

FEDERAL AGENCY CUSTOMER EXPERIENCE ACT OF 2018

NOVEMBER 27, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GOWDY, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany H.R. 2846]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 2846) to require the collection of voluntary feedback on services provided by agencies, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Agency Customer Experience Act of 2018”.

SEC. 2. FINDINGS; SENSE OF CONGRESS.**(a) FINDINGS.**—Congress finds that—

(1) the Federal Government serves the people of the United States and should seek to continually improve public services provided by the Federal Government based on customer feedback;

(2) the people of the United States deserve a Federal Government that provides efficient, effective, and high-quality services across multiple channels;

(3) many agencies, offices, programs, and Federal employees provide excellent service to individuals, however many parts of the Federal Government still fall short on delivering the customer service experience that individuals have come to expect from the private sector;

(4) according to the 2016 American Customer Satisfaction Index, the Federal Government ranks among the bottom of all industries in the United States in customer satisfaction;

(5) providing quality services to individuals improves the confidence of the people of the United States in their government and helps agencies achieve greater impact and fulfill their missions; and

(6) improving service to individuals requires agencies to work across organizational boundaries, leverage technology, collect and share standardized data, and develop customer-centered mindsets and service strategies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all agencies should strive to provide high-quality, courteous, effective, and efficient services to the people of the United States and seek to measure, collect, report, and utilize metrics relating to the experience of individuals interacting with agencies to continually improve services to the people of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of General Services.

(2) **AGENCY.**—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(3) **COVERED AGENCY.**—The term “covered agency” means an agency or component of an agency that is designated as a “covered agency” pursuant to section 5(a).

(4) **DIRECTOR.**—The term “Director” means the Director of the Office of Management and Budget.

(5) **VOLUNTARY CUSTOMER SERVICE FEEDBACK.**—The term “voluntary customer service feedback” means a response to a collection of information conducted by a covered agency in accordance with this Act.

SEC. 4. APPLICATION OF CERTAIN PROVISIONS OF THE PAPERWORK REDUCTION ACT TO COLLECTION OF VOLUNTARY CUSTOMER SERVICE FEEDBACK.

Sections 3506(c) and 3507 of title 44, United States Code (provisions of what is commonly known as the “Paperwork Reduction Act”) shall not apply to a collection of voluntary customer service feedback.

SEC. 5. GUIDELINES FOR VOLUNTARY CUSTOMER SERVICE FEEDBACK.

(a) EVALUATION AND DESIGNATION.—The Director shall assess agencies, agency components, and agency programs to identify which have the highest impact on or number of interactions with individuals or entities. Based on the assessment, the Director shall designate agencies, agency components, or programs as covered agencies for purposes of this Act.

(b) GUIDANCE.—The Director shall issue guidance that requires each covered agency that solicits voluntary customer service feedback to ensure that—

(1) any response to the solicitation of voluntary customer service feedback remains anonymous, the collection method does not include a request for or opportunity for the respondent to provide information that could identify such respondent, and any response is not traced to a specific individual or entity;

(2) any individual or entity who declines to participate in the solicitation of voluntary customer service feedback shall not be treated differently by the agency for purposes of providing services or information;

(3) the solicitation does not include more than 10 questions;

(4) the voluntary nature of the solicitation is clear;

(5) the collection of voluntary customer service feedback is only used to improve customer service and will not be used for any other purpose;

(6) any solicitation of voluntary customer service feedback is limited to 1 solicitation per interaction with an individual or entity;

(7) to the extent practicable, the solicitation of voluntary customer service feedback is made at the point of service with an individual or entity;

(8) any instrument for collecting voluntary customer service feedback is accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

(9) internal agency data governance policies remain in effect with respect to the collection of voluntary customer service feedback from any individual or entity.

SEC. 6. CUSTOMER EXPERIENCE DATA COLLECTION.

(a) **COLLECTION OF RESPONSES.**—The head of each covered agency (or a designee), assisted by and in consultation with the Performance Improvement Officer or other senior accountable official for customer service of the covered agency, shall collect voluntary customer service feedback with respect to any service of or transaction with the covered agency that has been identified by the Director, in consultation with the Administrator, in accordance with the guidance issued by the Director under section 5.

(b) **CONTENT OF QUESTIONS.**—

(1) **STANDARDIZED QUESTIONS.**—The Director, in consultation with the Administrator, shall develop a set of standardized questions for use by each covered agency in collecting voluntary customer service feedback under this section that address—

(A) overall satisfaction of individuals or entities with the specific interaction or service received;

(B) the extent to which individuals or entities were able to accomplish their intended task or purpose;

(C) whether the individual or entity was treated with respect and professionalism;

(D) whether the individual or entity believes they were served in a timely manner; and

(E) any additional metrics as determined by the Director, in consultation with the Administrator.

