



## FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL

### Quarterly Agency Performance Report

Fiscal Q2 2023 (January-March)

June 30, 2023

## Acknowledgements

The Executive Director of the Federal Permitting Improvement Steering Council (Permitting Council) submits this quarterly report to Congress pursuant to 42 U.S.C. § 4370m-7(a)(2).

The Permitting Council is a unique Federal agency charged with improving the transparency and predictability of the Federal environmental review and authorization process for certain infrastructure projects. The Permitting Council comprises the Executive Director, who serves as the Permitting Council Chair, and 15 members, including the Deputy Secretary (or equivalent) from 13 Federal agencies, the Chair of the Council on Environmental Quality, and the Director of the Office of Management and Budget.



Department of Agriculture



Department of the Army



Department of Commerce



Department of Energy



Department of Transportation



Department of Defense



Federal Energy Regulatory Commission



Department of Homeland Security



Nuclear Regulatory Commission



Department of Housing and Urban Development



Advisory Council on Historic Preservation



Office of Management and Budget



Council on Environmental Quality



Environmental Protection Agency



Department of the Interior

## Quarterly Agency Performance Report, Fiscal Q2 January-March 2023

### Message from the Executive Director

Pursuant to the 2021 Infrastructure Investment and Jobs Act (IIJA) amendments to Title 41 of the Fixing America's Surface Transportation Act (FAST-41), each quarter the Executive Director must submit to Congress a report evaluating Federal agency compliance with the provisions of FAST-41, including the implementation and adherence of each agency to the coordinated project plan and permitting timetable management requirements of 42 U.S.C. 4370m-(2).

Performance highlights for this quarter include:

- Agencies met coordinated project plan review and update requirements for twenty-four of twenty-six applicable projects on the Dashboard.
- Agencies modified ninety-six completion dates in compliance with FAST-41 requirements.
- Agencies completed 13 of the 27 Federal agency milestones whose completion was anticipated during the reporting period.

There were fourteen instances in which an agency did not complete an action by the posted completion date or modify that completion date in compliance with FAST-41. In these fourteen instances, agencies provided explanations for missed completion dates and monthly status reports about 80 percent of the time. Other challenges remain, such as ensuring agencies are posting certain project-related information to the Dashboard as required by FAST-41.

To address these issues, we will continue to offer Dashboard and permitting timetable management training opportunities to Federal agencies, socialize FAST-41 requirements with agencies, and identify Dashboard operation enhancements to support transparent permitting timetable management and improve permitting timetable data quality in accordance with FAST-41.

Turning to project-specific highlights, the FAST-41-covered<sup>1</sup> Ten West Link Transmission Line Project [broke ground](#) in January 2023. The 500 kilovolt, 125-mile transmission line project will connect existing substations in Arizona and California, providing the infrastructure needed to increase renewable energy development and delivery in the region. After receiving FAST-41 coverage in 2016, the Ten West Link Transmission Line Project had the benefit of a coordinated and transparent environmental review and authorization process overseen by the Permitting Council.

The Permitting Council is also excited to announce the first Tribal and first broadband project to receive FAST-41 coverage, added to the Permitting Dashboard in February 2023. If permitted, the [Santa Fe Indian School Pueblo Education Network Broadband](#) project will provide

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<sup>1</sup> A FAST-41 covered project is a project in one of the FAST-41 sectors (*see* 42 U.S.C. § 4370m(6)(A) & 40 C.F.R. 1900.1 & 1900.2) that meets one of the covered project criteria at 42 U.S.C. § 4370m(6), and has obtained covered project status pursuant to the procedures at 42 U.S.C. § 4370m-2(a) and (b)(2).

high speed internet access to communities and students throughout rural and Tribal areas of New Mexico.

Additionally, the portfolio of renewable energy sector FAST-41 covered projects has expanded in the second quarter of Fiscal Year 2023 with the addition of the [Seminole Pumped Storage](#), [White Pine Pumped Storage](#), and [Stagecoach Wind](#) projects to the Permitting Dashboard.

