

Union Calendar No. 474

108TH CONGRESS
2D SESSION

H. R. 3826

[Report No. 108-768]

To require the review of Government programs at least once every 5 years
for purposes of evaluating their performance.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2004

Mr. PLATTS (for himself and Mr. TOM DAVIS of Virginia) introduced the
following bill; which was referred to the Committee on Government Reform

OCTOBER 8, 2004

Additional sponsor: Mr. SESSIONS

OCTOBER 8, 2004

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on February 25, 2004]

A BILL

To require the review of Government programs at least once
every 5 years for purposes of evaluating their performance.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Program Assessment and*
3 *Results Act”.*

4 **SEC. 2. FINDINGS.**

5 *Congress finds that—*

6 *(1) inefficiency and ineffectiveness in Federal*
7 *programs undermines the confidence of the American*
8 *people in the Government and reduces the Federal*
9 *Government’s ability to adequately address vital pub-*
10 *lic needs;*

11 *(2) insufficient information on program per-*
12 *formance seriously disadvantages Federal managers*
13 *in their efforts to improve program efficiency and ef-*
14 *fectiveness;*

15 *(3) congressional policy making, spending deci-*
16 *sions, and program oversight are handicapped by in-*
17 *sufficient attention to program performance and re-*
18 *sults;*

19 *(4) programs performing similar or duplicative*
20 *functions that exist within a single agency or across*
21 *multiple agencies should be identified and their per-*
22 *formance and results shared among all such programs*
23 *to improve their performance and results;*

24 *(5) advocates of good government continue to*
25 *seek ways to improve accountability, focus on results,*

1 *and integrate the performance of programs with deci-*
2 *sions about budgets;*

3 *(6) with the passage of the Government Perform-*
4 *ance and Results Act of 1993, the Congress directed*
5 *the executive branch to seek improvements in the effec-*
6 *tiveness, efficiency, and accountability of Federal pro-*
7 *grams by having agencies focus on program results;*
8 *and*

9 *(7) the Government Performance and Results Act*
10 *of 1993 provided a strong framework for the executive*
11 *branch to monitor the long-term goals and annual*
12 *performance of its departments and agencies.*

13 **SEC. 3. PURPOSE.**

14 *The purposes of this Act are—*

15 *(1) to improve the Government Performance and*
16 *Results Act of 1993 by implementing a program as-*
17 *essment and evaluation process that attempts to de-*
18 *termine the strengths and weaknesses of Federal pro-*
19 *grams with a particular focus on the results produced*
20 *by individual programs;*

21 *(2) to use the information gathered in the assess-*
22 *ment and evaluation process to build on the ground-*
23 *work laid in the Government Performance and Re-*
24 *sults Act of 1993 to help the executive branch make*
25 *informed management decisions and evidence-based*

1 *funding requests aimed at achieving positive results;*
2 *and*

3 *(3) to provide congressional policy makers the*
4 *information needed to conduct more effective over-*
5 *sight, to make better-informed authorization decisions,*
6 *and to make more evidence-based spending decisions*
7 *that achieve positive results for the American people.*

8 **SEC. 4. PROGRAM ASSESSMENT.**

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

13 **“§ 1120. Program assessment**

14 *“(a) ASSESSMENT.—The Director of the Office of Man-*
15 *agement and Budget to the maximum extent practicable*
16 *shall conduct, jointly with agencies of the Federal Govern-*
17 *ment, an assessment of each program at least once every*
18 *5 fiscal years.*

19 *“(b) ASSESSMENT REQUIREMENTS.—In conducting an*
20 *assessment of a program under subsection (a), the Director*
21 *of the Office of Management and Budget and the head of*
22 *the relevant agency shall—*

23 *“(1) coordinate to determine the programs to be*
24 *assessed; and*

1 “(2) evaluate the purpose, design, strategic plan,
2 management, and results of the program, and such
3 other matters as the Director considers appropriate.

