

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2834

To improve the Governmentwide management of unnecessarily duplicative Government programs and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. CARPER (for himself and Mr.
JOHNSON)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Getting Results
5 through Enhanced Accountability and Transparency Act
6 of 2016”.

7 **SEC. 2. PURPOSE.**

8 The purpose of this Act is to increase the efficiency
9 and effectiveness of the Federal Government in measuring
10 and managing unnecessary duplication, fragmentation,
11 and overlap in Government programs and in addressing

1 recommendations from the Government Accountability Of-
2 fice.

3 **SEC. 3. IDENTIFICATION, CONSOLIDATION, AND ELIMI-**
4 **NATION OF UNNECESSARILY DUPLICATIVE**
5 **GOVERNMENT PROGRAMS.**

6 Section 21 of the Joint Resolution entitled “Joint
7 Resolution increasing the statutory limit on the public
8 debt” (Public Law 111–139; 31 U.S.C. 712 note) is
9 amended to read as follows:

10 **“SEC. 21. IDENTIFICATION, CONSOLIDATION, AND ELIMI-**
11 **NATION OF UNNECESSARILY DUPLICATIVE**
12 **GOVERNMENT PROGRAMS.**

13 “(a) IN GENERAL.—The Comptroller General of the
14 United States shall—

15 “(1) conduct routine investigations to identify
16 programs, agencies, offices, and initiatives with un-
17 necessarily duplicative goals and activities within de-
18 partments and agencies and Governmentwide; and

19 “(2) submit to Congress an annual report on
20 the findings of the investigations under paragraph
21 (1).

22 “(b) CONTENTS OF REPORTS.—Reports submitted
23 under subsection (a)(2) shall, to the extent possible—

24 “(1) include—

1 “(A) information from available reports es-
2 timating the cost of unnecessary duplication
3 identified under subsection (a)(1); and

4 “(B) recommendations for consolidation,
5 coordination, and elimination to reduce unnee-
6 cessary duplication, which shall identify specific
7 rescissions; and

8 “(2) aggregate separately—

9 “(A) estimates of related costs reported by
10 the Comptroller General for instances of actual
11 and potential unnecessary duplication; and

12 “(B) estimates of other potential cost sav-
13 ings and revenue collection reported by the
14 Comptroller General during the period covered
15 by the report.”.

16 **SEC. 4. IMPROVEMENTS TO ELIMINATION OF UNNECES-**
17 **SARY DUPLICATION.**

18 (a) **SYSTEMATIC AGENCY REVIEW OF OPER-**
19 **ATIONS.**—Section 305(c) of title 5, United States Code,
20 is amended—

21 (1) in paragraph (1), by inserting “, and ways
22 in which the agency might improve its performance
23 toward its mission” before the semicolon;

24 (2) by redesignating paragraphs (2) and (3) as
25 paragraphs (4) and (5), respectively;

1 (3) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) informing the processes of the agency for
4 learning and decisionmaking;

5 “(3) assessing potential opportunities to im-
6 prove coordination within the agency and with other
7 agencies, and to address actual and potential unnec-
8 essary duplication;” and

9 (4) in paragraph (5), as so redesignated, by in-
10 serting “and performance toward achieving the mis-
11 sion of the agency” before the period.

12 (b) CHIEF OPERATING OFFICERS.—Section 1123(b)
13 of title 31, United States Code, is amended—

14 (1) in paragraph (1)—

15 (A) by inserting “evaluation,” after “meas-
16 urement,”; and

17 (B) by inserting “risk management,” after
18 “progress,”;

19 (2) by redesignating paragraphs (2), (3), and
20 (4) as paragraphs (3), (4), and (5), respectively;

21 (3) by inserting after paragraph (1) the fol-
22 lowing:

23 “(2) address crosscutting program and manage-
24 ment issues, including opportunities to improve co-
25 ordination and address unnecessary duplication,

1 within and external to the agency using an enter-
2 prise risk management approach;”;

3 (4) in paragraph (4), as so redesignated, by in-
4 serting “of mission-oriented components and units
5 and mission support” after “management”; and

6 (5) in paragraph (5), as so redesignated—

7 (A) by striking “such as the Chief” and in-
8 serting the following: “such as—

9 “(A) the heads of mission-related compo-
10 nents and units at the agency and the major
11 components of the agency; and

12 “(B) the Chief”; and

13 (B) by striking “other line of business”
14 and all that follows and inserting “heads of
15 mission support functions at the agency and at
16 the major components of the agency.”.

