

(3) assess whether agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned to each Federal Government priority goal;

(4) categorize the Federal Government priority goals by risk of not achieving the planned level of performance; and

(5) for the Federal Government priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agencies, organizations, program activities, regulations, tax expenditures, policies or other activities.

(b) AGENCY USE OF PERFORMANCE INFORMATION TO ACHIEVE AGENCY PRIORITY GOALS.—Not less than quarterly, at each agency required to develop agency priority goals required by section 1120(b) of this title, the head of the agency and Chief Operating Officer, with the support of the agency Performance Improvement Officer, shall—

(1) for each agency priority goal, review with the appropriate goal leader the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

(2) coordinate with relevant personnel within and outside the agency who contribute to the accomplishment of each agency priority goal;

(3) assess whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned to the agency priority goals;

(4) categorize agency priority goals by risk of not achieving the planned level of performance; and

(5) for agency priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agency program activities, regulations, policies, or other activities.

(Added Pub. L. 111-352, §6, Jan. 4, 2011, 124 Stat. 3875.)

§ 1122. Transparency of programs, priority goals, and results

(a) TRANSPARENCY OF AGENCY PROGRAMS.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) the term “Federal financial assistance” has the meaning given that term under section 7501;

(B) the term “open Government data asset” has the meaning given that term under section 3502 of title 44;

(C) the term “program” means a single program activity or an organized set of aggregated, disaggregated, or consolidated program activities by one or more agencies directed toward a common purpose or goal; and

(D) the term “program activity” has the meaning given that term in section 1115(h).

(2) WEBSITE AND PROGRAM INVENTORY.—The Director of the Office of Management and Budget shall—

(A) ensure the effective operation of a single website that includes the information required under subsections (b) and (c);

(B) include on the website described in subparagraph (A), or another appropriate Federal Government website where related information is made available, as determined by the Director—

(i) a program inventory that shall identify each program; and

(ii) for each program identified in the program inventory, the information required under paragraph (3);

(C) make the information in the program inventory required under subparagraph (B) available as an open Government data asset; and

(D) at a minimum—

(i) update the information required to be included on the single website under subparagraph (A) on a quarterly basis; and

(ii) update the program inventory required under subparagraph (B) on an annual basis.

(3) INFORMATION.—Information for each program identified in the program inventory required under paragraph (2)(B) shall include—

(A) an identification of how the agency defines the term “program”, consistent with guidance provided by the Director of the Office of Management and Budget, including the program activities that are aggregated, disaggregated, or consolidated to be considered a program by the agency;

(B) a description of the purposes of the program and the contribution of the program to the mission and goals of the agency;

(C) an identification of funding for the current fiscal year and previous 2 fiscal years and,

(D) for each program activity that is part of a program—

(i) a description of the purposes of the program activity and the contribution of the program activity to the mission and goals of the agency;

(ii) a consolidated view for the current fiscal year and each of the 2 fiscal years before the current fiscal year of—

- (I) the amount appropriated; and
- (II) the amount obligated; and
- (III) the amount outlaid;

(iii) to the extent practicable and permitted by law, links to any related evaluation, assessment, or program performance review by the agency, an inspector general, or the Government Accountability Office (including program performance reports required under section 1116), and other related evidence assembled in response to implementation of the Foundations for Evidence-Based Policymaking Act of 2018 (Public Law 115-435; 132 Stat. 5529);

(iv) an identification of the statutes that authorize the program activity or the authority under which the program activity was created or operates;

(v) an identification of any major regulations specific to the program activity;

(vi) any other information that the Director of the Office of Management and Budget determines relevant relating to program activity data in priority areas most relevant to Congress or the public to increase transparency and accountability; and

(vii) for each assistance listing under which Federal financial assistance is provided, for the current fiscal year and each of the 2 fiscal years before the current fiscal year and consistent with existing law relating to the protection of personally identifiable information—

(I) a linkage to the relevant program activities that fund Federal financial assistance by assistance listing;

(II) information on the population intended to be served by the assistance listing based on the language of the solicitation, as required under section 6102;

(III) to the extent practicable and based on data reported to the agency providing the Federal financial assistance, the results of the Federal financial assistance awards provided by the assistance listing;

(IV) to the extent practicable, the percentage of the amount appropriated for the assistance listing that is used for management and administration;

(V) the identification of each award of Federal financial assistance and, to the extent practicable, the name of each direct or indirect recipient of the award; and

(VI) any information relating to the award of Federal financial assistance that is required to be included on the website established under section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).

