

118TH CONGRESS
1ST SESSION

S. 709

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

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”.

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

8 (a) STRATEGIC REVIEWS.—

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

1 (A) by striking the section heading and in-
 2 serting “**Progress reviews and use of**
 3 **performance information**”; and

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

5 “(c) AGENCY REVIEWS OF PROGRESS TOWARDS
 6 STRATEGIC GOALS AND OBJECTIVES.—

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

11 “(2) REVIEW.—Not less frequently than annu-
 12 ally and consistent with guidance issued by the Di-
 13 rector of the Office of Management and Budget, the
 14 head and Chief Operating Officer of each agency,
 15 shall—

16 “(A) for each covered goal, review with the
 17 appropriate agency official responsible for the
 18 covered goal—

19 “(i) the progress achieved toward the
 20 covered goal—

21 “(I) during the most recent fiscal
 22 year; or

23 “(II) from recent sources of evi-
 24 dence available at the time of the re-
 25 view; and

1 “(ii) the likelihood that the agency
2 will achieve the covered goal;

3 “(B) coordinate with relevant personnel
4 within and outside the agency who contribute to
5 the accomplishment of each covered goal;

6 “(C) assess progress toward each covered
7 goal by reviewing performance information and
8 other types of evidence relating to each covered
9 goal, such as program evaluations and statis-
10 tical data;

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

17 “(E) assess whether relevant organizations,
18 program activities, regulations, policies, and
19 other activities contribute as planned to each
20 covered goal;

21 “(F) as appropriate, leverage the assess-
22 ment performed under subparagraph (E) as
23 part of the portfolio reviews required under sec-
24 tion 503(c)(1)(G);

1 “(G) identify any risks or impediments
2 that would reduce or otherwise decrease the
3 likelihood that the agency will achieve the cov-
4 ered goal; and

5 “(H) for each covered goal at greatest risk
6 of not being achieved, identify prospects and
7 strategies for performance improvement, includ-
8 ing any necessary changes to program activi-
9 ties, regulations, policies, or other activities of
10 the agency.

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

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

16 “(B) as appropriate, the Chief Data Offi-
17 cer, Evaluation Officer, Program Management
18 Improvement Officer, and Statistical Official of
19 the agency; and

20 “(C) any other senior agency official des-
21 ignated by the head of the agency, the sus-
22 tained involvement of whom may help the agen-
23 cy increase the likelihood of achieving 1 or more
24 covered goals.”.

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

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

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

7 (1) in subsection (c)—

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

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

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

13 “(8) include a summary of the findings of the
14 review of the agency under section 1121(e).”; and

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

16 **SEC. 3. REVISIONS TO THE FEDERAL PERFORMANCE**
17 **WEBSITE.**

18 Section 1122 of title 31, United States Code, is
19 amended—

20 (1) in subsection (a)—

21 (A) in paragraph (2)—

22 (i) in subparagraph (C)—

23 (I) by inserting “required to be
24 included on the single website under
25 subparagraph (A) and the informa-

1 tion”; before “in the program inven-
2 tory”; and

3 (II) by striking “and” at the end;

4 (ii) in subparagraph (D), by striking
5 the period at the end and inserting “;
6 and”; and

7 (iii) by adding at the end the fol-
8 lowing:

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

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

16 “(A) archive and preserve—

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

23 “(ii) the information included in the
24 single website under paragraph (2)(A) in
25 accordance with subsections (b) and (c)

1 after the end of the period during which
2 such information is made available on the
3 website; and”;

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

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

8 “(A) during the most recent quarter and
9 overall trend data for each quarter compared to
10 the planned level of performance; and

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

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

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

18 “(A) during the most recent quarter and
19 overall trend data for each quarter compared to
20 the planned level of performance; and

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

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

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

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

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

15 “(C) include plans for the successful
16 achievement of each goal within each single
17 Presidential term; and

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

21 **SEC. 5. FEDERAL GOVERNMENT PRIORITY GOAL CO-LEAD-**
22 **ERS.**

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

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

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

8 “(B) not less than 1 shall be from an
9 agency identified as contributing to the Federal
10 Government performance goal described in
11 paragraph (2);”.

12 **SEC. 6. ESTABLISHMENT OF DEPUTY PERFORMANCE IM-**
13 **PROVEMENT OFFICERS.**

14 Section 1124(a) of title 31, United States Code, is
15 amended—

16 (1) by striking paragraph (1) and inserting the
17 following:

18 “(1) ESTABLISHMENT.—At each agency, the
19 head of the agency, in consultation with the Chief
20 Operating Officer of the agency, shall designate—

21 “(A) a Performance Improvement Officer,
22 who shall be a senior executive of the agency;
23 and

24 “(B) if the Performance Improvement Of-
25 ficer designated under subparagraph (A) is not

1 a career appointee of the Senior Executive
2 Service, a Deputy Performance Improvement
3 Officer, who shall be a career appointee of the
4 Senior Executive Service.”; and

5 (2) by adding at the end the following:

6 “(3) DEPUTY PERFORMANCE IMPROVEMENT
7 OFFICER.—A Deputy Performance Improvement Of-
8 ficer designated under paragraph (1)(B) shall sup-
9 port the Performance Improvement Officer in car-
10 rying out the functions of the Performance Improve-
11 ment Officer under paragraph (2).”.

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

13 (a) IN GENERAL.—Chapter 11 of title 31, United
14 States Code, is amended by striking sections 1118 and
15 1119.

16 (b) CONFORMING AMENDMENT.—Section 9704 of
17 title 31, United States Code, is amended—

18 (1) by striking subsection (c); and

19 (2) by redesignating subsection “(d)” as sub-
20 section “(c)”.

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

1 **SEC. 8. CLARIFYING AMENDMENTS.**

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

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

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

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

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