

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 4700

To modify the governmentwide financial management plan,
and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. LANKFORD

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improving Federal Fi-
5 nancial Management Act”.

6 **SEC. 2. CHIEF FINANCIAL OFFICERS; GOVERNMENTWIDE**
7 **FINANCIAL MANAGEMENT PLAN.**

8 (a) CHIEF FINANCIAL OFFICER AND DEPUTY CHIEF
9 FINANCIAL OFFICER.—Chapter 9 of title 31, United
10 States Code, is amended—

11 (1) in section 902(a)—

1 (A) in the matter preceding paragraph (1),
2 by striking “An” and inserting “It shall be the
3 duty and responsibility of each agency Chief Fi-
4 nancial Officer to oversee and provide leader-
5 ship in the areas of budget formulation and
6 execution, planning and performance, risk man-
7 agement, internal controls, financial systems,
8 accounting, and other areas as the Director of
9 the Office of Management and Budget may des-
10 ignate. In carrying out the preceding sentence,
11 each”;

12 (B) in paragraph (3)—

13 (i) in subparagraph (C), by inserting
14 “areas and” before “systems”; and

15 (ii) in subparagraph (D)—

16 (I) in clause (iii), by striking
17 “and” at the end;

18 (II) in clause (iv), by striking
19 “performance;” and inserting “per-
20 formance and integration of perform-
21 ance and cost information; and”;

22 (III) by adding at the end the
23 following:

24 “(v) annual agency financial state-
25 ments prepared in accordance with United

1 States generally accepted accounting prin-
2 ciples;”.

3 (C) by redesignating paragraph (8) as
4 paragraph (10);

5 (D) by redesignating paragraphs (5)
6 through (7) as paragraphs (6) through (8), re-
7 spectively;

8 (E) by inserting after paragraph (4) the
9 following:

10 “(5) prepare, in consultation with financial manage-
11 ment and other appropriate experts, an agency plan to im-
12 plement the 4-year financial management plan prepared
13 by the Director of the Office of Management and Budget
14 under section 3512(a)(2) of this title and to achieve and
15 sustain effective financial management in the agency,
16 which shall—

17 “(A) be completed within 90 days of the
18 issuance of a governmentwide plan under section
19 3512(a)(2) of this title;

20 “(B) be revised as determined necessary by the
21 Chief Financial Officer;

22 “(C) include performance-based financial man-
23 agement metrics against which the financial man-
24 agement performance of the agency shall be as-
25 sessed; and

1 “(D) be submitted upon completion or revision
2 to the head of the agency, the Director of the Office
3 of Management and Budget, the Comptroller Gen-
4 eral, and appropriate committees of Congress, and
5 be made publicly available;”;

6 (F) in paragraph (6), as so redesignated—

7 (i) by striking subparagraph (A);

8 (ii) by redesignating subparagraphs
9 (B) through (E) as subparagraphs (A)
10 through (D), respectively; and

11 (iii) in subparagraph (C), as so redesi-
12 gnated, by adding “and” at the end;

13 (G) in paragraph (7), as so redesignated—

14 (i) in the matter preceding subpara-
15 graph (A), by striking “and the Director of
16 the Office of Management and Budget,”
17 and inserting “, the Director of the Office
18 of Management and Budget, the Comp-
19 troller General, and appropriate commit-
20 tees of Congress, which shall be made pub-
21 licly available and”;

22 (ii) in subparagraph (A), by striking
23 “agency;” and inserting “agency, includ-
24 ing—

1 “(i) the progress of the agency in imple-
2 menting the agency plan described in paragraph
3 (5);

4 “(ii) the progress of the agency in imple-
5 menting the governmentwide 4-year financial
6 management plan prepared by the Director of
7 the Office of Management and Budget under
8 section 3512(a)(2) of this title; and

9 “(iii) the performance of the agency
10 against financial management metrics estab-
11 lished by the Director of the Office of Manage-
12 ment and Budget;” and

