

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

---

IN THE SENATE OF THE UNITED STATES

---

Mr. PETERS (for himself and Mr. BRAUN) introduced the following bill; which  
was read twice and referred to the Committee on \_\_\_\_\_

---

**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 2022”.

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

4 (2) in subsection (c)—

5 (A) by striking paragraph (5) and insert-  
6 ing the following:

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

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

12 “(B) at the end of the 4-year Federal Gov-  
13 ernment priority goal period compared to the  
14 overall planned level of performance;”;

15 (B) by striking paragraph (6) and insert-  
16 ing the following:

17 “(6) the results achieved toward the goals and  
18 objectives established in the strategic plan of the  
19 agency under section 306(a) of title 5—

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

23 “(B) at the end of the 2-year agency pri-  
24 ority goal period compared to the overall  
25 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, subject to the discretion of the Direc-  
3           tor, not fewer than 2 lead Government officials who  
4           shall jointly be responsible for coordinating the ef-  
5           forts to achieve the goal, of 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”.