## Background

The Permitting Council was established in 2015 by Title 41 of the Fixing America's Surface Transportation Act (FAST-41).<sup>2</sup> On November 15, 2021, the President signed the Infrastructure Investment and Jobs Act (IIJA), which permanently reauthorized the Permitting Council and made significant amendments to FAST-41.<sup>3</sup> As amended by IIJA, FAST-41 requires the Permitting Council Executive Director to submit to Congress:

a quarterly report evaluating agency compliance with the provisions of [FAST-41], which shall include a description of the implementation and adherence of each agency to the coordinated project plan and permitting timetable requirements under [42 U.S.C. § 4370m-2(c)].<sup>4</sup>

The above-referenced coordinated project plan (CPP) is required to be prepared by the lead agency for a FAST-41 covered project within 60 days of project coverage. Among other things, a CPP coordinates agency participation in, and completion of, any Federal environmental review and authorization processes for a FAST-41 covered project.<sup>5</sup> The project permitting timetable, which is posted and managed on the Federal Permitting Dashboard,<sup>6</sup> is a key component of a CPP and includes intermediate and final completion dates for agency actions on environmental reviews or authorizations that are required for the project.<sup>7</sup> The requirements for CPPs and permitting timetables are discussed in greater detail below.

To assist agencies in FAST-41 implementation, the Permitting Council created a FAST-41 [Data Management Guide](#) (DMG). The DMG provides a standard operating procedure for implementing FAST-41 requirements, including requirements related to establishing, maintaining, modifying, and completing permitting timetables and maintaining certain CPP information on the Permitting Dashboard. The most recent update to the DMG, which incorporates the IIJA amendments to FAST-41, was finalized in January 2022 and became effective on July 1, 2022. Agency implementation of the DMG is essential to facilitating the

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<sup>2</sup> 42 U.S.C. §§ 4370m *et seq.*

<sup>3</sup> Pub. L. No. 117-58, § 70801, 135 Stat. 429, 1287-1294 (Nov. 15, 2021).

<sup>4</sup> *Id.* § 70801(f), 135 Stat. at 1293, codified at 42 U.S.C. § 4370m-7(a)(2).

<sup>5</sup> 42 U.S.C. § 4370m-2(c)(1).

<sup>6</sup> The Permitting Dashboard is administered by the Department of Transportation (DOT) and is used as a transparency and compliance tool for many types of infrastructure projects in which the Federal government is involved. A small percentage of the projects on the Permitting Dashboard are FAST-41 covered projects. The Permitting Dashboard is accessible at <https://www.permits.performance.gov/projects>.

<sup>7</sup> 42 U.S.C. § 4370m-2(c)(2).

Executive Director's evaluation of agency implementation of FAST-41.

This Quarterly Agency Performance Report, which covers the second quarter of Fiscal Year 2023, summarizes agency compliance with FAST-41 requirements. The report also discusses assistance that the Office of the Executive Director (OED) provides to agencies to support FAST-41 compliance. The report highlights agency successes and challenges, serves as an accountability mechanism for agencies, and supports continuous improvement of the Federal environmental review and authorization process.

Specifically, this report provides an overview of:

- The FAST-41 covered project portfolio;
- Agency implementation of the FAST-41 initiation process, including the requirements for CPPs;
- Agency completion of the required CPP quarterly updates;
- Agency management of permitting timetables; and
- Agency postings of required information to the Dashboard.

