

Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

This section was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, §201(d), as added Aug. 10, 1949, ch. 412, §4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 305. Systematic agency review of operations

(a) For the purpose of this section, "agency" means an Executive agency, but does not include—

- (1) a Government controlled corporation;
- (2) the Tennessee Valley Authority;
- (3) the Virgin Islands Corporation;
- (4) the Atomic Energy Commission;
- (5) the Central Intelligence Agency;
- (6) the Panama Canal Commission; or
- (7) the National Security Agency, Department of Defense.

(b) Under regulations prescribed and administered by the President, each agency shall review systematically the operations of each of its activities, functions, or organization units, on a continuing basis.

(c) The purpose of the reviews includes—

- (1) determining the degree of efficiency and economy in the operation of the agency's activities, functions, or organization units;
- (2) identifying the units that are outstanding in those respects; and
- (3) identifying the employees whose personal efforts have caused their units to be outstanding in efficiency and economy of operations.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 380; Pub. L. 96-54, §2(a)(2), Aug. 14, 1979, 93 Stat. 381; Pub. L. 96-70, title III, §3302(e)(1), Sept. 27, 1979, 93 Stat. 498; Pub. L. 97-468, title VI, §615(b)(1)(A), Jan. 14, 1983, 96 Stat. 2578.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)	5 U.S.C. 1085.	Oct. 28, 1949, ch. 782, §205, 63 Stat. 957.
(b), (c)	5 U.S.C. 1151.	Oct. 28, 1949, ch. 782, §1001, 63 Stat. 971.

Subsection (a) is based in part on former sections 1081 and 1082, which are carried into section 5102.

In subsection (a)(1), the exception of "a Government controlled corporation" is added to preserve the application of this section to "corporations wholly owned by the United States". This is necessary as the defined term "Executive agency" includes the defined term "Government corporation" and the latter includes both Government owned and controlled corporations. Thus the exclusion of Government controlled corporations, which are distinct from wholly owned corporations, operates to preserve the application of this section to wholly owned corporations. The exception for the Inland Waterways Corporation in former section 1082(13) is omitted on authority of the Act of July 19, 1963, Pub. L. 88-67, 77 Stat. 81. The exceptions for Production Credit Corporations and Federal Intermediate Credit

Banks in former section 1082(18) and (19) are omitted as they are no longer "corporations wholly owned by the United States". Under the Farm Credit Act of 1956, 70 Stat. 659, the Production Credit Corporations were merged in the Federal Intermediate Credit Banks, and pursuant to that Act the Federal Intermediate Credit Banks have ceased to be corporations wholly owned by the United States.

In subsection (a)(7), the words "Panama Canal Company" are substituted for "Panama Railroad Company" on authority of the Act of Sept. 26, 1950, ch. 1049, §2(a)(2), 64 Stat. 1038.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1983—Subsec. (a)(3) to (8). Pub. L. 97-468 struck out par. (3), which excluded The Alaska Railroad, and redesignated pars. (4) to (8) as (3) to (7), respectively.

1979—Subsec. (a)(7). Pub. L. 96-70 substituted "Company" for "Company".

Subsec. (b). Pub. L. 96-54 substituted "President" for "Director of the Bureau of the Budget".

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 97-468 effective on date of transfer of Alaska Railroad to the State [Jan. 5, 1985], pursuant to section 1203 of Title 45, Railroads, see section 615(b) of Pub. L. 97-468.

EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

Pub. L. 96-54, §2(b), Aug. 14, 1979, 93 Stat. 385, provided that: "Except as otherwise expressly provided in subsection (a), the amendments made by subsection (a) [amending sections 305, 1308, 2101, 2105, 2106, 2108, 3102, 3132, 3302, 3305, 3315, 3317, 3324, 3326, 3503, 4102, 4109, 4111, 4112, 4701, 5102, 5108, 5311 to 5316, 5333 to 5335, 5347, 5504, 5514, 5516, 5521, 5545, 5550a, 5562, 5581, 5584, 5596, 5702, 5903, 5943, 6104, 6304, 6305, 6323, 6325, 7325, 7327, 7701, 7702, 8331, 8332, 8339, 8347, 8701, 8901, and 8906 of this title], shall take effect July 12, 1979, or the date of the enactment of this Act [Aug. 14, 1979], whichever is earlier."

TRANSFER OF FUNCTIONS

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See also Transfer of Functions notes set out under those sections.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (b) of this section delegated to Director of Office of Management and Budget, see Ex. Ord. No. 12152, Aug. 14, 1979, 44 F.R. 48143, set out as a note under section 301 of Title 3, The President.

