

118TH CONGRESS
2D SESSION

S. 709

AN ACT

To improve performance and accountability in the Federal
Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Agency Per-
3 formance Act of 2023”.

4 **SEC. 2. ESTABLISHMENT OF STRATEGIC REVIEWS AND RE-**
5 **PORTING.**

6 (a) STRATEGIC REVIEWS.—

7 (1) IN GENERAL.—Section 1121 of title 31,
8 United States Code, is amended—

9 (A) by striking the section heading and in-
10 serting “**Progress reviews and use of**
11 **performance information**”; and

12 (B) by adding at the end the following:

13 “(c) AGENCY REVIEWS OF PROGRESS TOWARDS
14 STRATEGIC GOALS AND OBJECTIVES.—

15 “(1) COVERED GOAL DEFINED.—In this sub-
16 section, the term ‘covered goal’ means a goal or ob-
17 jective established in the strategic plan of the agency
18 under section 306(a) of title 5.

19 “(2) REVIEW.—Not less frequently than annu-
20 ally and consistent with guidance issued by the Di-
21 rector of the Office of Management and Budget, the
22 head and Chief Operating Officer of each agency,
23 shall—

24 “(A) for each covered goal, review with the
25 appropriate agency official responsible for the
26 covered goal—

1 “(i) the progress achieved toward the
2 covered goal—

3 “(I) during the most recent fiscal
4 year; or

5 “(II) from recent sources of evi-
6 dence available at the time of the re-
7 view; and

8 “(ii) the likelihood that the agency
9 will achieve the covered goal;

10 “(B) coordinate with relevant personnel
11 within and outside the agency who contribute to
12 the accomplishment of each covered goal;

13 “(C) assess progress toward each covered
14 goal by reviewing performance information and
15 other types of evidence relating to each covered
16 goal, such as program evaluations and statis-
17 tical data;

18 “(D) identify whether additional evidence
19 is necessary to better assess progress toward
20 each covered goal, and prioritize the develop-
21 ment of the evidence described in subparagraph
22 (C), such as through the plans required under
23 section 312 of title 5, if applicable;

24 “(E) assess whether relevant organizations,
25 program activities, regulations, policies, and

1 other activities contribute as planned to each
2 covered goal;

3 “(F) as appropriate, leverage the assess-
4 ment performed under subparagraph (E) as
5 part of the portfolio reviews required under sec-
6 tion 503(c)(1)(G);

7 “(G) identify any risks or impediments
8 that would reduce or otherwise decrease the
9 likelihood that the agency will achieve the cov-
10 ered goal; and

11 “(H) for each covered goal at greatest risk
12 of not being achieved, identify prospects and
13 strategies for performance improvement, includ-
14 ing any necessary changes to program activi-
15 ties, regulations, policies, or other activities of
16 the agency.

17 “(3) SUPPORT.—In fulfilling the requirements
18 of paragraph (2), the head and Chief Operating Of-
19 ficer of each agency shall be supported by—

20 “(A) the Performance Improvement Officer
21 of the agency;

22 “(B) as appropriate, the Chief Data Offi-
23 cer, Evaluation Officer, Program Management
24 Improvement Officer, and Statistical Official of
25 the agency; and

1 “(C) any other senior agency official des-
 2 ignated by the head of the agency, the sus-
 3 tained involvement of whom may help the agen-
 4 cy increase the likelihood of achieving 1 or more
 5 covered goals.”.

6 (2) CONFORMING AMENDMENT.—The table of
 7 sections for Chapter 11 of title 31, United States
 8 Code, is amended by striking the item relating to
 9 section 1121 and inserting the following:

“1121. Progress reviews and use of performance information.”.

10 (b) SUMMARY REQUIRED.—Section 1116 of title 31,
 11 United States Code, is amended—

12 (1) in subsection (c)—

13 (A) in paragraph (6)(E), by striking “and”
 14 at the end;

15 (B) in paragraph (7), by striking the pe-
 16 riod at the end and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(8) include a summary of the findings of the
 19 review of the agency under section 1121(c).”; and

20 (2) by striking subsections (f) through (i).

21 **SEC. 3. REVISIONS TO THE FEDERAL PERFORMANCE**
 22 **WEBSITE.**

23 Section 1122 of title 31, United States Code, is
 24 amended—

25 (1) in subsection (a)—

1 (A) in paragraph (2)—

2 (i) in subparagraph (C)—

3 (I) by inserting “required to be
4 included on the single website under
5 subparagraph (A) and the informa-
6 tion”; before “in the program inven-
7 tory”; and

8 (II) by striking “and” at the end;

9 (ii) in subparagraph (D), by striking
10 the period at the end and inserting “;
11 and”; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(E) ensure that the website described in
15 subparagraph (A) conforms with the require-
16 ments for websites under section 3(a) of the
17 21st Century Integrated Digital Experience Act
18 (44 U.S.C. 3501 note).”; and

19 (B) in paragraph (4), by striking subpara-
20 graph (A) and inserting the following:

21 “(A) archive and preserve—

22 “(i) the information included in the
23 program inventory required under para-
24 graph (2)(B), including the information
25 described in paragraph (3), after the end

1 of the period during which that informa-
2 tion is made available; and

3 “(ii) the information included in the
4 single website under paragraph (2)(A) in
5 accordance with subsections (b) and (c)
6 after the end of the period during which
7 such information is made available on the
8 website; and”;

9 (2) in subsection (b), by striking paragraph (6)
10 and inserting the following:

11 “(6) the results achieved toward the agency pri-
12 ority goals established under section 1120(b)—

13 “(A) during the most recent quarter and
14 overall trend data for each quarter compared to
15 the planned level of performance; and

16 “(B) at the end of the 2-year agency pri-
17 ority goal period compared to the overall
18 planned level of performance;”; and

19 (3) in subsection (c), by striking paragraph (5)
20 and inserting the following:

21 “(5) the results achieved toward the priority
22 goals developed under section 1120(a)(1)—

23 “(A) during the most recent quarter and
24 overall trend data for each quarter compared to
25 the planned level of performance; and

1 “(B) at the end of the 4-year Federal Gov-
 2 ernment priority goal period compared to the
 3 overall planned level of performance;”.