## FAST-41 Covered Project Portfolio

In the second quarter of Fiscal Year 2023, the FAST-41 covered project portfolio contained twenty-eight projects undergoing active<sup>8</sup> Federal environmental review and authorization and two paused projects (the Liberty Development and Production Plan Project as well as the Plains Pipeline, L.P. Lines 901 and 903 Replacement Project). Projects undergoing active review are organized by sector in Figure 1.<sup>9</sup>

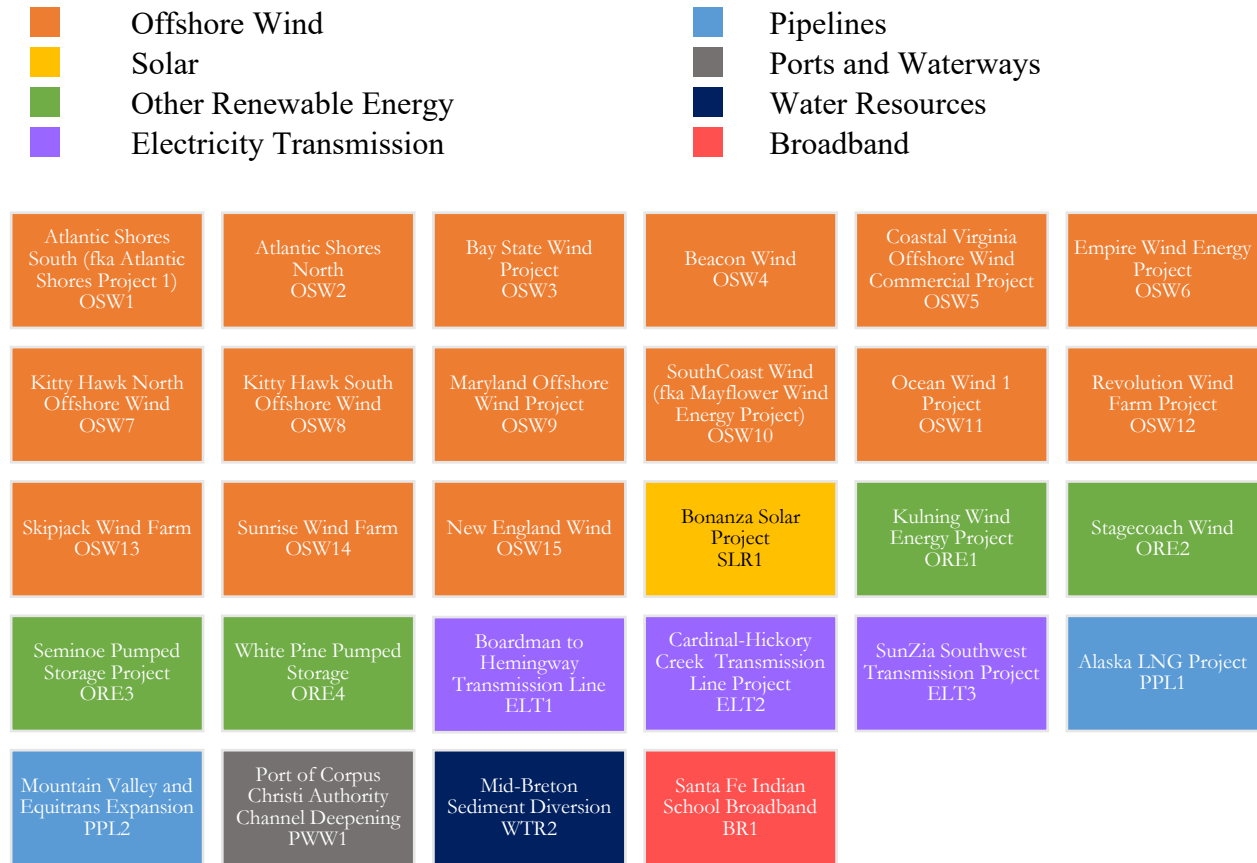


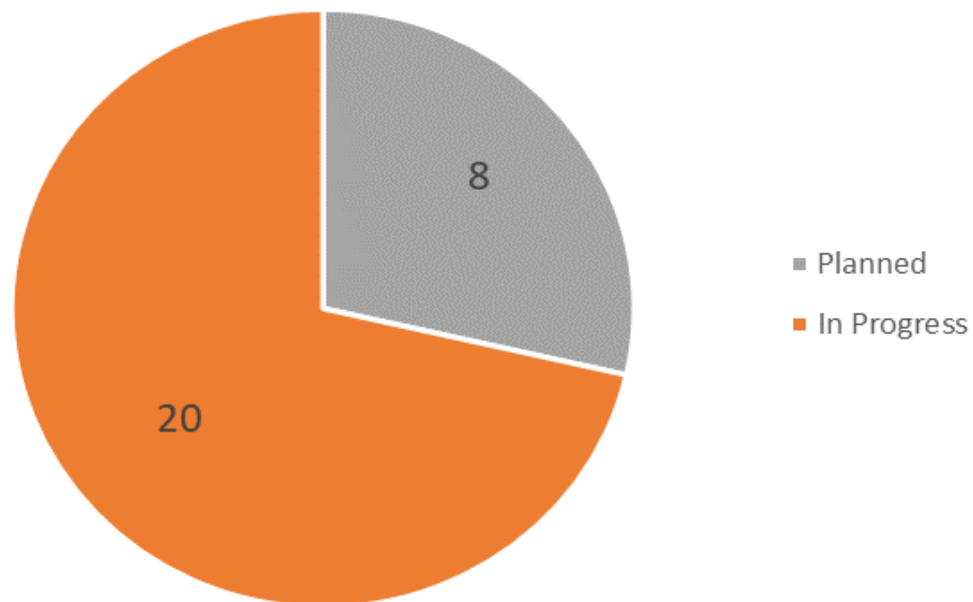
Figure 1: List of covered projects undergoing active Federal review in Q2 2023.

<sup>8</sup> Projects undergoing active review are projects that were, at any time in the second quarter of Fiscal Year 2023, not canceled, complete, or paused. The set of projects undergoing active Federal review was derived from analysis of the Dashboard's non-public revision history dataset.

<sup>9</sup> The Renewable Energy Production sector is depicted as three sub-sectors: offshore wind, solar, and other renewable energy.

The Department of the Interior (DOI) is the lead agency for twenty projects; the Federal Energy Regulatory Commission (FERC) is the lead agency for two projects and the facilitating agency for one project; the Department of the Army, United States Army Corps of Engineers (USACE) is the lead agency for two projects; and the Department of Energy (DOE), United States Department of Agriculture (USDA), and Department of Commerce (DOC) are each facilitating/lead agency for one project.<sup>10</sup>