(2) **ADDITIONAL QUESTIONS.**—In addition to the questions developed pursuant to paragraph (1), the Director shall consult with the Performance Improvement Council to develop additional questions relevant to the operations or programs of covered agencies.

(c) **ADDITIONAL REQUIREMENTS.**—To the extent practicable—

(1) each covered agency shall collect voluntary customer service feedback across all platforms or channels through which the covered agency interacts with individuals or other entities to deliver information or services; and

(2) voluntary customer service feedback collected under this section shall be tied to specific transactions or interactions with customers of the covered agency.

(d) **REPORTS.**—

(1) **ANNUAL REPORT TO THE DIRECTOR.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, and not less frequently than annually thereafter, each covered agency shall publish on the website of the covered agency and submit to the Director, in a manner determined by the Director—

(i) a report that includes—

(I) the voluntary customer service feedback for the previous year; and

(II) descriptions of how the covered agency has used and plans to use such feedback; and

(ii) a machine readable dataset that includes—

(I) the the standardized questions or additional questions described in subsection (b) and the response choices for such questions; and

(II) the response rate for each collection of voluntary customer service feedback for the previous year.

(B) **CENTRALIZED WEBSITE.**—The Director shall—

(i) include and maintain on a publicly available website links to the information provided on the websites of covered agencies under subparagraph (A); and

(ii) for purposes of clause (i), establish a website or make use of an existing website, such as the website required under section 1122 of title 31, United States Code.

(2) AGGREGATED REPORT.—Each covered agency shall publish in an electronic format and update on a regular basis an aggregated report on the solicitation and use of voluntary customer service feedback, which shall include—

(A) the intended purpose of each solicitation of voluntary customer service feedback conducted by the covered agency;

(B) the appropriate point of contact within each covered agency for each solicitation of voluntary customer service feedback conducted;

(C) the questions or survey instrument submitted to members of the public as part of the solicitation of voluntary customer service feedback; and

(D) a description of how the covered agency uses the voluntary customer service feedback received by the covered agency to improve the customer service of the covered agency.

SEC. 7. CUSTOMER EXPERIENCE SCORECARD REPORT.

(a) IN GENERAL.—Not later than 15 months after the date on which all covered agencies have submitted the first annual reports to the Director required under section 6(d)(1), and every 2 years thereafter until the date that is 10 years after such date, the Comptroller General of the United States shall make publicly available and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a scorecard report assessing the data collected and reported by the covered agencies and each instrument used to collect voluntary customer service feedback.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a summary of the information required to be published by covered agencies under section 6(d);

(2) a description of how each covered agency plans to use and has used the voluntary customer service feedback received by the covered agency; and

(3) an evaluation of each covered agency's compliance with this Act.

SEC. 8. SENSE OF CONGRESS.

It is the sense of Congress that adequate Federal funding is needed to ensure agency staffing levels that can provide the public with appropriate customer service levels.

Amend the title so as to read:

A bill to require the collection of voluntary customer service feedback on services provided by agencies, and for other purposes.

SUMMARY AND PURPOSE OF LEGISLATION

H.R. 2846, the Federal Agency Customer Experience Act of 2017, establishes a process for federal agencies to collect voluntary customer service feedback. Data collected will be made publicly available to provide transparency for Congress and the public.

BACKGROUND AND NEED FOR LEGISLATION

The American people deserve a federal government that provides a positive customer service experience. However, according to the American Customer Satisfaction Index, the Federal Government is near the bottom of all industries in the United States when it comes to customer satisfaction.¹

In 2014, the Government Accountability Office (GAO) reviewed the customer service standards of six Federal programs.² GAO analyzed the extent to which these programs met customer service standards that include targets or goals for performance, include performance measures, and are publicly accessible.³ GAO found

¹See THE AMERICAN CUSTOMER SATISFACTION INDEX, ACSI BENCHMARKS FOR U.S. FEDERAL GOVERNMENT 2017, http://www.theacsi.org/images/stories/images/govsatscores/18jan_gov-report-2017.pdf (federal government aggregated score compared to *Benchmarks by Industry*).

²U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-15-84, MANAGING FOR RESULTS: SELECT AGENCIES NEED TO TAKE ADDITIONAL EFFORTS TO IMPROVE CUSTOMER SERVICE (2014).

