

Calendar No. 103

117TH CONGRESS }
1st Session }

SENATE

{ REPORT
117-30

FEDERAL AGENCY CUSTOMER EXPERIENCE
ACT OF 2021

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 671

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



JULY 19, 2021.—Ordered to be printed

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JULY 19, 2021.—Ordered to be printed

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

R E P O R T

[To accompany S. 671]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 671) to require the collection of voluntary feedback on services provided by agencies, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

The Federal Agency Customer Experience Act of 2021, S. 671, 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 June 10, 2019, the Committee approved S. 1275, Federal Agency Customer Experience Act of 2019, which is substantially similar to S. 671. Accordingly, this committee report is in large part a reproduction of the Committee report for S. 1275, S. Rep. No. 116-46.

II. BACKGROUND AND NEED FOR LEGISLATION

Originally passed in 1980² and later amended in 1995,³ 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 agencies undertake certain steps to justify, quantify the impact of, and submit for approval any proposed information collection.⁷ 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. 671 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 2020 American Customer Satisfaction Index, public administration and government are at the bottom of all American economic sectors in customer satisfaction.⁹ The 2020 score for the federal government is among the lowest scores received since 1999.¹⁰ 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. 671 consist of a limited set of questions developed by the Director of OMB, in consultation with the Administrator of General Services (and with additional questions developed by the participating agencies). The bill requires the solicitation to participate in a survey to be conducted at the point of service. Surveys must be voluntary and respondents must remain anonymous. Individuals who decline to respond cannot be treated differently by agencies for the purposes of providing services or information. The data collected pursuant to S. 671 will be made public in aggregated form through regular agency reports and a centralized website established by the Director of OMB.

² Pub. L. No. 96-511, 94 Stat. 2812.

³ Pub. L. No. 104-13, 109 Stat. 163.

⁴ 44 U.S.C. Sec. 3501(1) and (4).

⁵ 44 U.S.C. Sec. 3504(c).

⁶ 44 U.S.C. Sec. 3504(c)(1).

⁷ 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. Sec. 3502 (referenced in Section 3 of the PRA).

⁸ 44 U.S.C. Sec. 3504(c).

⁹ The American Customer Satisfaction Index (ACSI) is a national, cross-industry measure of customer satisfaction in the United States. In the 2020 ACSI, the aggregated score for “Federal Government” is 65.1 (down 4.4 percent since 2019), which is among the bottom four aggregate benchmark scores for all industries. See American Customer Satisfaction Index, *ACSI Federal Government Report 2020*, (Feb. 9, 2021) (<https://www.theacsi.org/images/stories/images/reports/21feb%20GOV-report.pdf>), and American Customer Satisfaction Index, *Benchmarks by Sector: All Industries* (March 2021) (<https://www.theacsi.org/images/stories/images/nationalquarterlyscores/21mar%20acsi%20sector%20scores-2.pdf>).

¹⁰ *Id.*, *ACSI Federal Government Report 2020*.

III. LEGISLATIVE HISTORY

Senator Margaret Hassan (D–NH) introduced S. 671 on March 10, 2021, with Senator James Lankford (R–OK). The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 671 at a March 17, 2021 business meeting. During the business meeting, the bill was reported favorably *en bloc* by voice vote with Senators Peters, Rosen, Padilla, Portman, Johnson, Lankford, Romney, Scott, and Hawley present.

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

Section 1. Short title

This section provides the bill’s short title, the “Federal Agency Customer Experience Act of 2021.”

Section 2. Findings; Sense of Congress

This section contains several findings regarding the Federal Government’s provision of customer service, including how the Federal Government should continue to improve its service based on customer feedback, as well as how it consistently ranks among the lowest industries for customer satisfaction. In addition, it finds that improving the customer experience increases public confidence in the government.

This section also contains a sense of Congress that agencies should strive to provide the highest quality services to the public they serve by using feedback to better understand and measure quality. Additionally, it notes that sufficient funding levels are needed to support adequate staffing to improve delivery of high-quality customer service.

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.” It 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. Customer responses must be anonymous and declinations to participate must not lead to differential treatment; moreover, solicitations for voluntary feedback are limited to 10 questions. Other provisions require that the solicitation be clearly identified as voluntary, and that it be made only once during an interaction between the customer and they agency, ideally at the point of service.

Section 6. Customer experience data collection

Subsection (a) names the agency personnel responsible for collecting voluntary feedback.

Subsection (b) describes the types of questions that voluntary feedback must include, as well as the personnel at OMB and participating agencies who are responsible for developing these questions.

Subsection (c) stipulates that voluntary feedback must be tied to specific customer interactions across all platforms and channels.

Subsection (d) requires participating agencies to send annual reports to OMB summarizing the results of voluntary feedback; these reports must be published on a website maintained by OMB. This subsection also requires agencies to publish regular aggregated reports regarding their voluntary feedback activities.

Section. 7. Customer experience report

This section requires the Comptroller General of the United States to submit reports summarizing the results of agency reports and assessing improvements to agency customer service based on voluntary feedback.

Section 8. Restriction on use of information

This section clarifies that information gathered pursuant to this bill may not be used to assess the job performance of Federal employees.

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, April 6, 2021.

Hon. GARY C. PETERS,
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. 671, the Federal Agency Customer Service Experience Act of 2021.

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. 671, Federal Agency Customer Experience Act of 2021 | | | |
|---|------|-------------------------------------|---------------|
| As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on March 17, 2021 | | | |
| By Fiscal Year, Millions of Dollars | 2021 | 2021-2026 | 2021-2031 |
| Direct Spending (Outlays) | * | * | * |
| Revenues | 0 | 0 | 0 |
| Increase or Decrease (-) in the Deficit | * | * | * |
| Spending Subject to Appropriation (Outlays) | * | 2 | not estimated |
| 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 2032? | No | Contains intergovernmental mandate? | No |
| | | Contains private-sector mandate? | No |
| * = between zero and \$500,000. | | | |

S. 671 would direct agencies to collect information from their 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, to use the responses to improve their services, and to establish a website that would link to agency reports on customer service. 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 codify policies and practices agencies already follow to gather feedback and improve customer service. For instance, the President's Management Agenda and Gears of Government Award program encourage customer service improvements, while the Government Performance and Results Act and the Government Performance and Results Modernization Act require agencies to improve customer service performance. CBO estimates that implementing the bill would cost \$2 million over the 2021–2026 period, primarily for agencies to adjust the ongoing customer service plans and to prepare annual reports.

Enacting the bill could affect direct spending by some agencies that are allowed to use fees, receipts from the sale of goods, and other collections to cover operating costs. CBO estimates that any net changes in direct spending by those agencies would be negligible because most of them can adjust amounts collected to reflect changes in operating costs.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of 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. 671 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) the term “public data asset” means a data asset, or part thereof, maintained by the Federal Government that has been, or may be, released to the public, including any data asset, or part thereof, subject to disclosure under section 552 of title 5; [and]

(23) the term “statistical laws” means subchapter III of this chapter and other laws pertaining to the protection of information collected for statistical purposes as designated by the Director[.]; 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.