The 1993 Results Act: What Are The Results?

by Angela Antonelli

A Democrat-led Congress under President Clinton passed the Government Performance and Results Act in 1993 because of an increased awareness that the American public wants, and is entitled to, a less wasteful and more accountable federal government. To identify targets for reform, the Results Act established a framework for setting goals and measuring outcomes that allows Congress and taxpayers to determine easily whether federal programs are necessary and, if so, whether they are achieving their intended objectives. For the first time since 1950 the legislature has changed the fundamental rules by which agencies must justify their expenditures and activities, to require clear performance targets.

Unfortunately, the federal agencies' plans during the early implementation of the Results Act have been disappointing and in many cases embarrassing, characterized by a torrent of questionable missions, goals, and objectives, faulty tools of measurement, and clear signs of waste and duplication. In June 1997, the General Accounting Office warned that agency plans "will not be of a consistently high quality or as useful for congressional and agency decisionmaking as they could be." To make matters worse, most federal agencies believe the "good government" intent of the Results Act is a waste of time. Moreover, they scoff at the Act's accountability requirements and see them as a threat to their ever-expanding powers. Worse, many are actually using the Act to enlarge the scope of their powers. Without aggressive oversight, Congress should not be surprised to discover federal agencies are using their strategic plans to expand their authority and budgets and to establish priorities that are inconsistent with congressional intent.

Despite the poor start, the Results Act can help Congress fundamentally change the way government spends the people's money. As House Majority Leader Richard Armey (R-Tex.) observed in 1997, the Act enables Congress to ask the proper questions, specifically: "What's working, what's wasted, what makes any difference, what's duplicative?" He added: "If we do this right, this project will help make government accountable."

To get results from the Results Act, Congress ultimately must exercise its authority to define in clear terms the mission and objectives of each federal agency, rather than allow agencies to define them on their own. It must not accept strategic plans characterized by mission creep, vague objectives, and inappropriate performance measures. And, should agencies fail to carry out their approved missions or work toward their stated goals, Congress would have to use the power of the purse to hold agencies accountable. Properly implemented, the Results Act could change the dynamics of the debate over federal spending and regulation, forcing agencies to defend themselves and allowing Congress to take a tough line on those agencies that fail to meet their obligations.

MULTI-YEAR AGENCY STRATEGIC PLANS

The Results Act sought to help provide policymakers and the public with reliable information concerning the goals and effectiveness of government agencies. As Rep. Armey notes, "The enemy of good management is poor information. We need better information to effectively manage and prioritize programs." The Act requires federal agencies to prepare multi-year strategic plans, annual performance plans, and annual performance reports. Agencies submitted their first five-year strategic plans to Congress and the White House Office of Management and Budget (OMB) at the end of September 1997. The Act requires that the strategic plans contain the following:

- A comprehensive mission statement on the major functions and operations of the agency;
- Outcome-related goals and objectives for the major functions and operations of the agency;
- A description of the ways goals and objectives are to be achieved, including necessary resources;
- A stated relationship between general and annual performance goals;
- An identification of those key factors external to the agency and beyond its control that could affect the achievement of the general goals and objectives significantly;
- A description of program evaluations used in developing the strategic plan and an explanation of the ways those evaluations will be used in the future;
- A description of agency functions and programs that are similar to those of other agencies, including an explanation of the way they will be coordinated;

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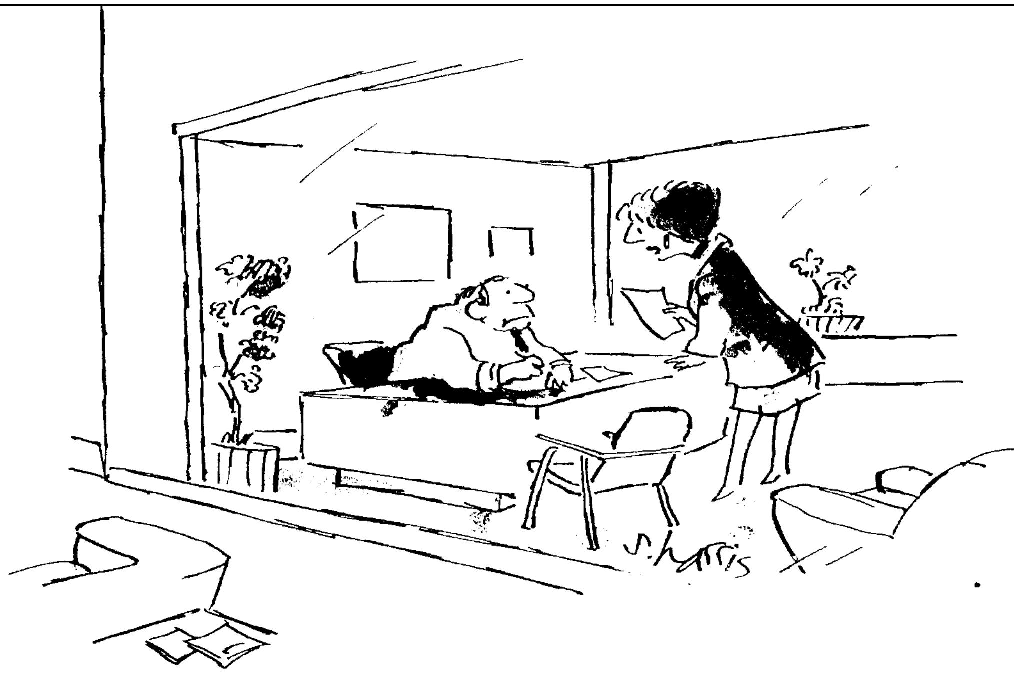

