

108TH CONGRESS
2D SESSION

S. 2898

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2004

Mr. FITZGERALD introduced the following bill; which was read twice and
referred to the Committee on Governmental Affairs

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Program Assessment
5 and Results Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) inefficiency and ineffectiveness in Federal
9 programs undermines the confidence of the Amer-
10 ican people in the Government and reduces the Fed-

1 eral Government's ability to adequately address vital
2 public needs;

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

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 accountability, focus on re-
18 sults, and integrate the performance of programs
19 with decisions about budgets;

20 (6) with the passage of the Government Per-
21 formance and Results Act of 1993, the Congress di-
22 rected the executive branch to seek improvements in
23 the effectiveness, efficiency, and accountability of
24 Federal programs by having agencies focus on pro-
25 gram results; and

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

5 **SEC. 3. PURPOSE.**

6 The purposes of this Act are—

7 (1) to improve the Government Performance
8 and Results Act of 1993 by implementing a program
9 assessment and evaluation process that attempts to
10 determine the strengths and weaknesses of Federal
11 programs with a particular focus on the results pro-
12 duced by individual programs;

13 (2) to use the information gathered in the as-
14 sessment and evaluation process to build on the
15 groundwork laid in the Government Performance
16 and Results Act of 1993 to help the executive
17 branch make informed management decisions and
18 evidence-based funding requests aimed at achieving
19 positive results; and

20 (3) to provide congressional policy makers the
21 information needed to conduct more effective over-
22 sight, to make better-informed authorization deci-
23 sions, and to make more evidence-based spending
24 decisions that achieve positive results for the Amer-
25 ican people.

1 **SEC. 4. PROGRAM ASSESSMENT.**

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

6 **“§ 1120. Program assessment**

7 “(a) ASSESSMENT.—The Director of the Office of
 8 Management and Budget to the maximum extent prac-
 9 ticable shall conduct, jointly with agencies of the Federal
 10 Government, an assessment of each program at least once
 11 every 5 fiscal years.

12 “(b) ASSESSMENT REQUIREMENTS.—In conducting
 13 an assessment of a program under subsection (a), the Di-
 14 rector of the Office of Management and Budget and the
 15 head of the relevant agency shall—

16 “(1) coordinate to determine the programs to
 17 be assessed; and

18 “(2) evaluate the purpose, design, strategic
 19 plan, management, and results of the program, and
 20 such other matters as the Director considers appro-
 21 priate.

22 “(c) CRITERIA FOR IDENTIFYING PROGRAMS TO AS-
 23 SESS.—The Director of the Office of Management and
 24 Budget shall develop criteria for identifying programs to
 25 be assessed each fiscal year. In developing the criteria, the
 26 Director shall take into account the advantages of assess-

1 ing during the same fiscal year any programs that are per-
2 forming similar functions, have similar purposes, or share
3 common goals, such as those contained in strategic plans
4 under section 306 of title 5. To the maximum extent pos-
5 sible, the Director shall assess a representative sample of
6 Federal spending each fiscal year.

7 “(d) CRITERIA FOR MORE FREQUENT ASSESS-
8 MENTS.—The Director of the Office of Management and
9 Budget shall make every effort to assess programs more
10 frequently than required under subsection (a) in cases in
11 which programs are determined to be of higher priority,
12 special circumstances exist, improvements have been
13 made, or the head of the relevant agency and the Director
14 determine that more frequent assessment is warranted.

15 “(e) PUBLICATION.—At least 90 days before com-
16 pleting the assessments under this section to be conducted
17 during a fiscal year, the Director of the Office of Manage-
18 ment and Budget shall—

19 “(1) make available in electronic form through
20 the Office of Management and Budget website or
21 any successor website, and provide to the Committee
22 on Government Reform of the House of Representa-
23 tives and the Committee on Governmental Affairs of
24 the Senate—

1 “(A) a list of the programs to be assessed
2 during that fiscal year; and

3 “(B) the criteria that will be used to assess
4 the programs; and

5 “(2) provide a mechanism for interested per-
6 sons to comment on the programs being assessed
7 and the criteria that will be used to assess the pro-
8 grams.

9 “(f) REPORT.—(1) The results of the assessments
10 conducted during a fiscal year shall be submitted in a re-
11 port to Congress at the same time that the President sub-
12 mits the next budget under section 1105 of this title after
13 the end of that fiscal year.

14 “(2) The report shall—

15 “(A) include the performance goals for each
16 program assessment;

17 “(B) specify the criteria used for each assess-
18 ment;

19 “(C) describe the results of each assessment,
20 including any significant limitation in the assess-
21 ments;

22 “(D) describe significant modifications to the
23 Federal Government performance plan required
24 under section 1105(a)(28) of this title made as a re-
25 sult of the assessments; and

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

4 “(g) CLASSIFIED INFORMATION.—(1) With respect
5 to program assessments conducted during a fiscal year
6 that contain classified information, the President shall
7 submit on the same date as the report is submitted under
8 subsection (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 “(h) **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 “(i) **TERMINATION.**—This section shall not be in ef-
17 fect after September 30, 2013.”.

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

24 (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 “1120”.

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:

“1120. Program assessment.”.

7 **SEC. 5. STRATEGIC PLANNING AMENDMENTS.**

8 (a) CHANGE IN DEADLINE FOR STRATEGIC PLAN.—
9 Subsection (a) of section 306 of title 5, United States
10 Code, is amended by striking “No later than September
11 30, 1997,” and inserting “Not later than September 30
12 of each year following a year in which an election for
13 President occurs, beginning with September 30, 2005,”.

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

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

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