17 (c) FEDERAL GOVERNMENT AND AGENCY PERFORM-
18 ANCE PLANS.—Section 1115 of title 31, United States
19 Code, is amended—

20 (1) in subsection (a)(6), by inserting “, includ-
21 ing actual or potential unnecessary duplication,”
22 after “crosscutting in nature”;

23 (2) in subsection (b)(9), in the matter pre-
24 ceding subparagraph (A), by inserting “, including

1 actual or potential unnecessary duplication,” after
2 “agency faces”; and

3 (3) in subsection (h)—

4 (A) by redesignating paragraphs (5)
5 through (12) as paragraphs (6) through (13),
6 respectively;

7 (B) by inserting after paragraph (4) the
8 following:

9 “(5) ‘enterprise risk management’ means the
10 processes that are used to address the full spectrum
11 of risks across multiple programs and organizations
12 that are located within a larger entity or initiative,
13 placing the risks into an integrated and interrelated
14 portfolio, and prioritizing their mitigation;”;

15 (C) in paragraph (12), as so redesignated,
16 by striking “and” at the end;

17 (D) in paragraph (13), as so redesignated,
18 by striking the period and inserting a semi-
19 colon; and

20 (E) by adding at the end the following:

21 “(14) ‘risk’ means the possibility of—

22 “(A) an adverse event or phenomenon oc-
23 ccurring; or

24 “(B) a beneficial opportunity remaining
25 unexploited; and

1 “(15) ‘risk management’ means the processes
2 that are used to identify, assess, prioritize, monitor,
3 mitigate, and report on risks to achieving the mis-
4 sions, goals, and objectives of a department, agency,
5 or program, or group thereof, using resources and
6 processes appropriate to the nature of the risks and
7 resources available.”.

8 (d) FEDERAL GOVERNMENT AND AGENCY PRIORITY
9 GOALS.—Section 1120 of title 31, United States Code, is
10 amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1)(B)—

13 (i) in the matter preceding clause (i),
14 by inserting “and mission support” after
15 “management”; and

16 (ii) in clause (v), by striking the semi-
17 colon and inserting a period; and

18 (B) in paragraph (3)—

19 (i) by redesignating subparagraphs
20 (A) through (G) as clauses (i) through (vii)
21 and adjusting the margin accordingly;

22 (ii) by striking “shall consult” and in-
23 serting the following: “shall—

24 “(A) consider recommendations of the Gov-
25 ernment Accountability Office in—

1 “(i) the annual report submitted
2 under section 21 of the Joint Resolution
3 entitled ‘Joint Resolution increasing the
4 statutory limit on the public debt’ (Public
5 Law 111–139; 31 U.S.C. 712 note); or

6 “(ii) the High Risk list; and

7 “(B) consult”; and

8 (iii) in subparagraph (B)(vii), as so
9 redesignated, by striking the semicolon and
10 inserting a period; and

11 (2) in subsection (b)(1)(A), by inserting “bien-
12 nial” before “consultations”.

13 (e) PERFORMANCE IMPROVEMENT OFFICERS AND
14 THE PERFORMANCE IMPROVEMENT COUNCIL.—Section
15 1124 of title 31, United States Code, is amended—

16 (1) in subsection (a)(2)(A)—

17 (A) by inserting “, in collaboration with
18 heads of agency components and mission sup-
19 port functions,” after “Officer”;

20 (B) by inserting “evaluation,” after “meas-
21 urement,”; and

22 (C) by inserting “risk management,” after
23 “progress,”; and

24 (2) in subsection (b)(2)—

1 (A) in subparagraph (D), by inserting “in-
2 cluding issues relating to coordination and un-
3 necessary duplication,” after “issues,”;

4 (B) in subparagraph (E), by inserting
5 “and with non-Federal stakeholders, including
6 States and local governments,” after “exchange
7 among agencies”;

8 (C) in subparagraph (F), by inserting
9 “and mission support” after “management”;

10 (D) in subparagraph (I), by striking “and”
11 at the end;

12 (E) in subparagraph (J), by striking the
13 period at the end and inserting a semicolon;
14 and

15 (F) by adding at the end the following:

16 “(K) establish a public website; and

17 “(L) place annually and archive on the
18 website a detailed annual report describing the
19 Performance Improvement Council’s—

20 “(i) structure (including any commit-
21 tees or task forces);

22 “(ii) budget and relevant sources of
23 funds;

1 “(iii) staffing, on a full-time equiva-
2 lent basis (including an accounting of de-
3 tails from agencies); and

4 “(iv) past, current, and planned ac-
5 tivities.”.

6 (f) ELIMINATION OF UNNECESSARY AGENCY RE-
7 PORTING.—Section 1125(a)(1) of title 31, United States
8 Code, is amended by striking “reports;” and inserting the
9 following: “reports, and place the list on a public website,
10 which shall include, for each plan or report—

11 “(A) a citation to the relevant statutory re-
12 quirement or direction in a congressional re-
13 port; and

14 “(B) an indication of whether and how the
15 agency is complying with the requirement to
16 produce the plan or report, including a citation
17 to the means through which the agency submits
18 the plan or report;”.

19 (g) AGENCY REPORTS.—Section 720(b) of title 31,
20 United States Code, is amended, in the matter preceding
21 paragraph (1), by inserting “, including the annual report
22 on unnecessarily duplicative goals and activities within de-
23 partments and governmentwide required under section 21
24 of the joint resolution entitled ‘A joint resolution increas-
25 ing the statutory limit on the public debt’ (Public Law

1 111–139; 31 U.S.C. 712 note) and the High Risk list of
2 the Government Accountability Office,” after “makes a re-
3 port”.