

109TH CONGRESS  
1ST SESSION

# H. R. 185

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

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

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

22 (c) CONFORMING AND CLERICAL AMENDMENTS.—

23 (1) Section 1115(g) of title 31, United States  
24 Code, is amended by striking “1119” and inserting  
25 “1120”.

1           (2) The table of sections at the beginning of  
2           chapter 11 of title 31, United States Code, is  
3           amended 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  
7           Code, is amended by striking “No later than September  
8           30, 1997,” and inserting “Not later than September 30  
9           of each year following a year in which an election for  
10          President occurs, beginning with September 30, 2005,”.

11          (b) CHANGE IN PERIOD OF COVERAGE OF STRA-  
12          TEGIC PLAN.—Subsection (b) of section 306 of title 5,  
13          United 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.”.

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