

Calendar No. 111

116TH CONGRESS }
1st Session }

SENATE

{ REPORT
116-46

FEDERAL AGENCY CUSTOMER EXPERIENCE
ACT OF 2019

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 1275

TO REQUIRE THE COLLECTION OF VOLUNTARY FEEDBACK ON
SERVICES PROVIDED BY AGENCIES, AND FOR OTHER PURPOSES



JUNE 10, 2019.—Ordered to be printed

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FEDERAL AGENCY CUSTOMER EXPERIENCE ACT OF 2019

JUNE 10, 2019.—Ordered to be printed

Mr. JOHNSON, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 1275]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 1275) to require the collection of voluntary feedback on services provided by agencies, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

CONTENTS

	Page
I. Purpose and Summary	1
II. Background and Need for the Legislation	2
III. Legislative History	3
IV. Section-by-Section Analysis	3
V. Evaluation of Regulatory Impact	5
VI. Congressional Budget Office Cost Estimate	5
VII. Changes in Existing Law Made by the Bill, as Reported	6

I. PURPOSE AND SUMMARY

The Federal Agency Customer Experience Act of 2019, S. 1275, amends the Paperwork Reduction Act (PRA) to allow agencies to solicit voluntary customer feedback without first having to seek approval from the Office of Management and Budget (OMB), as currently required by the PRA.¹

¹On September 14, 2017, the Committee approved S. 1088, Federal Agency Customer Experience Act of 2017. That bill is substantially similar to S. 1275. Accordingly, this committee report

Continued

II. BACKGROUND AND THE NEED FOR LEGISLATION

Originally passed in 1980² and later amended in 1995³, the PRA is intended to, in part, “minimize the paperwork burden for individuals” and entities that interact with the Federal Government and to “improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society.”⁴ This law assigns to the Director of OMB responsibility for the “collection of information and the control of paperwork,”⁵ which includes responsibility for “review[ing] and approv[ing] proposed agency collections of information.”⁶ The PRA outlines an explicit process and criteria whereby agencies⁷ undertake certain steps to justify, quantify the impact of, and submit for approval any proposed information collection; OMB is responsible for timely review of such proposals, coordination across agencies, establishment of government-wide standards and guidelines, and “minimiz[ing] the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected.”⁸

S. 1275 seeks to encourage agencies to collect voluntary feedback about the quality and perceptions of their services and interactions with the public by exempting a proscribed survey instrument from the review requirements under the PRA. According to the 2018 American Customer Satisfaction Index, the Federal Government ranks among the bottom of all American industries in customer satisfaction.⁹ In the 2015 edition of that same survey, the Federal Government received its lowest score since 1999, when the survey was first introduced.¹⁰ The bill aims to facilitate the gathering of useful and timely customer satisfaction information to encourage continuous improvement of agency customer service.

The surveys permitted under S. 1275 consist of a limited set of questions developed by the Director of OMB, in consultation with the Administrator of General Services (and additional questions developed by the agency). The solicitation to participate in a survey is to be conducted at the point of service. Surveys are to be entirely voluntary and respondents to them are to remain anonymous. Individuals who decline to respond are not to be treated differently by agencies for the purposes of providing services or information. The results of data collected pursuant to S. 1275 will be made public

is in large part a reproduction of Chairman Johnson’s committee report for S. 1088, S. Rep. No. 115–156.

²Pub. L. No. 96–511, 94 Stat. 2812.

³Pub. L. 104–13, 109 Stat. 163.

⁴44 U.S.C. § 3501 (1) and (4).

⁵44 U.S.C. § 3504(c).

⁶44 U.S.C. § 3504(c)(1).

⁷The scope of agencies under this law include both those commonly understood to be Executive agencies as well as independent regulatory commissions, as defined in 44 U.S.C. § 3502 (referenced in Section 3 of the PRA).

⁸44 U.S.C. § 3504(c).