³*Id.*

none of these six programs examined included all of the key customer service elements.⁴

In private industry, businesses obtain feedback from customers to improve products and services.⁵ In fact, the bottom line of a company often depends on the quality of service they provide.⁶ Federal agencies need to reorient their policies related to customer service. The Federal Agency Customer Experience Act is a step toward that goal.

H.R. 2846 builds upon the existing practices of the Office of Management and Budget (OMB) and the Office of Information and Regulatory Affairs (OIRA), which are charged with enforcing the *Paperwork Reduction Act* (PRA). The PRA requires federal agencies to receive approval from OIRA for their information collection activities, including customer feedback surveys.⁷ This process generally requires agencies to, among other things, submit a detailed proposal to OIRA and seek public comment on their information collection proposal.⁸

For information collections that are voluntary and noncontroversial, OIRA created generic clearance and fast-track procedures to expedite the normal approval process.⁹ To obtain a generic clearance, agencies must receive approval through the normal process for a broad proposal that is representative of how the agency will collect the covered information.¹⁰ Once this proposal is approved, agencies may then customize similar information collections for specific purposes and receive expedited approval from OIRA.¹¹ Among the agency activities eligible for this expedited approval are customer service surveys and other feedback mechanisms.¹²

H.R. 2846 requires select federal agencies to collect voluntary customer service feedback. The bill also sets guidelines for the solicitation of voluntary feedback provided by the public. The questionnaires permitted under H.R. 2846 are short and the responses are anonymous. Collecting customer service data alone will not improve the relationship between the American public and the Federal Government. H.R. 2846 adds transparency and accountability requirements, including agency reports on the description, purpose, and results of the feedback they receive and a government-wide customer experience scorecard prepared by GAO, based on individual agency reports.

⁴ *Id.*

⁵ See generally Jane Fountain, *Paradoxes of Public Sector Customer Service*, 14 GOVERNANCE: AN INTERNATIONAL JOURNAL OF POLICY AND ADMINISTRATION 55 (2001); DEP'T OF HEALTH AND HUMAN SERVS., OFFICE OF INSPECTOR GENERAL, OEI-02-94-00060, HOW THE PRIVATE SECTOR MONITORS CUSTOMER SATISFACTION: A BENCHMARKING REPORT (1994).

⁶ See TONY D'EMIDIO, DAVID MALFARA, AND KEVIN NEHER, MCKINSEY & COMPANY, IMPROVING THE CUSTOMER EXPERIENCE TO ACHIEVE GOVERNMENT-AGENCY GOALS (2017), <https://www.mckinsey.com/industries/public-sector/our-insights/improving-the-customer-experience-to-achieve-government-agency-goals>.

⁷ See 44 U.S.C. § 3507 (2016); 44 U.S.C. § 3502(c); 5 C.F.R. § 1302.3(c) (2018).

⁸ 44 U.S.C. § 3507.

⁹ See generally OFFICE OF INFORMATION AND REGULATORY AFFAIRS, EXEC. OFFICE OF THE PRESIDENT, FLEXIBILITIES UNDER THE PAPERWORK REDUCTION ACT FOR COMPLIANCE WITH INFORMATION COLLECTION REQUIREMENTS (2016), https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/inforeg/inforeg/prs_flexibilities_memo_7_22_16_final.pdf.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the previous section.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal or objective of this bill is to require the collection of voluntary feedback on services provided by agencies, and for other purposes.

LEGISLATIVE HISTORY

On June 8, 2017, Representative Blake Farenthold (R-TX) introduced H.R. 2846, the Federal Agency Customer Experience Act of 2017, with Representative Brian Fitzpatrick (R-PA). H.R. 2846 was referred to the Committee on Oversight and Government Reform. The Committee considered H.R. 2846 at a business meeting on March 15, 2018, and ordered the bill favorably reported to the House, as amended, by voice vote.

Senator Claire McCaskill (D-MO) and Senator James Lankford (R-OK) introduced S. 1088, the Senate companion to H.R. 2846, on May 10, 2017. The Senate Committee on Homeland Security and Governmental Affairs considered S. 1088 at a business meeting on May 17, 2017, and ordered the bill favorably reported, as amended, by voice vote. On November 7, 2017, S. 1088 passed the Senate, as amended, by unanimous consent.

COMMITTEE CONSIDERATION

On March 15, 2018, the Committee met in open session and, with a quorum being present, ordered the bill favorably reported to the House, as amended, by voice vote.

ROLL CALL VOTES

There were no roll call votes requested or conducted during Committee consideration of H.R. 2846.