DISSOLUTION OF VIRGIN ISLANDS CORPORATION

Virgin Islands Corporation established to have succession until June 30, 1969, unless sooner dissolved by Act of Congress, by act June 30, 1949, ch. 285, 63 Stat. 350, as amended (48 U.S.C. 1407 et seq.). Corporation terminated its program June 30, 1965, and dissolved July 1, 1966. Act June 30, 1949, was repealed by Pub. L. 97-357, title III, §308(e), Oct. 19, 1982, 96 Stat. 1710.

§ 306. Agency strategic plans

(a) Not later than the first Monday in February of any year following the year in which the term of the President commences under section 101 of title 3, the head of each agency shall make available on the public website of the agency a strategic plan and notify the President

and Congress of its availability. Such plan shall contain—

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

(2) general goals and objectives, including outcome-oriented goals, for the major functions and operations of the agency;

(3) a description of how any goals and objectives contribute to the Federal Government priority goals required by section 1120(a) of title 31;

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

(A) a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to achieve those goals and objectives; and

(B) a description of how the agency is working with other agencies to achieve its goals and objectives as well as relevant Federal Government priority goals;

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

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

(7) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives;

(8) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations to be conducted, and citations to relevant provisions of the plans required under section 312; and

(9) an assessment of the coverage, quality, methods, effectiveness, and independence of the statistics, evaluation, research, and analysis efforts of the agency, including—

(A) a list of the activities and operations of the agency that are currently being evaluated and analyzed;

(B) the extent to which the evaluations, research, and analysis efforts and related activities of the agency support the needs of various divisions within the agency;

(C) the extent to which the evaluation research and analysis efforts and related activities of the agency address an appropriate balance between needs related to organizational learning, ongoing program management, performance management, strategic management, interagency and private sector coordination, internal and external oversight, and accountability;

(D) the extent to which the agency uses methods and combinations of methods that are appropriate to agency divisions and the corresponding research questions being addressed, including an appropriate combination of formative and summative evaluation research and analysis approaches;

(E) the extent to which evaluation and research capacity is present within the agency

to include personnel and agency processes for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback; and

(F) the extent to which the agency has the capacity to assist agency staff and program offices to develop the capacity to use evaluation research and analysis approaches and data in the day-to-day operations.

(b) The strategic plan shall cover a period of not less than 4 years following the fiscal year in which the plan is submitted. As needed, the head of the agency may make adjustments to the strategic plan to reflect significant changes in the environment in which the agency is operating, with appropriate notification of Congress.

(c) The performance plan required by section 1115(b) of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

(d) When developing or making adjustments to a strategic plan, the agency shall consult periodically with the Congress, including majority and minority views from the appropriate authorizing, appropriations, and oversight committees, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan. The agency shall consult with the appropriate committees of Congress at least once every 2 years.

(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.

(f) For purposes of this section the term "agency" means an Executive agency defined under section 105, but does not include the Central Intelligence Agency, the Government Accountability Office, the United States Postal Service, and the Postal Regulatory Commission.

(Added Pub. L. 111-352, §2, Jan. 4, 2011, 124 Stat. 3866; amended Pub. L. 115-435, title I, §101(c), Jan. 14, 2019, 132 Stat. 5533.)

PRIOR PROVISIONS

A prior section 306, added Pub. L. 103-62, §3, Aug. 3, 1993, 107 Stat. 286; amended Pub. L. 106-65, div. A, title IX, §902, Oct. 5, 1999, 113 Stat. 717; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109-435, title VI, §604(b), Dec. 20, 2006, 120 Stat. 3241, related to strategic plans, prior to repeal by Pub. L. 111-352, §2, Jan. 4, 2011, 124 Stat. 3866.

AMENDMENTS

2019—Subsec. (a)(7). Pub. L. 115-435, §101(c)(1), substituted semicolon for “; and” at end.

Subsec. (a)(8). Pub. L. 115-435, §101(c)(2), inserted “, and citations to relevant provisions of the plans required under section 312; and” after “to be conducted” and struck out period at end.

Subsec. (a)(9). Pub. L. 115-435, §101(c)(3), added par. (9).

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 115-435, title IV, §403, Jan. 14, 2019, 132 Stat. 5557, provided that: “Except as otherwise provided, this Act [see Short Title of 2019 Amendment note set out under section 101 of this title], and the amendments

made by this Act, shall take effect on the date that is 180 days after the date of the enactment of this Act [Jan. 14, 2019].”

CONSTRUCTION OF 2019 AMENDMENT

Pub. L. 115-435, title IV, § 401, Jan. 14, 2019, 132 Stat. 5556, provided that: “Nothing in this Act [see Short Title of 2019 Amendment note set out under section 101 of this title], or the amendments made by this Act, may be construed—

“(1) to require the disclosure of information or records that are exempt from disclosure under section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’);

“(2) to create or expand an exemption from disclosure under such section;

“(3) to override, limit, or otherwise affect intellectual property rights, including rights under titles 17 and 35, United States Code;

“(4) to affect the authority of a Federal agency regarding the use, disclosure, or licensing of—

“(A) confidential business information that could be withheld under section 552(b)(4) of title 5, United States Code; or

“(B) data assets restricted from disclosure under a contract or other binding, written agreement; or

“(5) to affect the independence, responsibilities, or work products of an Inspector General of any agency.”