(4) ARCHIVING.—The Director of the Office of Management and Budget shall—

(A) archive and preserve the information included in the program inventory required under paragraph (2)(B) after the end of the period during which such information is made available under paragraph (3); and

(B) make information archived in accordance with subparagraph (A) publicly available as an open Government data asset.

(b) TRANSPARENCY OF AGENCY PRIORITY GOALS AND RESULTS.—The head of each agency required to develop agency priority goals shall make information about each agency priority goal available to the Office of Management and Budget for publication on the website described in subsection (a)(2)(A), with the exception of any information covered by section 1120(b)(2) of this title. In addition to an identification of each agency priority goal, the website described in subsection (a)(2)(A) shall also consolidate information about each agency priority goal, including—

(1) a description of how the agency incorporated any views and suggestions obtained through congressional consultations about the agency priority goal;

(2) an identification of key factors external to the agency and beyond its control that could significantly affect the achievement of the agency priority goal;

(3) a description of how each agency priority goal will be achieved, including—

(A) the strategies and resources required to meet the priority goal;

(B) clearly defined milestones;

(C) the organizations, program activities, regulations, policies, and other activities that contribute to each goal, both within and external to the agency;

(D) how the agency is working with other agencies to achieve the goal; and

(E) an identification of the agency official responsible for achieving the priority goal;

(4) the performance indicators to be used in measuring or assessing progress;

(5) a description of how the agency ensures the accuracy and reliability of the data used to measure progress towards the priority goal, including an identification of—

(A) the means used to verify and validate measured values;

(B) the sources for the data;

(C) the level of accuracy required for the intended use of the data;

(D) any limitations to the data at the required level of accuracy; and

(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy;

(6) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

(7) an assessment of whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned;

(8) an identification of the agency priority goals at risk of not achieving the planned level of performance; and

(9) any prospects or strategies for performance improvement.

(c) TRANSPARENCY OF FEDERAL GOVERNMENT PRIORITY GOALS AND RESULTS.—The Director of the Office of Management and Budget shall also make available on the website described in subsection (a)(2)(A)—

(1) a brief description of each of the Federal Government priority goals required by section 1120(a) of this title;

(2) a description of how the Federal Government priority goals incorporate views and suggestions obtained through congressional consultations;

(3) the Federal Government performance goals and performance indicators associated with each Federal Government priority goal as required by section 1115(a) of this title;

(4) an identification of the lead Government official for each Federal Government performance goal;

(5) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

(6) an identification of the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities

that contribute to each Federal Government priority goal;

(7) an assessment of whether relevant agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned;

(8) an identification of the Federal Government priority goals at risk of not achieving the planned level of performance; and

(9) any prospects or strategies for performance improvement.

(d) INFORMATION.—The information made available under this section shall be readily accessible and easily found on the Internet by the public and members and committees of Congress. Such information shall also be presented in a searchable, machine-readable format. The Director of the Office of Management and Budget shall issue guidance to ensure that such information is provided in a way that presents a coherent picture of all Federal programs, and the performance of the Federal Government as well as individual agencies.

(Added Pub. L. 111-352, § 7, Jan. 4, 2011, 124 Stat. 3876; amended Pub. L. 116-283, div. H, title XCVI, § 9601(a), (c)(1), Jan. 1, 2021, 134 Stat. 4823, 4827.)

Editorial Notes

REFERENCES IN TEXT

The Foundations for Evidence-Based Policymaking Act of 2018, referred to in subsec. (a)(3)(D)(iii), is Pub. L. 115-435, Jan. 14, 2019, 132 Stat. 5529. For complete classification of this Act to the Code, see Short Title of 2019 Amendment note set out under section 101 of Title 5, Government Organization and Employees, and Tables.

Section 2(b) of the Federal Funding Accountability and Transparency Act of 2006, referred to in subsec. (a)(3)(D)(vii)(VI), is section 2(b) of Pub. L. 109-282, which is set out in a note under section 6101 of this title.

AMENDMENTS

2021—Subsec. (a)(1). Pub. L. 116-283, § 9601(a)(2), added par. (1). Former par. (1) redesignated (2).