"It's worse than we thought—there's going to be random testing for competence."

• Suggested treatment of major problems of waste, fraud, and mismanagement affecting the agency and its programs;

• An evaluation of data-collection systems used to implement the plan; and

• An explanation of the way the agency solicited and responded to the recommendations of Congress and other stakeholders.

ANNUAL PERFORMANCE PLANS AND REPORTS

In addition to submitting initial strategic plans, the Results Act requires federal agencies to develop annual performance plans covering each activity set forth in their budgets. The plans were to include an agency's annual goals, measures that the agency will use to gauge progress toward those goals, and a list of resources the agency will need to meet its goals. The first annual performance plans, covering fiscal year (FY) 1999, were submitted to Congress after the President submitted his fiscal year 1999 plans in early February of 1998.

In addition, the Results Act requires agencies to prepare annual reports on program performance for the previous fiscal year. The performance reports are to be issued by 31 March of each year; the first report, for FY 1999, to be issued by 31 March 2000.

EARLY LESSONS FROM STRATEGIC PLANS

The Results Act was meant to provide Congress an opportunity to evaluate the merits of program spending and eliminate any programs that are duplicative, wasteful, or simply not the proper function of the federal government. Congress's oversight arsenal of tools, in addition to the Results Act, includes reports from the GAO, agency inspectors general, the Congressional Budget Office, and the Congressional Research Service. With a new focus on specific results, rather than intentions, federal agencies—and government in general—can be held more accountable to the taxpayers. Furthermore, because Congress and the American public will be able to determine what benefits they are getting for their money, the Results Act can be used to achieve the smallest, most efficient budget. But so far the Results Act has fallen far short of its potential because there seems to be no leadership commitment in either the executive or legislative branch to properly implement the new law.

The most disturbing problem with the federal agencies' strategic plans concerns their answers to the question, "What are we accomplishing?" For example, agencies often present conflicting policy objectives. The land use objectives of the U.S. Forest Service are to promote timber sales while at the same time protect wild life. Federal credit agencies are often expected to increase program service while reducing program costs and minimizing default rates. At the same time, these programs often are designed to provide credit to high-risk populations that are more likely to default on loans.

As Table 1 shows, the first submission of the strategic plans to Congress on 30 September 1997, was largely a failure. Overall, most strategic plans were too broad; they fail to differentiate between outputs and outcomes; they often confuse means with ends; they do not distinguish between mandatory and discretionary goals and objectives; and they fail to address many long-standing and major management problems identified by the GAO and others. The GAO reports that those agency failures almost certainly will lead to a highly uneven government-wide implementation of the Results Act.

Table 1

House Majority Leader
Strategic Plan Rankings (out of 100)

Agency	Strategic Plan Grade	Rank	Annual Performance Plan Grade	Rank
Agriculture	39.0	17	36.0	15
Commerce	28.0	24	33.0	18
DOD	28.5	23	29.0	21
Education	73.0	2	61.0	3
Energy	42.5	13	30.0	20
HHS	43.0	12	36.5	14
HUD	40.5	15	35	16
Interior	29.5	22	30.5	8
Justice	49.5	10	51.0	9
Labor	29.5	21	42.0	12
State	41.0	14	24.0	22
Transportation	75.0	1	71.0	1
Treasury	52.5	7	49.0	9
Veteran Affairs	49.5	9	62.0	2
AID	36.0	18	53.0	6
EPA	44.0	11	34.5	17
FEMA	51.0	8	47.5	10
GSA	40.5	16	14.0	24
NASA	67.0	5	47.5	11
NRC	59.0	6	58.5	4
NSF	69.0	3	51.5	7
OPM	31.0	19	40.5	13
SBA	31.0	20	58.5	5
SSA	68.0	4	17.0	23
Avg.	46.6		42.2	