[For definition of “agency” as used in section 401 of Pub. L. 115-435, set out above, see section 101(e)(4)(A) of Pub. L. 115-435, set out as a note under section 311 of this title.]

GAO REPORT

Pub. L. 115-435, title I, § 101(d), Jan. 14, 2019, 132 Stat. 5533, provided that: “Not later than 2 years after the date on which each strategic plan required under section 306(a) of title 5, United States Code, is published, the Comptroller General of the United States shall submit to Congress a report that—

“(1) summarizes agency findings and highlights trends in the assessment conducted pursuant to subsection (a)(9) of section 306 of title 5, United States Code, as added by subsection (c); and

“(2) if appropriate, recommends actions to further improve agency capacity to use evaluation techniques and data to support evaluation efforts.”

[For definitions of “agency” and “evaluation” as used in section 101(d) of Pub. L. 115-435, set out above, see section 101(e)(4) of Pub. L. 115-435, set out as a note under section 311 of this title.]

BIENNIAL OMB REPORT

Pub. L. 115-435, title II, § 202(g)(2), Jan. 14, 2019, 132 Stat. 5544, provided that: “Not later than 1 year after [the] date of the enactment of this Act [Jan. 14, 2019], and biennially thereafter, the Director of the Office of Management and Budget shall electronically publish a report on agency performance and compliance with this Act [see Short Title of 2019 Amendment note set out under section 101 of this title] and the amendments made by this Act.”

[For definition of “agency” as used in section 202(g)(2) of Pub. L. 115-435, set out above, see section 101(e)(4)(A) of Pub. L. 115-435, set out as a note under section 311 of this title.]

USE OF EXISTING RESOURCES

Pub. L. 115-435, title IV, § 402, Jan. 14, 2019, 132 Stat. 5557, provided that: “To the extent practicable, the head of each agency shall use existing procedures and systems to carry out agency requirements and shall select existing employees for appointments under this Act [see Short Title of 2019 Amendment note set out under section 101 of this title] and the amendments made by this Act.”

[For definition of “agency” as used in section 402 of Pub. L. 115-435, set out above, see section 101(e)(4)(A) of

Pub. L. 115-435, set out as a note under section 311 of this title.]

SUBCHAPTER II—FEDERAL EVIDENCE-BUILDING ACTIVITIES

§ 311. Definitions

In this subchapter:

(1) **AGENCY.**—The term “agency” means an agency referred to under section 901(b) of title 31.

(2) **DIRECTOR.**—The term “Director” means the Director of the Office of Management and Budget.

(3) **EVALUATION.**—The term “evaluation” means an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.

(4) **EVIDENCE.**—The term “evidence” has the meaning given that term in section 3561 of title 44.

(5) **STATE.**—The term “State” means each of the several States, the District of Columbia, each territory or possession of the United States, and each federally recognized governing body of any Indian Tribe, band, nation, pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(6) **STATISTICAL ACTIVITIES; STATISTICAL AGENCY OR UNIT; STATISTICAL PURPOSE.**—The terms “statistical activities”, “statistical agency or unit”, and “statistical purpose” have the meanings given those terms in section 3561 of title 44.

(Added Pub. L. 115-435, title I, § 101(a)(2), Jan. 14, 2019, 132 Stat. 5530.)

EFFECTIVE DATE

Section effective 180 days after Jan. 14, 2019, see section 403 of Pub. L. 115-435, set out as an Effective Date of 2019 Amendment note under section 306 of this title.

EVALUATION AND PERSONNEL STANDARDS

Pub. L. 115-435, title I, § 101(e), Jan. 14, 2019, 132 Stat. 5534, provided that:

“(1) **REQUIREMENT.**—Not later than 1 year after the date of enactment of this Act [Jan. 14, 2019], the Director of the Office of Management and Budget, in consultation with any interagency council relating to evaluation, shall—

“(A) issue guidance for program evaluation for agencies consistent with widely accepted standards for evaluation; and

“(B) identify best practices for evaluation that would improve Federal program evaluation.

“(2) **GUIDANCE.**—Not later than 90 days after the date on which the guidance under paragraph (1) is issued, the head of each agency shall oversee the implementation of such guidance.

“(3) **OPM GUIDANCE.**—Not later than 180 days after the date on which the guidance under paragraph (1) is issued, the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall—

“(A) identify key skills and competencies needed for program evaluation in an agency;

“(B) establish a new occupational series, or update and improve an existing occupational series, for program evaluation within an agency; and

“(C) establish a new career path for program evaluation within an agency.