Subsec. (a)(2). Pub. L. 116-283, § 9601(a)(1), (3)(A), redesignated former par. (1) as (2) and substituted “Website and program inventory” for “In general” in heading and “The Director of the Office of Management and Budget shall” for “Not later than October 1, 2012, the Office of Management and Budget shall” in introductory provisions. Former par. (2) redesignated (3).

Subsec. (a)(2)(A). Pub. L. 116-283, § 9601(a)(3)(B), inserted “that includes the information required under subsections (b) and (c)” after “a single website”.

Subsec. (a)(2)(B). Pub. L. 116-283, § 9601(a)(3)(C), added subpar. (B) and struck out former subpar. (B) which read as follows: “at a minimum, update the website on a quarterly basis; and”.

Subsec. (a)(2)(C). Pub. L. 116-283, § 9601(a)(3)(C), added subpar. (C) and struck out former subpar. (C) which read as follows: “include on the website information about each program identified by the agencies.”

Subsec. (a)(2)(D). Pub. L. 116-283, § 9601(a)(3)(C), added subpar. (D).

Subsec. (a)(3). Pub. L. 116-283, § 9601(a)(1), (4)(A), redesignated former subpar. (2) as (3) and substituted “identified in the program inventory required under paragraph (2)(B) shall include” for “described under paragraph (1) shall include” in introductory provisions.

Subsec. (a)(3)(D). Pub. L. 116-283, § 9601(a)(4)(B)–(D), added subpar. (D).

Subsec. (a)(4). Pub. L. 116-283, § 9601(a)(5), added par. (4).

Subsec. (b). Pub. L. 116-283, § 9601(c)(1)(A), inserted “described in subsection (a)(2)(A)” after “the website” in two places in introductory provisions.

Subsec. (c). Pub. L. 116-283, § 9601(c)(1)(B), inserted “described in subsection (a)(2)(A)” after “the website” in introductory provisions.

Subsec. (d). Pub. L. 116-283, § 9601(c)(1)(C), struck out “on Website” after “Information” in heading and “on the website” after “available” in text.

Statutory Notes and Related Subsidiaries

GUIDANCE, IMPLEMENTATION, REPORTING, AND REVIEW

Pub. L. 116-283, div. H, title XCVI, § 9601(b), Jan. 1, 2021, 134 Stat. 4825, provided that:

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘appropriate congressional committees’ means the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate;

“(B) the term ‘Director’ means the Director of the Office of Management and Budget;

“(C) the term ‘program’ has the meaning given that term in section 1122(a)(1) of title 31, United States Code, as amended by subsection (a) of this section;

“(D) the term ‘program activity’ has the meaning given that term in section 1115(h) of title 31, United States Code; and

“(E) the term ‘Secretary’ means the Secretary of the Treasury.

“(2) PLAN FOR IMPLEMENTATION AND RECONCILING PROGRAM DEFINITIONS.—Not later than 180 days after the date of enactment of this Act [Jan. 1, 2021], the Director, in consultation with the Secretary, shall submit to the appropriate congressional committees a report that—

“(A) includes a plan that—

“(i) discusses how making available on a website the information required under subsection (a) of section 1122 of title 31, United States Code, as amended by subsection (a), will leverage existing data sources while avoiding duplicative or overlapping information in presenting information relating to program activities and programs;

“(ii) indicates how any gaps in data will be assessed and addressed;

“(iii) indicates how the Director will display such data; and

“(iv) discusses how the Director will expand the information collected with respect to program activities to incorporate the information required under the amendments made by subsection (a);

“(B) sets forth details regarding a pilot program, developed in accordance with best practices for effective pilot programs—

“(i) to develop and implement a functional program inventory that could be limited in scope; and

“(ii) under which the information required under the amendments made by subsection (a) with respect to program activities shall be made available on the website required under section 1122(a) of title 31, United States Code;

“(C) establishes an implementation timeline for—

“(i) gathering and building program activity information;

“(ii) developing and implementing the pilot program;

“(iii) seeking and responding to stakeholder comments;

“(iv) developing and presenting findings from the pilot program to the appropriate congressional committees;

“(v) notifying the appropriate congressional committees regarding how program activities will be aggregated, disaggregated, or consolidated as part of identifying programs; and

“(vi) implementing a Governmentwide program inventory through an iterative approach; and

“(D) includes recommendations, if any, to reconcile the conflicting definitions of the term ‘program’ in relevant Federal statutes, as it relates to the purpose of this section.