4 **SEC. 4. FEDERAL GOVERNMENT PRIORITY GOALS.**

5 Section 1120(a)(2) of title 31, United States Code,
 6 is amended by striking the second sentence and inserting
 7 “Such goals shall—

8 “(A) be updated and revised not less fre-
 9 quently than during the first year of each Presi-
 10 dential term;

11 “(B) be made publicly available not less
 12 frequently than concurrently with the submis-
 13 sion of the budget of the United States Govern-
 14 ment under section 1105(a) made during the
 15 first full fiscal year following any year during
 16 which a term of the President commences under
 17 section 101 of title 3;

18 “(C) include plans for the successful
 19 achievement of each goal within each single
 20 Presidential term; and

21 “(D) explicitly cite to any specific contents
 22 of the budget described in subparagraph (B)
 23 that support the achievement of each goal.”.

1 **SEC. 5. FEDERAL GOVERNMENT PRIORITY GOAL CO-LEAD-**
 2 **ERS.**

3 Section 1115(a) of title 31, United States Code, is
 4 amended by striking paragraph (3) and inserting the fol-
 5 lowing:

6 “(3) For each Federal Government performance
 7 goal, identify, as appropriate, not fewer than 2 lead
 8 Government officials who shall jointly be responsible
 9 for coordinating the efforts to achieve the goal, of
 10 whom—

11 “(A) not less than 1 shall be from the Ex-
 12 ecutive Office of the President; and

13 “(B) not less than 1 shall be from an
 14 agency identified as contributing to the Federal
 15 Government performance goal described in
 16 paragraph (2);”.

17 **SEC. 6. ESTABLISHMENT OF DEPUTY PERFORMANCE IM-**
 18 **PROVEMENT OFFICERS.**

19 Section 1124(a) of title 31, United States Code, is
 20 amended—

21 (1) by striking paragraph (1) and inserting the
 22 following:

23 “(1) ESTABLISHMENT.—At each agency, the
 24 head of the agency, in consultation with the Chief
 25 Operating Officer of the agency, shall designate—

1 “(A) a Performance Improvement Officer,
 2 who shall be a senior executive of the agency;
 3 and

4 “(B) if the Performance Improvement Of-
 5 ficer designated under subparagraph (A) is not
 6 a career appointee of the Senior Executive
 7 Service, a Deputy Performance Improvement
 8 Officer, who shall be a career appointee of the
 9 Senior Executive Service.”; and
 10 (2) by adding at the end the following:

11 “(3) DEPUTY PERFORMANCE IMPROVEMENT
 12 OFFICER.—A Deputy Performance Improvement Of-
 13 ficer designated under paragraph (1)(B) shall sup-
 14 port the Performance Improvement Officer in car-
 15 rying out the functions of the Performance Improve-
 16 ment Officer under paragraph (2).”.

17 **SEC. 7. REPEAL OF OUTDATED PILOT PROJECTS.**

18 (a) IN GENERAL.—Chapter 11 of title 31, United
 19 States Code, is amended by striking sections 1118 and
 20 1119.

21 (b) CONFORMING AMENDMENT.—Section 9704 of
 22 title 31, United States Code, is amended—
 23 (1) by striking subsection (c); and
 24 (2) by redesignating subsection “(d)” as sub-
 25 section “(c)”.

1 (c) CLERICAL AMENDMENT.—The table of sections
2 for chapter 11 of title 31, United States Code, is amended
3 by striking the items relating to sections 1118 and 1119.

4 **SEC. 8. CLARIFYING AMENDMENTS.**

5 (a) CLARIFICATION OF REQUIREMENT TO CITE TO
6 EVIDENCE-BUILDING ACTIVITIES IN STRATEGIC
7 PLANS.—Section 306(a) of title 5, United States Code,
8 is amended—

9 (1) in paragraph (8) by inserting “, as applica-
10 ble” after “section 312”; and

11 (2) in paragraph (9), in the matter preceding
12 subparagraph (A), by inserting “with respect to the
13 head of an agency required to develop a plan de-
14 scribed in subsection (a) or (b) of section 312,” be-
15 fore “an assessment”.

16 (b) CLARIFICATION OF TIMING OF AGENCY PER-
17 FORMANCE REPORT.—Section 1116(b)(1) of title 31,
18 United States Code, is amended by striking “shall occur
19 no less than 150 days after” and inserting “shall occur
20 not later than 150 days after”.

21 **SEC. 9. GAO REPORT.**

22 Not later than 18 months after the date of enactment
23 of this Act, the Comptroller General of the United States
24 shall submit to the Committee on Homeland Security and
25 Governmental Affairs of the Senate and the Committee

1 on Oversight and Accountability of the House of Rep-
2 resentatives a report on the effectiveness of this Act and
3 the amendments made by this Act.

Passed the Senate February 8 (legislative day, February 7), 2024.

Attest:

Secretary.

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