EXPLANATION OF AMENDMENTS

During Committee consideration of the bill, Representative Blake Farenthold (R-TX) offered an amendment in the nature of a substitute to H.R. 2846. The amendment clarifies the exemption to certain components of the *Paperwork Reduction Act* is limited to the specific information collections authorized under the bill as determined by OIRA. The amendment in the nature of a substitute was adopted by voice vote.

During Committee consideration of the bill, Representative Jamie Raskin (D-MD) offered an amendment to H.R. 2846. The amendment adds a section stating it is the sense of Congress that adequate funding is needed to ensure appropriate customer service levels. The amendment was adopted by voice vote.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill requires the collection of voluntary feedback on services provided by agencies, and for other purposes. As such, this bill does not relate to employment or access to public services and accommodations.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 2(c)(5) of rule XIII no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

This bill does not direct the completion of any specific rule makings within the meaning of section 551 of title 5, United States Code.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of Section 5(b) of the appendix to title 5, United States Code.

UNFUNDED MANDATES STATEMENT

Pursuant to section 423 of the Congressional Budget and Impoundment Control Act (Pub. L. 113–67) the Committee has included a letter received from the Congressional Budget Office below.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the House of Representatives.

COMMITTEE ESTIMATE

Pursuant to clause 3(d)(2)(B) of rule XIII of the Rules of the House of Representatives, the Committee includes below a cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the House of Representatives, the cost estimate prepared by the Congressional Budget Of-

office and submitted pursuant to section 402 of the Congressional Budget Act of 1974 is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 12, 2018.

Hon. TREY GOWDY,
*Chairman, Committee on Oversight and Government Reform,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2846, the Federal Agency Customer Experience Act of 2018.

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,
Director.

Enclosure.

H.R. 2846—Federal Agency Customer Experience Act of 2018

H.R. 2846 would authorize the Office of Management and Budget (OMB) to identify agencies to collect feedback from customers regarding agency services using standard questions developed by OMB and the General Services Administration. 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 website that would link to all agency reports and it would require the Government Accountability Office to report annually on the quality of those agencies' customer service.

According to information from selected agencies, most provisions of the bill would expand on current law, policies, and practices of the federal government. The White House Office of American Innovation, established through a presidential memorandum, recommends policies and plans to improve government operations and services. Executive Order 13571 also 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 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 have no significant cost.

Enacting H.R. 2846 could affect direct spending by agencies that use fees, receipts from the sale of goods, and other collections to cover operating costs. Therefore, pay-as-you-go procedures apply. Because most of those agencies can adjust the amounts collected as their operating costs change, CBO estimates that any net changes in direct spending by those agencies would be insignificant. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 2846 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 2846 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On July 14, 2017, CBO transmitted a cost estimate for S. 1088, the Federal Agency Customer Service Act of 2017, as ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on May 17, 2017. The two pieces of legislation are similar and CBO's estimates of their budgetary effects are the same.

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

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes the short title of the bill.

Sec. 2. Findings; sense of Congress

Section 2 states the findings and the sense of Congress that agencies should strive to provide high-quality services and collect voluntary customer service feedback.

Sec. 3. Definitions

Section 3 establishes definitions for terminology used throughout the bill.

Sec. 4. Application of certain provisions of the Paperwork Reduction Act to collection of voluntary customer service feedback

Section 4 exempts collection of voluntary customer service feedback from certain provisions of the *Paperwork Reduction Act*: Sections 3506(c) and 3507 of title 44, United States Code.

Sec. 5. Guidelines for voluntary customer service feedback

Section 5 sets guidelines for agencies soliciting feedback. Agencies will ensure feedback remains anonymous; any individual who declines the solicitation will not be treated differently; the questionnaire is limited to ten or fewer questions; the voluntary nature of the questionnaire will be clear; the collection will only be used to improve customer service; feedback will be requested only once per interaction; the feedback will be requested at the point of service; any instrument for collecting feedback will be accessible to individuals with disabilities; and the agency data governance policies remain intact.

Sec. 6. Customer experience data collection

Section 6 states the head of the agency, or a designee, is responsible for the collection of voluntary feedback. The Director of the Office of Management and Budget (OMB) will develop a set of standardized questions to be used across the agencies. Additional questions may be developed to address topics relevant to specific operations or programs. Agencies will publish to their website and submit to the Director of OMB an annual report that includes the voluntary feedback collected by the agency.

Sec. 7. Customer experience scorecard report

Section 7 directs the Comptroller General of the United States to create a report assessing the data collected by each agency. The re-

port will be made publicly available and submitted to the House Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Governmental Affairs.

Sec. 8. Sense of Congress

Section 8 states the sense of Congress that adequate funding is needed to ensure appropriate customer service levels.