“(3) IMPLEMENTATION.—

“(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Director shall make available online all information required under the amendments made by subsection (a) with respect to all programs.

“(B) EXTENSIONS.—The Director may, based on an analysis of the costs of implementation, and after submitting to the appropriate congressional committees a notification of the action by the Director, extend the deadline for implementation under subparagraph (A) by not more than a total of 1 year.

“(4) REPORTING.—Not later than 2 years after the date on which the Director makes available online all information required under the amendments made by subsection (a) with respect to all programs, the Comptroller General of the United States shall submit to the appropriate congressional committees a report regarding the implementation of this section and the amendments made by this section, which shall—

“(A) review how the Director and agencies determined how to aggregate, disaggregate, or consolidate program activities to provide the most useful information for an inventory of Government programs;

“(B) evaluate the extent to which the program inventory required under section 1122 of title 31, United States Code, as amended by this section, provides useful information for transparency, decision-making, and oversight;

“(C) evaluate the extent to which the program inventory provides a coherent picture of the scope of Federal investments in particular areas; and

“(D) include the recommendations of the Comptroller General, if any, for improving implementation of this section and the amendments made by this section.”

§ 1123. Chief Operating Officers

(a) ESTABLISHMENT.—At each agency, the deputy head of agency, or equivalent, shall be the Chief Operating Officer of the agency.

(b) FUNCTION.—Each Chief Operating Officer shall be responsible for improving the management and performance of the agency, and shall—

(1) provide overall organization management to improve agency performance and achieve the mission and goals of the agency through the use of strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

(2) advise and assist the head of agency in carrying out the requirements of sections 1115 through 1122 of this title and section 306 of title 5;

(3) oversee agency-specific efforts to improve management functions within the agency and across Government; and

(4) coordinate and collaborate with relevant personnel within and external to the agency who have a significant role in contributing to and achieving the mission and goals of the agency, such as the Chief Financial Officer, Chief Human Capital Officer, Chief Acquisition Officer/Senior Procurement Executive, Chief Information Officer, and other line of business chiefs at the agency.

(Added Pub. L. 111-352, §8, Jan. 4, 2011, 124 Stat. 3878.)

§ 1124. Performance Improvement Officers and the Performance Improvement Council

(a) PERFORMANCE IMPROVEMENT OFFICERS.—

(1) ESTABLISHMENT.—At each agency, the head of the agency, in consultation with the agency Chief Operating Officer, shall designate a senior executive of the agency as the agency Performance Improvement Officer.

(2) FUNCTION.—Each Performance Improvement Officer shall report directly to the Chief Operating Officer. Subject to the direction of the Chief Operating Officer, each Performance Improvement Officer shall—

(A) advise and assist the head of the agency and the Chief Operating Officer to ensure that the mission and goals of the agency are achieved through strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

(B) advise the head of the agency and the Chief Operating Officer on the selection of agency goals, including opportunities to collaborate with other agencies on common goals;

(C) assist the head of the agency and the Chief Operating Officer in overseeing the implementation of the agency strategic planning, performance planning, and reporting requirements provided under sections 1115 through 1122 of this title and sections 306 of title 5, including the contributions of the agency to the Federal Government priority goals;

(D) support the head of agency and the Chief Operating Officer in the conduct of regular reviews of agency performance, including at least quarterly reviews of progress achieved toward agency priority goals, if applicable;

(E) assist the head of the agency and the Chief Operating Officer in the development and use within the agency of performance measures in personnel performance appraisals, and, as appropriate, other agency personnel and planning processes and assessments; and

(F) ensure that agency progress toward the achievement of all goals is communicated to leaders, managers, and employees in the agency and Congress, and made available on a public website of the agency.

(b) PERFORMANCE IMPROVEMENT COUNCIL.—

(1) ESTABLISHMENT.—There is established a Performance Improvement Council, consisting of—

(A) the Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council;

(B) the Performance Improvement Officer from each agency defined in section 901(b) of this title;

(C) other Performance Improvement Officers as determined appropriate by the chairperson; and

(D) other individuals as determined appropriate by the chairperson.

(2) FUNCTION.—The Performance Improvement Council shall—

(A) be convened by the chairperson or the designee of the chairperson, who shall pre-