Source: Office of the House Majority Leader. The final strategic plans and annual performance plans were graded by congressional staff teams representing the House committees of jurisdiction, as well as the Appropriatioms and Budget Committees. Minority staff and Senate committee staff were invited and participated in many grading sessions. See http://freedom.house/gov/results/finalreport/rfin2.asp.

Congress can learn some important lessons from the first year of Results Act plans.

LESSON #1: Mission Creep. Too often, agencies cannot identify their core missions. Early experience with the agency strategic plans illustrates just how difficult it may be for agencies to explain concisely why they exist, in a manner that would be consistent with statutory responsibilities and congressional intent. Too often, an agency's mission statement reflects a lack of understanding of the legislative mandates in the laws it administers. Frequently an agency's grand, ever-expansive agenda creeps in. For example:

• The Environmental Protection Agency's 1997 strategic plan emphasizes its role as a "public health organization." This definition suggests a very broad role for EPA that encompasses such tasks as ensuring food safety. In the past, however, environmental statutes pointed to the EPA's role in relation to "human health and the environment," a much narrower definition. As a number of House committee chairmen in a 1997 letter to EPA administrator Carol Browner recently pointed out, that "Agency has taken responsibility for far more than lies within its influence."

• The Department of State's strategic plan declares part of its mission to be securing "sustainable global environment" even though the EPA, the Department of the Interior and Agriculture, and other agencies already assume such responsibility. It does not mention this overlap of mission with other agencies, even though it is required to do so by the Results Act.

• According to its strategic plan, the mission of the U.S. Small Business Administration includes becoming a "21st century leading edge financial institution" often requiring putting the government in direct competition with the private sector.

Congress must refuse to settle for vague, meaningless, and economically harmful rhetoric from departments and agencies. If an agency wants to expand or change its mission beyond its statutory responsibilities, it will need to express this explicitly and then justify it to Congress.

Of course, Congress must take its share of the blame for mission creep. It often delegates broad, open-ended powers to agencies that then interpret their mandate as broadly as they see fit. Further, members of Congress often ask agency officials what they are doing to deal with problems that are tangential to the agency's core mission. The officials understand that for the sake of their funding, they had better give the members what they seem to be asking for, even if it expands the agency's mission.

Ultimately, Congress must take responsibility to establish clear, sensible, realistic, and justifiable core missions for federal departments and agencies.

LESSON #2: Meaningless Goals. Results Act plans also have shown that agencies have difficulties setting rational, meaningful goals that can help policymakers and taxpayers understand what they get for their money. For example:

• One of the goals in the strategic plan for the Department of Health and Human Services' Agency for Health Care Policy and Research is to "make significant contributions through the creation of new knowledge." But that agency cited no authority for performing this function. Nor did it outline specifics about what the broad goal would entail. Thus it will be very difficult to determine whether the agency is meeting its goals.

• The EPA proposes in its strategic plan to "reduce transboundary threats to human health and shared ecosystems in North America" by 2003. But it fails to define specifically what the goal involves, how it intends to achieve it, and how success can be gauged.

• One of HUD's (Housing and Urban Development) strategic goals is to "empower communities to meet local needs." That goal, of course, could encompass everything from providing public housing to job training to passing out small business loans.

The Results Act has highlighted the need for Congress and the Administration to force agencies to tighten their mission statements and to help them establish outcome-oriented, measurable, and realistic goals and objectives that are tied closely to those statements.

LESSON #3: Tripping Over One Another. Agencies often fail to identify and address missions and objectives duplicated by other agencies. As the GAO has noted in its review of strategic plans during 1997 and 1998, many programs—food safety, employment training, early childhood development, at-risk and delinquent youth programs, federal land management, and national laboratories—have significant overlap and fragmentation. Initial agency strategic plans amplify this problem. The example:

• Food safety is addressed by sixteen different agencies, including the Departments of Health and Human Services and Agriculture.

• More than $16 billion a year scattered across seventy different programs in fifty-seven different departments and agencies is spent fighting illegal drug use.

• Taxpayers spend $20 billion a year for 163 job-training programs that are administered by fifteen different federal agencies.