⁹The American Customer Satisfaction Index (ACSI) is a national, cross-industry measure of customer satisfaction in the United States. In the 2018 ACSI, the aggregated score for “Federal Government” is 68.9, which is among the bottom four aggregate benchmark scores for all industries. See American Customer Satisfaction Index, “ACSI Benchmarks for U.S. Federal Government 2018,” available at <http://www.theacsi.org/acsi-benchmarks-for-u-s-federal-government-2018> (accessed May 20, 2019), and American Customer Satisfaction Index, Benchmarks by Industry: All Industries, available at http://www.theacsi.org/index.php?option=com_content&view=article&id=147&catid=&Itemid=212&i=all&sort=Y2018 (accessed May 20, 2019).

¹⁰American Customer Satisfaction Index, ACSI *Federal Government Report 2018*, 1 (Jan. 29, 2019) available at <https://www.theacsi.org/images/stories/images/govsatscores/19jan-Gov-report-2018.pdf> (accessed on May 20, 2019).

in aggregated form through regular agency reports and a centralized website established by the Director of OMB.

III. LEGISLATIVE HISTORY

Senator Margaret Hassan (D–NH) introduced S. 1275 on May 1, 2019, with Senator James Lankford (R–OK). The bill was referred to the Committee on Homeland Security and Governmental Affairs. The Committee considered S. 1275 at a May 15, 2019 business meeting.

The Committee ordered S. 1275 reported favorably on May 15, 2019, by voice vote *en bloc*. Senators present for the vote were Senators Johnson, Paul, Lankford, Scott, Peters, Carper, Hassan, and Rosen. For the record only, Senators Portman, Romney, Hawley, and Sinema later asked to be recorded as “yes” by unanimous consent.

Consistent with Committee Rule 11, the Committee reports the bill with a technical amendment by mutual agreement of the Chairman and Ranking Member.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section provides the bill’s short title, the “Federal Agency Customer Experience Act of 2019.”

Section 2. Findings; sense of Congress

This section contains several findings summarized as follows: (1) “the Federal Government . . . should seek to continually improve public services . . . based on customer feedback”; (2) the public deserves efficient and effective Federal Government services; (3) many Federal Government entities “provide excellent service” while others “fall short”; (4) “the Federal Government ranks among the bottom of all industries in the United States in customer satisfaction”; (5) excellent service increases public confidence in the government; (6) improvement in customer service “requires agencies to work across organizational boundaries, leverage technology, collect and share standardized data, and develop customer-centered mindsets and strategies.”

This section also contains a sense of Congress that (1) agencies should strive to provide the highest quality of services to the public they serve, using feedback to better understand and measure quality; and (2) sufficient funding levels are needed to support adequate staffing.

Section 3. Definitions

This section defines the terms “Administrator”, “Agency”, “Covered Agency”, “Director”, and “Voluntary Feedback”.

Section 4. Application of the Paperwork Reduction Act to collection of voluntary feedback

This section amends the PRA to add a new definition for the term “voluntary feedback”.

This section also amends the PRA to add collection of voluntary feedback to the exemptions to the PRA’s requirements for OMB review of agency information collections.

Section 5. Guidelines for voluntary feedback

This section outlines several requirements that apply to agencies that solicit voluntary feedback: (1) responses must be anonymous and “not be traced to specific individuals or entities”; (2) declinations to participate will not lead to differential treatment; (3) solicitations are limited to 10 questions; (4) “the voluntary nature of the solicitation is clear”; (5) “proposed solicitation[s] . . . will contribute to improved customer service”; (6) solicitations are limited to once per interaction; (7) “to the extent practicable, the solicitation of voluntary feedback is made at the point of service”; (8) “instruments for collecting voluntary feedback are accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973”; and (9) “internal agency data governance policies remain in effect.”

Section 6. Customer experience data collection

Subsection (a) stipulates the requirement that the “head of each covered agency (or a designee), assisted by and in coordination with the senior accountable official for customer service . . . shall collect voluntary feedback with respect to services of or transactions with the covered agency.”

Subsection (b) describes the development and required content of questions contained in voluntary feedback solicitations, which shall be a standardized set of questions developed by “[t]he Director [of OMB], in coordination with the Administrator [of General Services].” The questions should address: (1) “overall satisfaction . . . with the specific interaction or service”; (2) “the extent to which [they] were able to accomplish their intended . . . purpose”; (3) “whether [they] were treated with respect and professionalism; (4) timeliness of the service; and (5) “any additional metrics as determined by the Director [of OMB], in coordination with the Administrator [of General Services].” The “senior accountable official for customer service” may supplement these questions with agency or program-specific questions.

