)*

1 of title 5, United States Code, to incorporate the key skills
 2 identified under subsection (a) into training for relevant
 3 employees at each agency.

4 **SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.**

5 (a) The table of contents for chapter 3 of title 5, United
 6 States Code, is amended by striking the item relating to
 7 section 306 and inserting the following:

“306. Agency strategic plans.”.

8 (b) The table of contents for chapter 11 of title 31,
 9 United States Code, is amended by striking the items relat-
 10 ing to section 1115 and 1116 and inserting the following:

“1115. Federal Government and agency performance plans.

“1116. Agency performance reporting.”.

11 (c) The table of contents for chapter 11 of title 31,
 12 United States Code, is amended by adding at the end the
 13 following:

“1120. Federal Government and agency priority goals.

“1121. Quarterly priority progress reviews and use of performance information.

“1122. Transparency of programs, priority goals, and results.

“1123. Chief Operating Officers.

“1124. Performance Improvement Officers and the Performance Improvement
 Council.

“1125. Elimination of unnecessary agency reporting.”.

14 **SEC. 14. IMPLEMENTATION OF THIS ACT.**

15 (a) **INTERIM PLANNING AND REPORTING.**—

16 (1) **IN GENERAL.**—The Director of the Office of
 17 Management and Budget shall coordinate with agen-
 18 cies to develop interim Federal Government priority
 19 goals and submit interim Federal Government per-
 20 formance plans consistent with the requirements of

1 *this Act beginning with the submission of the fiscal*
2 *year 2013 Budget of the United States Government.*

3 (2) *REQUIREMENTS.—Each agency shall—*

4 (A) *not later than February 6, 2012, make*
5 *adjustments to its strategic plan to make the*
6 *plan consistent with the requirements of this Act;*

7 (B) *prepare and submit performance plans*
8 *consistent with the requirements of this Act, in-*
9 *cluding the identification of agency priority*
10 *goals, beginning with the performance plan for*
11 *fiscal year 2013; and*

12 (C) *make performance reporting updates*
13 *consistent with the requirements of this Act be-*
14 *ginning in fiscal year 2012.*

15 (3) *QUARTERLY REVIEWS.—The quarterly pri-*
16 *ority progress reviews required under this Act shall*
17 *begin—*

18 (A) *with the first full quarter beginning on*
19 *or after the date of enactment of this Act for*
20 *agencies based on the agency priority goals con-*
21 *tained in the Analytical Perspectives volume of*
22 *the Fiscal Year 2011 Budget of the United States*
23 *Government; and*

1 (B) with the quarter ending June 30, 2012
 2 for the interim Federal Government priority
 3 goals.

4 (b) *GUIDANCE.*—The Director of the Office of Manage-
 5 ment and Budget shall prepare guidance for agencies in
 6 carrying out the interim planning and reporting activities
 7 required under subsection (a), in addition to other guidance
 8 as required for implementation of this Act.

9 **SEC. 15. CONGRESSIONAL OVERSIGHT AND LEGISLATION.**

10 (a) *IN GENERAL.*—Nothing in this Act shall be con-
 11 strued as limiting the ability of Congress to establish,
 12 amend, suspend, or annul a goal of the Federal Government
 13 or an agency.

14 (b) *GAO REVIEWS.*—

15 (1) *INTERIM PLANNING AND REPORTING EVALUA-*
 16 *TION.*—Not later than June 30, 2013, the Comptroller
 17 General shall submit a report to Congress that in-
 18 cludes—

19 (A) an evaluation of the implementation of
 20 the interim planning and reporting activities
 21 conducted under section 14 of this Act; and

22 (B) any recommendations for improving
 23 implementation of this Act as determined appro-
 24 priate.

25 (2) *IMPLEMENTATION EVALUATIONS.*—

1 (A) *IN GENERAL.*—*The Comptroller General*
2 *shall evaluate the implementation of this Act*
3 *subsequent to the interim planning and report-*
4 *ing activities evaluated in the report submitted*
5 *to Congress under paragraph (1).*

6 (B) *AGENCY IMPLEMENTATION.*—

7 (i) *EVALUATIONS.*—*The Comptroller*
8 *General shall evaluate how implementation*
9 *of this Act is affecting performance manage-*
10 *ment at the agencies described in section*
11 *901(b) of title 31, United States Code, in-*
12 *cluding whether performance management*
13 *is being used by those agencies to improve*
14 *the efficiency and effectiveness of agency*
15 *programs.*

16 (ii) *REPORTS.*—*The Comptroller Gen-*
17 *eral shall submit to Congress—*

18 (I) *an initial report on the eval-*
19 *uation under clause (i), not later than*
20 *September 30, 2015; and*

21 (II) *a subsequent report on the*
22 *evaluation under clause (i), not later*
23 *than September 30, 2017.*

24 (C) *FEDERAL GOVERNMENT PLANNING AND*
25 *REPORTING IMPLEMENTATION.*—

1 (i) *EVALUATIONS.*—*The Comptroller*
2 *General shall evaluate the implementation*
3 *of the Federal Government priority goals,*
4 *Federal Government performance plans and*
5 *related reporting required by this Act.*

6 (ii) *REPORTS.*—*The Comptroller Gen-*
7 *eral shall submit to Congress—*

8 (I) *an initial report on the eval-*
9 *uation under clause (i), not later than*
10 *September 30, 2015; and*

11 (II) *subsequent reports on the*
12 *evaluation under clause (i), not later*
13 *than September 30, 2017 and every 4*
14 *years thereafter.*

15 (D) *RECOMMENDATIONS.*—*The Comptroller*
16 *General shall include in the reports required by*
17 *subparagraphs (B) and (C) any recommenda-*
18 *tions for improving implementation of this Act*
19 *and for streamlining the planning and reporting*
20 *requirements of the Government Performance*
21 *and Results Act of 1993.*

Calendar No. 678

11TH 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.

DECEMBER 7, 2010

Reported with an amendment