• There are 342 economic development programs managed by thirteen agencies with little or no coordination.

• Ten departments, three independent agencies, one federal commission, one presidential council, and one quasi-official agency administer 131 juvenile programs at a cost of $4 billion a year.

• Producing and publishing statistical data on the country's economic and social makeup involves seventy different agencies within twelve Cabinet departments.

As the GAO notes,

> Although federal programs have been designed for different purposes or targeted for different population groups,

THE MOST DISTURBING PROBLEM WITH THE FEDERAL AGENCIES' STRATEGIC PLANS CONCERNS THEIR ANSWERS TO THE QUESTION, "WHAT ARE WE ACCOMPLISHING?"

coordination among federal programs with related responsibilities is essential to efficiently and effectively meet national concerns. Uncoordinated programs can waste scarce funds, confuse and frustrate program customers, and limit the overall effectiveness of the federal effort.

Individual agencies have no incentive to look at what other agencies are doing, identify duplication, and suggest ways to eliminate it. As part of the Washington power game, agencies often duplicate the efforts of other parts of the government as a means to secure clients who will put political pressure on members of Congress to keep the cash and services coming from those offices. And for the same reasons that members of Congress facilitate mission creep, so they acquiesce in or even promote duplication. Thus, though Congress passed the Results Act, and will need to take an active role in rolling back overlap and fragmentation in federal programs, that fact that the problems continue to exist suggests that the job will not be an easy one. It also suggests that Congress is still addicted to the political perks that accrue from being able to pass out funds and favors to multiple agencies.

LESSON #4: Big Brother. Agencies often search for justifications for having their powers increased. In an effort to convince Congress of their necessity, some agencies often expand their missions into new areas, and in some cases, the potential for abuse of powers is heightened. For example:

• The EPA states that by 2005 “the United States will prevent significant degradation of the marine and polar environments, consistent with U.S. obligations under relevant international agreements . . . and help to ensure that at least seventy-five developing countries will have reduced their production of CFCs by 50 percent.” Thus EPA is expanding its power to populations that do not vote in American elections and might prefer not to have American bureaucrats managing their activities.

• Among a number of goals set by the U.S. Fish and Wildlife Service, it wants to ensure that by 2002, “64.7 million acres of upland habitats are protected, restored or enhanced” and this will be done by “focusing on returning impaired lands to grasslands or forests.” In addition, the Service plans by 2002 to “protect, restore or enhance” 28.4 million acres of wetlands. Critics argue that these goals can be accomplished only at significant cost to personal private property rights and with little consideration whether there are any net environmental benefits. It is not difficult to imagine how this ambitious measure could translate into even more aggressive federal takings of private property.

• One of the global priorities of the Department of State is to stabilize world population growth. Proposed indicators of success will be fertility and birth rates as well as female education levels. That department’s strategic plan suggests that the United States play a crucial role “for the implementation of progressive population programs and related social programs” in other countries. It is bad enough when the U.S. government interferes with the personal decisions of Americans. State now wants to exercise its powers on nonAmericans.

When federal agencies fail to clearly identify their goals or to take specific steps for implementing and measuring progress toward those goals, and when Congress facilitates this state of affairs, Americans and even citizens of other countries will pay a price in a loss of freedom and overall economic well-being.

LESSON #5: Taking the Easy Way Out. Many of the agencies' strategic plans simply fail to address major, long-standing management deficiencies identified by the GAO and others. Acting as their own bosses, agencies have little incentive to set high standards. In addition, the current structure of the Results Act make it relatively easy for agencies to avoid the most pressing agency management problems by mentioning them in a perfunctory manner and completely ignoring possible solutions. One piece of legislation introduced in the 105th Congress, H.R. 2883, would have required agencies to address specific GAO criticisms. Some examples of agency problems include the following:

THE EPA IS EXPANDING ITS POWER TO POPULATIONS THAT DO NOT VOTE IN AMERICAN ELECTIONS AND MIGHT PREFER NOT TO HAVE AMERICAN BUREAUCRATS MANAGING THEIR ACTIVITIES.

• The EPA failed to address management and other problems concerning programs like Superfund that have been addressed by the GAO auditors, EPA's own Inspector General (IG), and others such as the National Academy of Public Administration and the President's own National Performance Review. The most recent IG report found that EPA had failed to effectively allocate funds for site cleanups and funds invested in Superfund cleanups resulted in relatively small increases in benefits compared with other environmental programs.

• The Treasury Department failed to adequately address eight major management problems identified in the GAO's 1997 "high-risk" series of reports. Computer security problems were one concern. Another management failure was the Internal Revenue Service's modernization of the tax system, which wasted $4 billion without producing a well-functioning system. And a 1998 IG audit of the Customs Service's West Coast Air and Sea Port revealed that there was no action plan to handle high-risk flights and similar problems.

• The entire Department of Housing and Urban Development is at high risk for management problems and abuses, according to the GAO. A 1998 IG report found that poor HUD financial management systems led one grantee to incur more than $4.7 million in costs ineligible under the grant and another $2.2 million in costs that could not be supported. Not surprisingly, HUD failed to link its far-off 2020 Management Reform Plan to its more recent strategic plan.

A key barometer of the seriousness of federal management problems is seen in the GAO's "high-risk" list. In 1990, the GAO undertook an initiative to place special emphasis on those federal programs that it considered to be particularly vulnerable to fraud, waste, abuse, and mismanagement. Pursuant to this task the GAO has released three series of reports: in December 1992, February 1995, and February 1997. There has actually been an increase in the number of high-risk areas with each release, from seventeen in the first series of reports to twenty-five in the most recent. So far the Results Act has done little to help address the problems.

A SMATTERING OF SUCCESSES

If the first year of the Results Act has shown anything, it has shown just how confused the agencies are over what their goals are, how they intend to reach them, and what measures indicate success. In some cases Congress started imposing performance measures on programs. For example, House Speaker Newt Gingrich (R-Ga.) and Rep. Dennis Hastert (R-Ill.) set tough performance goals for the drug war, while giving the "Drug Czar" more flexibility by allowing him to transfer up to 5 percent of the total $20 billion in federal drug spending between programs. Further, the House established clearer performance measures for the states to meet to continue to receive full funding through the Child Support Enforcement Program. States are already working with the Department of Health and Human Services to improve the decades-old problem of poor coordination among states in enforcement.

Because the Results Act forces agencies to submit performance goals and measures for each program activity funded in their budget, Congress gives de facto approval to agency goals and performance measures when it passes Appropriations bills. Some of the Appropriations Committees are going on record with their concerns about agency goals and activities and are asking the agencies to better justify their expenditures with tougher, more results-oriented goals and measures. For example:

• Senator Ted Stevens (R-Alaska), chairman of the Senate Appropriations Committee, has taken an active role in encouraging his subcommittee chairmen to review and work with agencies to revise the strategic and performance plans submitted under the Results Act. Every Senate Appropriations Committee report contains sections on the Results Act.

• Rep. John Porter (R-Ill.), chairman of the House subcommittee on Labor-HHS-Education appropriations, has scrutinized performance measures. In his Committee's legislative report, Chairman Porter raises forty separate questions on agency responses to the Results Act.

• Senator Kit Bond (R-Mo.), chairman of the subcommittee on VA, HUD, and independent agencies, wants the EPA to justify its goals and measures related to global warming and added a provision in his appropriations bill that requires the EPA to report to Congress by the end of the year with better justifications.

MANY MORE DISAPPOINTMENTS

But despite some small moves in the right direction, the first year of the Results Act was more a paper exercise than anything else. Because agencies did not take the efforts seriously, they simply fell into familiar paper-compliance mode. Among the systemic problems:

'"We had the same numbers when I was a kid, as you do now, but the governments numbers were in millions, not billions.

• The OMB did not show leadership. Most OMB budget examiners have paid little attention to agency goals and performance measures. Yet the Results Act imposes on the OMB the responsibility to work closely with agencies to clear up confusion about what kinds of strategic and performance plans those agencies should draw up. And over the past three years, OMB has set target dates for sitting down with agencies that have similar goals to help facilitate crosscutting coordination, only to repeatedly push the target date off.

• Agency heads did not participate. Most agency heads delegated implementation of Results Act requirements to lower level staff. They seem to treat the requirements the same way citizens would like to treat government paperwork; as red tape that one fills out to satisfy bureaucrats but that is otherwise a meaningless nuisance not to be taken seriously. It is thus no surprise that the quality of Results Act responses has been poor.

• Appropriators did not use their powers of the purse to redirect agencies. During the fiscal year 1999 appropriations cycle, Members of Congress were too willing to ignore fraud, waste, a lack of clear goals, and other agency abuses. Worse, they rewarded those agencies by increasing agency budgets rather that cutting them for agencies such as HUD, the IRS, the EPA, and others that have received harsh evaluations from GAO and the IGs.