13 (iii) in subparagraph (D)—

14 (I) by striking “of the reports”
15 and inserting “of—

16 “(i) the reports”;

17 (II) in clause (i), as so des-
18 ignated, by striking “the amendments
19 made by the Federal Managers’ Fi-
20 nancial Integrity Act of 1982 (Public
21 law 97–255); and” and inserting “sec-
22 tion 3512(d) of this title;” and

23 (III) by adding at the end the
24 following:

1 “(ii) agency spending data published under
2 the Federal Funding Accountability and Trans-
3 parency Act of 2006 (31 U.S.C. 6101 note);
4 and

5 “(iii) the reporting of the agency under the
6 Federal Financial Management Improvement
7 Act of 1996 (31 U.S.C. 3512 note); and”;

8 (H) in paragraph (8), as so redesignated—

9 (i) by striking “monitor the” and in-
10 sert “manage the formulation and”; and

11 (ii) by striking “, and prepare and
12 submit to the head of the agency timely
13 performance reports; and” and inserting a
14 semicolon;

15 (I) by inserting after paragraph (8), as so
16 redesignated, the following:

17 “(9) be responsible for linking performance and cost
18 information, including the preparation and submission to
19 the head of the agency of timely performance reports that
20 incorporate cost information;”;

21 (J) in paragraph (10), as so redesign-
22 nated—

23 (i) by inserting “inflation and” before
24 “costs”; and

1 (ii) by striking the period at the end
2 and inserting “; and”; and

3 (K) by adding at the end the following:

4 “(11) coordinate with senior agency personnel,
5 including the Chief Data Officer, Chief Information
6 Officer, Chief Performance Officer, Chief Acquisition
7 Officer, Chief Risk Officer, and Chief Evaluation Of-
8 ficer of the agency on—

9 “(A) the exercise of authorities under this
10 subsection; and

11 “(B) the strategic planning, performance
12 measurement and reporting, and risk manage-
13 ment functions of the agency.”; and

14 (2) in section 903—

15 (A) in subsection (a), by inserting “and
16 who shall assist the agency Chief Financial Of-
17 ficer in the performance of each of the duties
18 of the agency Chief Financial Officer under this
19 chapter” after “matters”; and

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

21 “(c) Notwithstanding subchapter III of chapter 33 of
22 title 5, in the event of a vacancy in the position of Chief
23 Financial Officer of an agency, the Deputy Chief Finan-
24 cial Officer of the agency shall serve as the acting Chief
25 Financial Officer.”.

1 (b) GOVERNMENTWIDE FINANCIAL MANAGEMENT
2 PLAN.—Section 3512 of title 31, United States Code, is
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), by striking “a finan-
6 cial management status report and a govern-
7 mentwide 5-year financial management plan”
8 and inserting “a governmentwide 4-year finan-
9 cial management plan and a financial manage-
10 ment status report”;

11 (B) by striking paragraph (2);

12 (C) by redesignating paragraph (3) as
13 paragraph (2);

14 (D) in paragraph (2), as so redesignated—

15 (i) in subparagraph (A)—

16 (I) by striking “5-year” and in-
17 serting “4-year”;

18 (II) by striking “shall describe”
19 and inserting the following: “shall—
20 “(i) describe”;

21 (III) in clause (i), as so des-
22 ignated, by striking “5 fiscal years to
23 improve the financial management of
24 the Federal Government.” and insert-
25 ing “4 fiscal years to improve the fi-

1 nancial management of the Federal
2 Government in a manner that is stra-
3 tegic, comprehensive, and cost-effec-
4 tive; and”); and

5 (IV) by adding at the end the fol-
6 lowing:

7 “(ii) be developed in consultation with the
8 Chief Financial Officers Council, the Chief In-
9 formation Officers Council, the Chief Data Offi-
10 cer Council, the Chief Acquisition Officers
11 Council, the Council of the Inspectors General
12 on Integrity and Efficiency, the Government
13 Accountability Office, and, as appropriate, other
14 councils and financial management experts.”);
15 and