Subsection (c) stipulates that, “[t]o the extent practicable,” voluntary feedback will take place “across all platforms or channels” through which the agency delivers information or services and that the collection is tied to a specific interaction.

Subsection (d) describes reporting requirements related to collection of voluntary feedback. Within one year of this Act’s enactment and at least annually thereafter, covered agencies must publish on their website and “submit to the Director [of OMB] . . . a report that includes the voluntary feedback required to be collected.” Further, the Director of OMB shall establish, “include and maintain on a publicly available website links to the information provided on the [agency] websites.” Additionally, “[e]ach covered agency shall publish, on a regular basis, an aggregated report on the solicitation of voluntary feedback . . . which shall include:” (1) “the intended purpose of each solicitation;” (2) “the appropriate point of contact within each covered agency for each solicitation;” (3) “the questions or survey instrument” used; and (4) “a description of how the covered agency uses the voluntary feedback . . . to improve customer service.”

Section. 7. Customer experience report

This section requires the Comptroller General of the United States to submit a report “assessing the quality of services provided to the public” to the Committee and the House of Representatives Committee on Oversight and Reform within 15 months after the bill is enacted and every two years thereafter for 10 years.

Section 8. Restriction on use of information

This section clarifies that information gathered pursuant this bill “may not be used in any appraisal of job performance of a Federal employee.”

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 4, 2019.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1275, the Federal Agency Customer Experience Act of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

S. 1275, Federal Agency Customer Experience Act of 2019			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on May 15, 2019			
Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Deficit Effect	0	*	*
Spending Subject to Appropriation (Outlays)	0	*	n.e.
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
n.e. = not estimated; * = between zero and \$500,000.			

S. 1275 would make it easier for agencies to solicit feedback about agency services from the people or customers that it serves. Under the bill agencies would collect information from customers using standard questions developed by the Office of Management and Budget and the General Services Administration. The bill also would require agencies to post the responses to those questions online, use the responses to improve their services, and establish a website that would link to agency reports on customer services. Finally, the bill would require the Government Accountability Office to prepare an annual report on the quality of customer service provided by federal agencies.

Most provisions of the bill would expand on current law, policies, and practices of the federal government. The President's Management Agenda and Gears of Government Award program already encourages customer service improvements. In addition, the Government Performance and Results Act and the Government Performance and Results Modernization Act require agencies to improve customer service performance. Because those initiatives are ongoing and the bill's new reporting requirements are not significantly different from current requirements, CBO estimates that implementing the bill would have no significant cost.

Enacting S. 1275 could affect direct spending by agencies that use fees, receipts from the sale of goods, and other collections to cover operating costs. Because most of those agencies can adjust the amounts they collect as operating costs change, CBO estimates that any net changes in direct spending by those agencies would be negligible.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 1275 as reported are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

* * * * *

TITLE 44—PUBLIC PRINTING AND DOCUMENTS

* * * * *

CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

* * * * *

Subchapter I—Federal Information Policy

* * * * *

SEC. 3502. DEFINITIONS

(1) * * *

* * * * *

(22) * * *

(A) * * *

* * * * *

(D) report to third parties, the Federal Government, or the public regarding such records; [and]

(23) the term "penalty" includes the imposition by an agency or court of a fine or other punishment; a judgment for monetary damages or equitable relief; or the revocation, suspension, reduction, or denial of a license, privilege, right, grant, or benefit[.]; and

(24) the term "voluntary feedback" means any submission of information, opinion, or concern that is—

(A) voluntarily made by a specific individual or other entity relating to a particular service of or transaction with an agency; and

(B) specifically solicited by that agency.

* * * * *

SEC. 3518. EFFECT ON EXISTING LAWS AND REGULATIONS

(a) * * *

(b) * * *

(c) * * *

(1) * * *

(A) * * *

(B) * * *

(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; [or]

(D) during the conduct of intelligence activities as defined in section 3.4(e) of Executive Order No. 12333, issued December 4, 1981, or successor orders, or during the conduct of cryptologic activities that are communications security activities[.]; or

(E) by an agency that is voluntary feedback.

