

111TH CONGRESS
1ST SESSION

H. R. 1436

To provide for the evaluation of Government programs for efficiency,
effectiveness, and accountability.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2009

Mr. CUELLAR introduced the following bill; which was referred to the
Committee on Oversight and Government Reform

A BILL

To provide for the evaluation of Government programs for
efficiency, effectiveness, and accountability.

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.**

4 This Act may be cited as the “Government Effi-
5 ciency, Effectiveness, and Accountability Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) inefficiency, ineffectiveness, and
9 unaccountability in Federal programs undermines
10 the confidence of the American people in the Gov-

1 ernment and reduces the Federal Government's abil-
2 ity to adequately address vital public needs;

3 (2) insufficient information on program per-
4 formance seriously disadvantages Federal managers
5 in their efforts to improve program efficiency, effec-
6 tiveness, and accountability;

7 (3) congressional policy making, spending deci-
8 sions, and program oversight are handicapped by in-
9 sufficient attention to program performance and re-
10 sults;

11 (4) programs performing similar or duplicative
12 functions that exist within a single agency or across
13 multiple agencies should be identified and their per-
14 formance and results shared among all such pro-
15 grams to improve their performance and results;

16 (5) advocates of good government continue to
17 seek ways to improve efficiency, effectiveness, and
18 accountability; focus on results; and integrate the
19 performance of programs with decisions about budg-
20 ets;

21 (6) with the passage of the Government Per-
22 formance and Results Act of 1993, the Congress di-
23 rected the executive branch to seek improvements in
24 the effectiveness, efficiency, and accountability of

1 Federal programs by having agencies focus on pro-
2 gram results; and

3 (7) the Government Performance and Results
4 Act of 1993 provided a strong framework for the ex-
5 ecutive branch to monitor the long-term goals and
6 annual performance of its departments and agencies.

7 **SEC. 3. SENSE OF CONGRESS REGARDING STRATEGIC AND**
8 **PERFORMANCE PLANS OF THE GOVERN-**
9 **MENT.**

10 It is the sense of Congress that—

11 (1) the President should establish a govern-
12 ment-wide strategic plan and a government-wide
13 performance plan; and

14 (2) the head of each Federal agency should con-
15 sult with the committees with jurisdiction over the
16 agency and other interested members of Congress at
17 the beginning of each Congress regarding the per-
18 formance plan of the agency (required by section
19 1115 of title 31, United States Code).

20 **SEC. 4. PURPOSES.**

21 The purposes of this Act are—

22 (1) to improve the Government Performance
23 and Results Act of 1993 by implementing a program
24 assessment and evaluation process that attempts to
25 determine the strengths and weaknesses of Federal

1 programs with a particular focus on the efficiency,
2 effectiveness, and accountability of Federal pro-
3 grams and to identify programs that have missions
4 or outcomes that are duplicative;

5 (2) to use the information gathered in the as-
6 sessment and evaluation process to build on the
7 groundwork laid in the Government Performance
8 and Results Act of 1993 to help the executive
9 branch make informed management decisions and
10 results-based funding requests aimed at achieving
11 positive results;

12 (3) to provide congressional policy makers the
13 information needed to conduct more effective over-
14 sight, to make better-informed authorization deci-
15 sions, and to make more results-based spending de-
16 cisions that achieve positive results for the American
17 people;

18 (4) to encourage the wise expenditure of funds
19 on the most effective Federal programs in an effort
20 to save money;

21 (5) to eliminate Federal programs subject to
22 waste, fraud, and abuse;

23 (6) to identify best practices in Federal pro-
24 grams for allocating resources in an efficient and ef-
25 fective manner;

1 (7) to provide agencies with the information
2 needed to track low-performing programs; and

3 (8) to provide agencies with the information
4 needed to quickly respond to poor performance of
5 agency programs.

