

Suspend the Rules and Pass the Bill, S. 709, With an Amendment

**(The amendment strikes all after the enacting clause and inserts a
new text)**

118TH CONGRESS
2D SESSION

S. 709

IN THE HOUSE OF REPRESENTATIVES

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 2024”.

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

8 (a) STRATEGIC REVIEWS.—

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

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

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

7 “(c) AGENCY REVIEWS OF PROGRESS TOWARDS
8 STRATEGIC GOALS AND OBJECTIVES.—

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

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

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

21 “(i) the progress achieved toward the
22 covered goal—

23 “(I) during the most recent fiscal
24 year; or

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

4 “(ii) the likelihood that the agency
5 will achieve the covered goal;

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

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

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

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

24 “(F) as appropriate, leverage the assess-
25 ment performed under subparagraph (E) as

1 part of the portfolio reviews required under sec-
2 tion 503(c)(1)(G);

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

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

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

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

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

22 “(C) any other senior agency official des-
23 ignated by the head of the agency, the sus-
24 tained involvement of whom may help the agen-

1 cy increase the likelihood of achieving 1 or more
2 covered goals.”.

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

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

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

9 (1) in subsection (c)—

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

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

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

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

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

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

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

22 (1) in subsection (a)—

23 (A) in paragraph (2)—

24 (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. 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. 7. 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. 8. 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.