4 “(c) *CRITERIA FOR IDENTIFYING PROGRAMS TO AS-*
5 *SESS.*—*The Director of the Office of Management and*
6 *Budget shall develop criteria for identifying programs to*
7 *be assessed each fiscal year. In developing the criteria, the*
8 *Director shall take into account the advantages of assessing*
9 *during the same fiscal year any programs that are per-*
10 *forming similar functions, have similar purposes, or share*
11 *common goals, such as those contained in strategic plans*
12 *under section 306 of title 5. To the maximum extent pos-*
13 *sible, the Director shall assess a representative sample of*
14 *Federal spending each fiscal year.*

15 “(d) *CRITERIA FOR MORE FREQUENT ASSESS-*
16 *MENTS.*—*The Director of the Office of Management and*
17 *Budget shall make every effort to assess programs more fre-*
18 *quently than required under subsection (a) in cases in*
19 *which programs are determined to be of higher priority,*
20 *special circumstances exist, improvements have been made,*
21 *or the head of the relevant agency and the Director deter-*
22 *mine that more frequent assessment is warranted.*

23 “(e) *PUBLICATION.*—*At least 90 days before com-*
24 *pleting the assessments under this section to be conducted*

1 *during a fiscal year, the Director of the Office of Manage-*
2 *ment and Budget shall—*

3 “(1) *make available in electronic form through*
4 *the Office of Management and Budget website or any*
5 *successor website, and provide to the Committee on*
6 *Government Reform of the House of Representatives*
7 *and the Committee on Governmental Affairs of the*
8 *Senate—*

9 “(A) *a list of the programs to be assessed*
10 *during that fiscal year; and*

11 “(B) *the criteria that will be used to assess*
12 *the programs; and*

13 “(2) *provide a mechanism for interested persons*
14 *to comment on the programs being assessed and the*
15 *criteria that will be used to assess the programs.*

16 “(f) *REPORT.—(1) The results of the assessments con-*
17 *ducted during a fiscal year shall be submitted in a report*
18 *to Congress at the same time that the President submits*
19 *the next budget under section 1105 of this title after the*
20 *end of that fiscal year.*

21 “(2) *The report shall—*

22 “(A) *include the performance goals for each pro-*
23 *gram assessment;*

24 “(B) *specify the criteria used for each assess-*
25 *ment;*

1 “(C) describe the results of each assessment, in-
2 cluding any significant limitation in the assessments;

3 “(D) describe significant modifications to the
4 Federal Government performance plan required under
5 section 1105(a)(28) of this title made as a result of
6 the assessments; and

7 “(E) be available in electronic form through the
8 Office of Management and Budget website or any suc-
9 cessor website.

10 “(3) Nothing in this section requires the publication
11 of classified information or the inclusion of classified infor-
12 mation in a report under this subsection.

13 “(g) *TERMINATION*.—This section shall not be in effect
14 after September 30, 2013.”.

15 (b) *GUIDANCE*.—Not later than 6 months after the date
16 of the enactment of this Act, the Director of the Office of
17 Management and Budget shall prescribe guidance to imple-
18 ment the requirements of section 1120 of title 31, United
19 States Code, as added by subsection (a), including guidance
20 on a definition of the term “program”.

21 (c) *CONFORMING AND CLERICAL AMENDMENTS*.—

22 (1) Section 1115(g) of title 31, United States
23 Code, is amended by striking “1119” and inserting
24 “1120”.

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

“1120. Program assessment.”.

4 **SEC. 5. STRATEGIC PLANNING AMENDMENTS.**

5 (a) *CHANGE IN DEADLINE FOR STRATEGIC PLAN.—*
6 *Subsection (a) of section 306 of title 5, United States Code,*
7 *is amended by striking “No later than September 30, 1997,”*
8 *and inserting “Not later than September 30 of each year*
9 *following a year in which an election for President occurs,*
10 *beginning with September 30, 2005.”.*

11 (b) *CHANGE IN PERIOD OF COVERAGE OF STRATEGIC*
12 *PLAN.—Subsection (b) of section 306 of title 5, United*
13 *States Code, is amended to read as follows:*

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

Union Calendar No. 474

108TH CONGRESS
2^D SESSION

H. R. 3826

[Report No. 108-768]

A BILL

To require the review of Government programs at least once every 5 years for purposes of evaluating their performance.

OCTOBER 8, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed