

SECTION 223—SUBMISSION OF ANNUAL PERFORMANCE PLANS

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223.1 Timing of plan submissions and submitting official.

Summary of requirements: Initial annual performance plans are due to OMB with the agency budget request. Final annual performance plans are sent to Congress following transmittal of the President's budget.

(a) The initial plan.

The agency head (or his or her designee) sends the initial annual plan to OMB at the same time as the agency's initial budget submission. (See [section 25.4](#) of Part 2 of this Circular for information on the timing of budget submissions. See [section 224](#) regarding submission of the initial FY 2004 performance plan.)

(b) The final plan.

There is no set date for sending the final annual plan to Congress. Submission will follow, not precede, transmittal to Congress of the President's Budget. Sending the plan to Congress simultaneously with the agency Congressional justification (justification of estimates) is appropriate and useful. (Agencies may merge their annual plan with their Congressional justification; see [subsection 221.1\(c\)](#)). Timely submission will aid various Congressional committees in reviewing the plans and in deciding budget, authorization, and appropriation levels for the fiscal year. Agencies should note Congressional timelines in this regard.

A copy of the final annual plan should be provided to the chairmen and ranking minority members of the budget committees, relevant authorization and oversight committees, appropriations subcommittees, and the chairman and ranking minority member of the Senate Committee on Governmental Affairs and the House Government Reform Committee. Copies may also be distributed to other members of Congress or committees.

The transmitting official for the final annual plan is either the agency head or the official who sends the agency Congressional justification to Congress.

(c) The revised final plan.

There is no required distribution of a revised final plan. Agencies should coordinate any distribution of this plan iteration with the appropriate Congressional committees, including the timing of any distribution.

If a revised final plan is prepared, it should be finished as soon as practicable following completion of Congressional action on the agency's budget request. Generally, revised final plans should be completed within 30 days of the start of the fiscal year covered by the annual plan, and no later than by the end of the first quarter of the fiscal year. If Congressional action has not concluded by December 1, a revised final plan should be based on the agency's best judgment of its fiscal year funding level. Prolonging completion of a revised final plan until the fiscal year is well underway limits its usefulness as a management document. (See [subsection 220.8\(c\)](#) on having a copy of the revised final plan available for reference if it is not sent to Congress or OMB.)

223.2 Clearance and public availability of the annual performance plan.

Summary of requirements: The initial annual plan may not be released outside the Executive branch. Final annual plans and revised final annual plans must be cleared through OMB prior to transmittal or release to the public.

(a) Privileged nature of the initial plan.

In an annual plan, specific target levels of performance and measures are proposed for the performance goals and indicators. In contrast to a description of what will be measured (for example, an error rate), the target levels define what the proposed performance level will be (for example, an error rate of 1.3 percent). As the proposed target levels for many performance goals in the initial plan reflect specific funding levels in an agency's budget request, the initial plan is considered to be pre-decisional. As privileged material, the initial plan may not be released outside the Executive branch. (See also [section 22.1](#) in Part 1 of OMB Circular No. A-11 on the prohibition on releasing certain budget information prior to its official transmittal to Congress.)

For any new program or activity proposed to be initiated and funded as part of the President's budget, both the descriptions of the performance goals, as well as target levels for these goals are pre-decisional and privileged.

Descriptions of performance goals or indicators appearing in a transmitted strategic plan (see [section 210.4](#)) or in a previous year's annual plan, are already public and are not privileged. In addition, for programs involving a partnership or similar arrangement between an agency and States or local governments, the specific program target levels are not privileged if they have been negotiated and are public knowledge prior to transmittal of the initial plan to OMB.

(b) Clearance of the final plan and revised final plan.

The final plan as well as any revised final plan are considered budget-related materials. The provisions of [section 22.3](#) of Part 1 regarding OMB clearance of such materials prior to their transmittal or release applies to these iterations of the annual plan.

(c) Public availability of the final plan.

As soon as practicable after it is sent to Congress, the revised annual plan should be made available to the public. Agencies should use electronic means, such as the WorldWideWeb, to make the plan available. The ease of retrieving and reading the plan from an electronic site should be factored in the design and format of the plan.

A final plan should be written in a concise informative manner. Readability should be paramount. As a public document, its content—in style, length, and structure—should be such that it promotes a reader's interest in and understanding of the agency and its programs.

When a revised final annual plan is provided to Congress, it also should be made publicly available.

(d) Receiving comments on the final plan.

Unlike for strategic plans, GPRA does not require that an agency consult with Congress on its annual plan prior to transmittal, or provide an opportunity for potentially interested or affected parties to give their views. (See [section 212.2](#) and [subsection 212.3\(c\)](#) on strategic plan consultation and contrary views.) Congressional views on the final plan are obtained in the course of the legislative session, and Congressional action can be based on the performance information contained in the plans. Both a revised final plan and future fiscal year plans can reflect these Congressional views and actions. Agencies are encouraged to ask the public for their views on the final plan, particularly its readability and informativeness.