16 (ii) in subparagraph (B)—

17 (I) in the matter preceding clause
18 (i), by striking “5-year” and inserting
19 “4-year”;

20 (II) in clause (iii)—

21 (aa) by striking “for devel-
22 oping” and inserting “for im-
23 proving financial management
24 systems, including—

25 “(I) developing”; and

1 (bb) by adding at the end
2 the following:

3 “(II) linking performance and cost in-
4 formation to facilitate effective and effi-
5 cient decision making;

6 “(III) eliminating duplicative and un-
7 necessary systems and activities; and

8 “(IV) identifying opportunities for
9 agencies to share systems and services and
10 encouraging agencies to do so where prac-
11 ticable;”;

12 (III) by striking clause (iv);

13 (IV) by redesignating clause (v)
14 as clause (iv);

15 (V) by inserting after clause (iv),
16 as so redesignated, the following:

17 “(v) provide a strategy for reporting per-
18 formance and cost information;”;

19 (VI) in clause (vi), by striking
20 “5-year” and inserting “4-year”;

21 (VII) in clause (vii), by striking
22 “identify” and inserting “provide a
23 strategy for strengthening the Federal
24 financial management workforce, in-
25 cluding identification of”;

1 (VIII) in clause (viii), by striking
2 “and” at the end;

3 (IX) by redesignating clause (ix)
4 as clause (x);

5 (X) by inserting after clause
6 (viii) the following:

7 “(ix) include comprehensive financial man-
8 agement performance-based metrics against
9 which the financial management performance of
10 executive agencies can be assessed; and”;

11 (XI) in clause (x), as so redesign-
12 nated, by striking “5-year” and in-
13 serting “4-year”;

14 (E) by inserting after paragraph (2) the
15 following:

16 “(3) A financial management status report under this
17 subsection shall include—

18 “(A) a description and analysis of the status of
19 financial management in the executive branch, in-
20 cluding the progress made towards implementing the
21 governmentwide 4-year financial management plan,
22 the status of remaining challenges, and, as necessary
23 based on obligations or expenditures, any updates or
24 revisions to the cost estimates included in the most

1 recent governmentwide 4-year financial management
2 plan;

3 “(B) a summary of the performance of agencies
4 against the metrics developed and identified by the
5 Director of the Office of Management and Budget in
6 the governmentwide 4-year financial management
7 plan;

8 “(C) a summary of the most recently completed
9 financial statements—

10 “(i) of Federal agencies under section
11 3515 of this title; and

12 “(ii) of Government corporations;

13 “(D) a summary of the most recently completed
14 financial statement audits and reports—

15 “(i) of Federal agencies under subsections
16 (e) and (f) of section 3521 of this title; and

17 “(ii) of Government corporations;

18 “(E) a summary of reports on internal account-
19 ing and administrative control systems submitted to
20 the President and Congress under subsection (d);

21 “(F) a listing of agencies whose financial man-
22 agement systems do not comply substantially with
23 the requirements of section 803(a) of the Federal
24 Financial Management Improvement Act of 1996
25 (31 U.S.C. 3512 note), and a summary statement of

1 the efforts underway to remedy the noncompliance;
2 and

3 “(G) any other information the Director con-
4 siders appropriate to fully inform Congress regard-
5 ing the financial management of the Federal Gov-
6 ernment.”;

7 (F) in paragraph (4)—

8 (i) in subparagraph (A)—

9 (I) by striking “15 months after
10 the date of the enactment of this sub-
11 section” and inserting “6 months
12 after the date of enactment of the Im-
13 proving Federal Financial Manage-
14 ment Act”; and

15 (II) by striking “5-year” and in-
16 sserting “4-year”; and

17 (ii) in subparagraph (B)—

18 (I) in clause (i)—

19 (aa) by striking “Not later
20 than January 31 of each year
21 thereafter” and inserting “At a
22 minimum, concurrently with the
23 submission of the budget of the
24 United States Government under
25 section 1105(a) of this title made

