

Calendar No. 220

115TH CONGRESS }
1st Session }

SENATE

{ REPORT
115-156

FEDERAL AGENCY CUSTOMER EXPERIENCE
ACT OF 2017

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 1088

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



SEPTEMBER 14, 2017.—Ordered to be printed

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

R E P O R T

[To accompany S. 1088]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 1088) 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.

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I. PURPOSE AND SUMMARY

The Federal Agency Customer Experience Act of 2017, S. 1088, 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.

II. BACKGROUND AND THE NEED FOR LEGISLATION

Originally passed in 1980¹ and later amended in 1995,² 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.”³ This law assigns to the Director of OMB responsibility for the “collection of information and the control of paperwork,”⁴ which includes responsibility for “review[ing] and approv[ing] proposed agency collections of information.”⁵ The PRA outlines an explicit process and criteria whereby agencies⁶ 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.”⁷

S. 1088 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 2016 American Customer Satisfaction Index, the Federal Government ranks among the bottom of all American industries in customer satisfaction.⁸ In the 2015 edition of that same survey, the Federal Government received its lowest score in nearly a decade.⁹ The bill aims to facilitate the gathering of useful and timely customer satisfaction information—the solicitation to participate in a survey is conducted at the point of service—to encourage continuous improvement of agency customer service.

The surveys permitted under S. 1088 would 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). They 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. 1088 will be made public in aggre-

¹ Pub. L. No. 96–511, 94 Stat. 2812.

² Pub. L. 104–13, 109 Stat. 163.

³ 44 U.S.C. § 3501 (1) and (4).

⁴ 44 U.S.C. § 3504(c).

⁵ 44 U.S.C. § 3504(c)(1).

⁶ The 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 (referred in Section 3 of the PRA).

⁷ 44 U.S.C. § 3504(c).

⁸ The American Customer Satisfaction Index (ACSI) is a national, cross-industry measure of customer satisfaction in the United States. In the 2016 ACSI, the aggregated score for “Federal Government” is 68, which is among the bottom three aggregate benchmark scores for all industries. See American Customer Satisfaction Index, “ACSI Benchmarks for U.S. Federal Government 2016,” available at <http://www.theacsi.org/acsi-benchmarks-for-u-s-federal-government-2016> (accessed Jan. 31, 2017), 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=Y2016> (accessed July 14, 2017).

⁹ American Customer Satisfaction Index, ACSI Federal Government Report 2015, 1 (Jan. 26, 2016) available at <http://www.theacsi.org/images/stories/images/reports/16jan-Gov-Report.pdf> (accessed on July 14, 2017).

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

III. LEGISLATIVE HISTORY

Senator Claire McCaskill (D–MO) introduced S. 1088 on May 10, 2017, with Senator James Lankford (R–OK). The bill was referred to the Committee on Homeland Security and Governmental Affairs. The Committee considered S. 1088 at a May 17, 2017 business meeting.

The Committee ordered S. 1088 reported favorably on May 17, 2017, by voice vote *en bloc*. Senators present for the vote were Senators Johnson, McCain, Portman, Paul, Lankford, Enzi, Hoeven, Daines, McCaskill, Tester, Heitkamp, Peters, Hassan, and Harris. 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 2017.”

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 agencies should strive to provide the highest quality of services to the public they serve, using feedback to better understand and measure quality.

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 Chief Performance Officer . . . 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 agency “Chief Performance Officer or other 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 scorecard 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 Government Reform within 15 months after the bill is enacted and annually thereafter for 10 years.

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

JULY 14, 2017.

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. 1088, the Federal Agency Customer Experience Act of 2017.

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

Sincerely,

KEITH HALL.

Enclosure.

S. 1088—Federal Agency Customer Experience Act of 2017

S. 1088 would authorize federal agencies to gather feedback (voluntarily and anonymously) from U.S. citizens and customers regarding agency services. Standard questions developed by the Office of Management and Budget and the General Services Administration would be used to solicit that feedback. The bill also would require agencies to post responses online and to use the feedback to improve their services. Finally, the bill would establish a centralized website that would link to all agency reports and would require the Government Accountability Office to prepare an annual report on the quality of customer services provided by federal agencies.

According to information from selected agencies, most provisions of the bill would expand on current law, policies, and practices of the federal government. Executive Order 13571 directed agencies to develop customer service plans. In addition, the Government Performance and Results Act and the Government Performance and Results Modernization Act require agencies to improve their performance. Because such efforts are ongoing and the bill’s new reporting requirements are not significantly different from current

requirements, CBO estimates that implementing the bill would not significantly affect the federal budget.

Enacting the bill could affect direct spending by agencies not funded through annual appropriations; therefore, pay-as-you-go procedures apply. CBO estimates, however, that any net increase in spending by those agencies would not be significant. Enacting S. 1088 would not affect revenues.

CBO estimates that enacting S. 1088 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 1088 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved 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. 1088 as reported are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in *italics*, 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) * * *

* * * * *

(13) * * *

(A) * * *

* * * * *

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

(15) 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[.] and

(E) by an agency that is voluntary feedback.