6 **SEC. 5. PROGRAM ASSESSMENT.**

7 (a) REQUIREMENT FOR PROGRAM ASSESSMENTS.—
8 Chapter 11 of title 31, United States Code, as amended
9 by the Government Performance and Results Act of 1993,
10 is amended by adding at the end the following new section:

11 **“§ 1120. Program assessment**

12 “(a) ASSESSMENT.—The head of each Federal agen-
13 cy, in consultation with the Director of the Office of Man-
14 agement and Budget, shall, to the maximum extent prac-
15 ticable, conduct an assessment of each program of the
16 agency at least once every 5 fiscal years.

17 “(b) ASSESSMENT REQUIREMENTS.—In conducting
18 an assessment of a program under subsection (a), the
19 head of a Federal agency, in consultation with the Direc-
20 tor of the Office of Management and Budget, shall—

21 “(1) coordinate to determine the programs to
22 be assessed; and

23 “(2) evaluate the purpose, design, strategic
24 plan, management, efficiency, effectiveness, account-
25 ability, performance measures, and results of the

1 program, and such other matters as the head of the
2 agency considers appropriate.

3 “(c) ADDITIONAL REQUIREMENTS.—After a fiscal
4 year during which one or more programs of a Federal
5 agency have been assessed under subsection (a), the head
6 of the agency shall—

7 “(1) determine how the information gathered
8 from the assessments can help save taxpayers
9 money;

10 “(2) with respect to any assessed programs that
11 have duplicative outcomes or missions, develop a
12 plan for merging the programs to make them more
13 effective and to save money;

14 “(3) identify, within any program assessed, the
15 best practices conducted in the program for allo-
16 cating resources in an efficient and effective manner
17 that resulted in positive outcomes, and the key rea-
18 sons why such practices resulted in positive out-
19 comes; and

20 “(4) determine the level of performance of any
21 program assessed, determine the reasons for any
22 substantial variation from the targeted level of per-
23 formance of the program, and develop a quick re-
24 sponse to improve any low-performing program.

1 “(d) CRITERIA FOR IDENTIFYING PROGRAMS TO AS-
2 SESS.—The head of each Federal agency, in consultation
3 with the Director of the Office of Management and Budg-
4 et, shall develop criteria for identifying programs to be as-
5 sessed within the agency each fiscal year. In developing
6 the criteria, the head of the agency shall take into account
7 the advantages of assessing during the same fiscal year
8 any programs that are performing similar functions, have
9 similar purposes, share common goals, or have similar out-
10 comes.

11 “(e) CRITERIA FOR MORE FREQUENT ASSESS-
12 MENTS.—The head of each Federal agency, in consulta-
13 tion with the Director of the Office of Management and
14 Budget, shall make every effort to assess programs more
15 frequently than required under subsection (a) in cases in
16 which programs are determined to be of higher priority,
17 special circumstances exist, improvements have been
18 made, or the head of the agency and the Director deter-
19 mine that more frequent assessment is warranted.

20 “(f) CROSS-REFERENCING SYSTEM.—The Direction
21 of the Office of Management and Budget shall develop a
22 government-wide system to cross reference programs with-
23 in each Federal agency for the following purposes:

24 “(1) To enable the identification of programs
25 with missions and outcomes that are duplicative.

1 “(2) To identify best practices within the pro-
2 grams for allocating resources in an efficient and ef-
3 fective manner.

4 “(3) To make the programs more effective and
5 efficient.

6 “(4) To save money.

7 “(g) NOTICE AND COMMENT REQUIREMENT.—At the
8 beginning of each fiscal year, the Director of the Office
9 of Management and Budget shall, by publication in the
10 Federal Register, provide notice and an opportunity for
11 public comment on a detailed description in draft form
12 of each program to be assessed in that fiscal year by Fed-
13 eral agencies, the performance goals in draft form for each
14 such program, and the criteria in draft form that will be
15 used to evaluate each such program. Upon conclusion of
16 the comment period, which shall be at least 60 days, the
17 Director shall publish in the Federal Register a final de-
18 tailed description of each program to be assessed in that
19 fiscal year, the final performance goals for each such pro-
20 gram, and the final criteria that will be used to evaluate
21 each such program, including a summary of all public
22 comments and their disposition.

23 “(h) REPORT.—(1) The results of the assessments
24 conducted during a fiscal year shall be submitted in a re-
25 port to Congress at the same time that the President sub-

1 mits the next budget under section 1105 of this title after
2 the end of that fiscal year.

