

Calendar No. 46

118TH CONGRESS
1ST SESSION**S. 709****[Report No. 118–18]**

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

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2023

Mr. PETERS (for himself and Mr. BRAUN) introduced the following bill; which
was read twice and referred to the Committee on Homeland Security and
Governmental Affairs

MAY 4, 2023

Reported by Mr. PETERS, with an amendment

[Insert the part printed in italic]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

3 (a) STRATEGIC REVIEWS.—

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

6 (A) by striking the section heading and in-
7 serting “**Progress reviews and use of**
8 **performance information**”; and

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

10 “(c) AGENCY REVIEWS OF PROGRESS TOWARDS
11 STRATEGIC GOALS AND OBJECTIVES.—

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

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

21 “(A) for each covered goal, review with the
22 appropriate agency official responsible for the
23 covered goal—

24 “(i) the progress achieved toward the
25 covered goal—

1 “(I) during the most recent fiscal
2 year; or

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

6 “(ii) the likelihood that the agency
7 will achieve the covered goal;

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

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

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

22 “(E) assess whether relevant organizations,
23 program activities, regulations, policies, and
24 other activities contribute as planned to each
25 covered goal;

“(F) as appropriate, leverage the assessment performed under subparagraph (E) as part of the portfolio reviews required under section 503(c)(1)(G);

“(G) identify any risks or impediments that would reduce or otherwise decrease the likelihood that the agency will achieve the covered goal; and

“(H) for each covered goal at greatest risk of not being achieved, identify prospects and strategies for performance improvement, including any necessary changes to program activities, regulations, policies, or other activities of the agency.

“(3) SUPPORT.—In fulfilling the requirements of paragraph (2), the head and Chief Operating Officer of each agency shall be supported by—

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

“(B) as appropriate, the Chief Data Officer, Evaluation Officer, Program Management Improvement Officer, and Statistical Official of the agency; and

“(C) any other senior agency official designated by the head of the agency, the sus-

1 tained involvement of whom may help the agen-
 2 cy increase the likelihood of achieving 1 or more
 3 covered goals.”.

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

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

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

10 (1) in subsection (c)—

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

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

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

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

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

19 **SEC. 3. REVISIONS TO THE FEDERAL PERFORMANCE**
 20 **WEBSITE.**

21 Section 1122 of title 31, United States Code, is
 22 amended—

23 (1) in subsection (a)—

24 (A) in paragraph (2)—

25 (i) in subparagraph (C)—

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

6 (II) by striking “and” at the end;

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

10 (iii) by adding at the end the fol-
11 lowing:

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

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

19 “(A) archive and preserve—

20 “(i) the information included in the
21 program inventory required under para-
22 graph (2)(B), including the information
23 described in paragraph (3), after the end
24 of the period during which that informa-
25 tion is made available; and

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

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

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

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

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

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

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

21 “(A) during the most recent quarter and
 22 overall trend data for each quarter compared to
 23 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 on*

1 *Oversight and Accountability of the House of Representa-*
2 *tives a report on the effectiveness of this Act and the amend-*
3 *ments made by this Act.*

Calendar No. 46

118TH CONGRESS
1ST Session

S. 709

[Report No. 118-18]

A BILL

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

MAY 4, 2023

Reported with an amendment