ROUND TWO: WHAT NEXT?

As Carl DeMaio, director of Planning and Training for the Congressional Institute, a Washington-based policy group, notes, "With the Results Act, the President and the Congress had the opportunity to take a close look at every government program and answer a provocative question: `If we were not already doing it this way today, would we start doing it this way tomorrow?' Unfortunately, today, this question remains unanswered for virtually every government program."

In drafting the Act, Congress tried to incorporate lessons from past reforms such as President Lyndon Johnson's Performance Based Budgeting System, President Richard Nixon's Management by Objectives, and President Jimmy Carter's Zero-Based Budgeting. Those included preferences for results-oriented measures and more explicit links between agency plans and budgets.

The Results Act will never completely fulfill its intended purposes as it is currently implemented. Supporters of the Act assumed that Members of Congress would take responsibility for holding the agencies to its requirements and that the president would take responsibility for implementing it. Requiring federal agencies to define their own missions is tantamount to giving career bureaucrats an opportunity to make certain that they are never accountable for inefficiency, poor management, or a waste of resources. But the Constitution gives Congress, not the Executive Branch, the authority to define the objectives of government agencies. Moreover, agencies, like some individuals, will take the path of least resistance, avoiding hard work if possible. Agencies are not likely to create more work and higher performance standards for themselves.

In addition, if it is to work, the OMB will need to integrate the Results Act plans into its budget review process, coordinate with agencies, and help provide guidance to agencies to continue to improve their strategic plans, goals, and performance measures. A 1997 GAO survey of federal managers concluded that "top agency leadership is not fully committed to results-oriented management." The GAO goes on to suggest that "Without top leadership making its commitment to results-oriented management clear, the Results Act risks the danger that all management reforms face: becoming a hollow, paper-driven exercise."

Congress could take several steps to correct the limitations of the Act. Specifically

• **The budget, appropriations, and authorizing committees of Congress must be aggressive in reviewing and commenting on agency strategic plans, and should do so in a coordinated manner**. If an agency wants to expand its mission, it will need to say so explicitly and justify it to Congress. Congress should place a high premium on agencies' having sensible, realistic, justifiable core missions, goals, and objectives in place.

• **If agencies' strategic plans fail to measure up to Results Act requirements, Congress should send them back repeatedly until they do**. The strategic plans set the standards by which efficiency and progress in subsequent years will be gauged. In most cases those plans were vague or confused, yet Congress did not demand changes to them. In the 105th Congress, the Government Performance and Results Act Technical Amendments (H.R. 2883) passed the House on 12 March 1998 by a vote of 242-168, and would have required agencies to resubmit their strategic plans again by 30 September 1998, and submit revised plans every three years thereafter. Unfortunately, the Senate failed to act on that bill. But Congress does not need such legislation to demand improvements in the strategic plans. For example, Sen. Bond and Sen. Robert Byrd (D-WVa.) have demanded that by 31 December 1998, the EPA report on its strategic plan goals related to global warming as part of that agency's fiscal year 1999 appropriations.

• **Congress must use the strategic plans to reshape the federal government into one that is much smaller and costs much less**. The strategic plans give Congress the opportunity to subject the entire federal government to the managerial equivalent of a CAT scan to identify and surgically remove waste and duplication among the agencies. Congress must use its power of the purse to hold all federal agencies accountable.

• **Ultimately, Congress must take back responsibility for establishing agency missions, objectives, and performance measures**. The old saying that inmates will never successfully run their own asylum has some truth to it. The most important thing that Congress must realize is that, no matter how hard they try or how much time and effort it would save, federal agencies cannot accomplish the goals of the Results Act without congressional oversight. It is in the interest of an agency to maintain its employees and, more important, its existence. It is in the interest of the Administration to use an agency to help achieve its political goals. It is the responsibility of Congress to balance those interests by defining what agencies will accomplish, how they will reach those ends, and what resources will be available along the way.

CONCLUSION

If the federal government were a business, it would have declared bankruptcy long ago. Without a clear mission, goals and objectives, and strategy, a business cannot compete. The Results Act offers Congress and the Administration another tool in its oversight arsenal to make government smaller, less costly, and more responsive, and to subject itself to more discipline. It offers Congress the opportunity to subject the entire government to the equivalent of a managerial CAT scan, and to identify and remove waste and duplication surgically. The Results Act has the potential to act as a powerful and effective tool to rein in the federal bureaucracy. But, absent strong oversight by Congress, the Results Act is destined to be the latest addition to the government reform trash pile.

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