3 “(2) The report shall—

4 “(A) include the performance goals and per-
5 formance measures for each program assessment;

6 “(B) specify the criteria used for each assess-
7 ment;

8 “(C) describe the results of each assessment,
9 including any significant limitation in the assess-
10 ments;

11 “(D) describe significant modifications to the
12 Federal Government performance plan required
13 under section 1105(a)(28) of this title made as a re-
14 sult of the assessments;

15 “(E) describe best practices identified during
16 program assessments for allocating resources in an
17 efficient and effective manner;

18 “(F) include recommendations for the resources
19 necessary to improve any low performing programs;

20 “(G) include a summary of the actions taken by
21 the head of the Federal agency under subsection (c)
22 with respect to program assessments conducted by
23 that agency, including a summary of any plan for
24 merging programs and for quickly responding to im-
25 prove a low-performing program; and

1 “(H) be available in electronic form through the
2 Office of Management and Budget website or any
3 successor website.

4 “(i) CLASSIFIED INFORMATION.—(1) With respect to
5 program assessments conducted during a fiscal year that
6 contain classified information, the President shall submit
7 on the same date as the report is submitted under sub-
8 section (f)—

9 “(A) a copy of each such assessment (including
10 the classified information), to the appropriate com-
11 mittees of jurisdiction of the House of Representa-
12 tives and the Senate; and

13 “(B) consistent with statutory law governing
14 the disclosure of classified information, an appendix
15 containing a list of each such assessment and the
16 committees to which a copy of the assessment was
17 submitted under subparagraph (A), to the Com-
18 mittee on Government Reform of the House of Rep-
19 resentatives and the Committee on Governmental
20 Affairs of the Senate.

21 “(2) Upon request from the Committee on Govern-
22 ment Reform of the House of Representatives or the Com-
23 mittee on Governmental Affairs of the Senate, the Direc-
24 tor of the Office of Management and Budget shall, con-

1 sistent with statutory law governing the disclosure of clas-
2 sified information, provide to the Committee a copy of—

3 “(A) any assessment described in subparagraph
4 (A) of paragraph (1) (including any assessment not
5 listed in any appendix submitted under subpara-
6 graph (B) of such paragraph); and

7 “(B) any appendix described in subparagraph
8 (B) of paragraph (1).

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

12 “(j) INHERENTLY GOVERNMENTAL FUNCTIONS.—
13 The functions and activities authorized or required by this
14 section shall be considered inherently governmental func-
15 tions and shall be performed only by Federal employees.

16 “(k) QUALITY CONTROL AND CERTIFICATION OF
17 DATA.—The Director of the Office of Managment and
18 Budget, in consultation with the heads of Federal agen-
19 cies, shall develop a process for controlling the quality of
20 data produced from the conduct of assessments under this
21 section and shall certify the quality of such data.

22 “(l) TERMINATION.—The requirements of this sec-
23 tion shall terminate on September 30, 2017.”.

24 (b) GUIDANCE.—Not later than 6 months after the
25 date of the enactment of this Act, the Director of the Of-

1 fice of Management and Budget shall prescribe guidance
 2 to implement the requirements of section 1120 of title 31,
 3 United States Code, as added by subsection (a), including
 4 guidance on a definition of the term “program”.

5 (c) CONFORMING AND CLERICAL AMENDMENTS.—

6 (1) Section 1115(g) of title 31, United States
 7 Code, is amended by striking “1119” and inserting
 8 “1120”.

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

“1120. Program assessment.”.

12 **SEC. 6. STRATEGIC PLANNING AMENDMENTS.**

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

14 Subsection (a) of section 306 of title 5, United States
 15 Code, is amended by striking “No later than September
 16 30, 1997,” and inserting “Not later than September 30
 17 of each year following a year in which an election for
 18 President occurs, beginning with September 30, 2009,”.

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

22 “(b) Each strategic plan shall cover the 4-year period
 23 beginning on October 1 of the year following a year in
 24 which an election for President occurs.”.

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