14

1 in the first full fiscal year fol-
2 lowing any year in which the
3 term of the President commences
4 under section 101 of title 3”;

5 (bb) by striking “financial
6 management status report and a
7 revised governmentwide 5-year”
8 and inserting “governmentwide
9 4-year”; and

10 (cc) by striking “5 fiscal
11 years” and all that follows
12 through the period at the end
13 and inserting “4 fiscal years.”;
14 and

15 (II) in clause (ii)—

16 (aa) by striking “revised
17 governmentwide 5-year” and in-
18 serting “governmentwide 4-year”;
19 and

20 (bb) by striking “paragraph
21 (3)(B)(viii)” and inserting “para-
22 graph (2)(B)(viii)”;

23 (iii) by adding at the end the fol-
24 lowing:

1 “(C) Each year, concurrently with the submis-
2 sion of the budget of the United States Government
3 under section 1105(a) of this title, the Director of
4 the Office of Management and Budget shall submit
5 to the appropriate committees of Congress and the
6 Comptroller General a financial management status
7 report.”; and

8 (G) by striking paragraph (5);

9 (2) in subsection (d)(2)—

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

12 (B) in subparagraph (B), by striking the
13 period at the end and inserting “; and”; and

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

15 “(C) a separate report on the results of the as-
16 sessment and conclusion required under subsection
17 (e)(2).”;

18 (3) by redesignating subsections (e), (f), and
19 (g) as subsections (f), (g), and (h), respectively; and

20 (4) by inserting after subsection (d) the fol-
21 lowing:

22 “(e) The head of each executive agency shall—

23 “(1) in establishing the internal accounting and
24 administrative controls under subsection (e), identify
25 the key financial management information needed

1 for effective financial management and decision
2 making; and

3 “(2) annually assess and make a conclusion on
4 the effectiveness of the internal controls of the execu-
5 tive agency over financial reporting and key finan-
6 cial management information identified under para-
7 graph (1).”.

8 (c) AUDITS BY AGENCIES.—Section 3521 of title 31,
9 United States Code, is amended—

10 (1) in subsection (e)—

11 (A) by redesignating paragraphs (1) and
12 (2) as subparagraphs (A) and (B), respectively,
13 and adjusting the margins accordingly;

14 (B) by striking “(e) Each financial” and
15 inserting “(e)(1) Each financial”;

16 (C) in paragraph (1), as so designated, by
17 striking “standards—” and inserting “stand-
18 ards.”; and

19 (D) by inserting after paragraph (1), as so
20 designated, the following:

21 “(2) As part of each audit under this subsection, the
22 auditor shall—

23 “(A) evaluate the design of the internal control
24 of the agency over financial reporting and key finan-
25 cial information, as assessed and reported on by the

1 head of the agency under section 3512(d)(2)(C) of
2 this title;

3 “(B) determine whether those controls have
4 been implemented;

5 “(C) for controls that are properly designed and
6 implemented, perform sufficient tests of those con-
7 trols to conclude whether the controls are operating
8 effectively, including sufficient tests to support a low
9 level of assessed control risk; and

10 “(D) communicate controls that the auditor
11 concludes are not suitably designed and implemented
12 or are not operating effectively, as appropriate under
13 applicable generally accepted government auditing
14 standards.

15 “(3) Audits under this subsection shall be con-
16 ducted—”; and

17 (2) in subsection (h), by striking “section
18 3512(a)(3)(B)(viii)” and inserting “section
19 3512(a)(2)(B)(viii)”.

20 (d) TECHNICAL AND CONFORMING AMENDMENT.—
21 Section 3348(e) of title 5, United States Code, is amend-
22 ed—

23 (1) in paragraph (3), by adding “or” at the
24 end;

25 (2) by striking paragraph (4); and

1 (3) by redesignating paragraph (5) as para-
2 graph (4).