During the second quarter of Fiscal Year 2023, four new projects joined the portfolio. These included the portfolio’s first broadband project (the Santa Fe Indian School Broadband project), two pumped storage projects (Seminoe and White Pine), and an additional wind energy project (Stagecoach Wind). One project, Mid-Barataria Sediment Diversion, was completed during Q1 of 2023, and is thus no longer under active review. Two projects, Liberty Development and Production Plan, and Plains Pipeline, L.P. Lines 901 and 903 Replacement Project, were paused for the entirety of Q2 2023 and are therefore not under active review. No projects were newly paused or canceled during the second quarter. Figure 2 summarizes the status, as of March 31, 2023 (the end of the second quarter of Fiscal Year 2023), of FAST-41 covered projects undergoing active Federal review.<sup>11</sup>



*Figure 2: Graph showing the status of each project under active review in the Permitting Council portfolio as of the end of Q2 2023.*

<sup>10</sup> Because a project can become a FAST-41 covered project before commencement of the environmental review process under the National Environmental Policy Act (NEPA), FAST-41 requires the identification of a “facilitating” agency for each FAST-41 project sector. 42 U.S.C. § 4370m-1(c)(1)(B). Facilitating agencies are responsible for implementing most of the FAST-41 requirements for prospective and actual covered projects until a

Figure 3 shows the location of FAST-41 covered projects undergoing active Federal review in Q2 2023. The labels correspond to those in Figure 1.

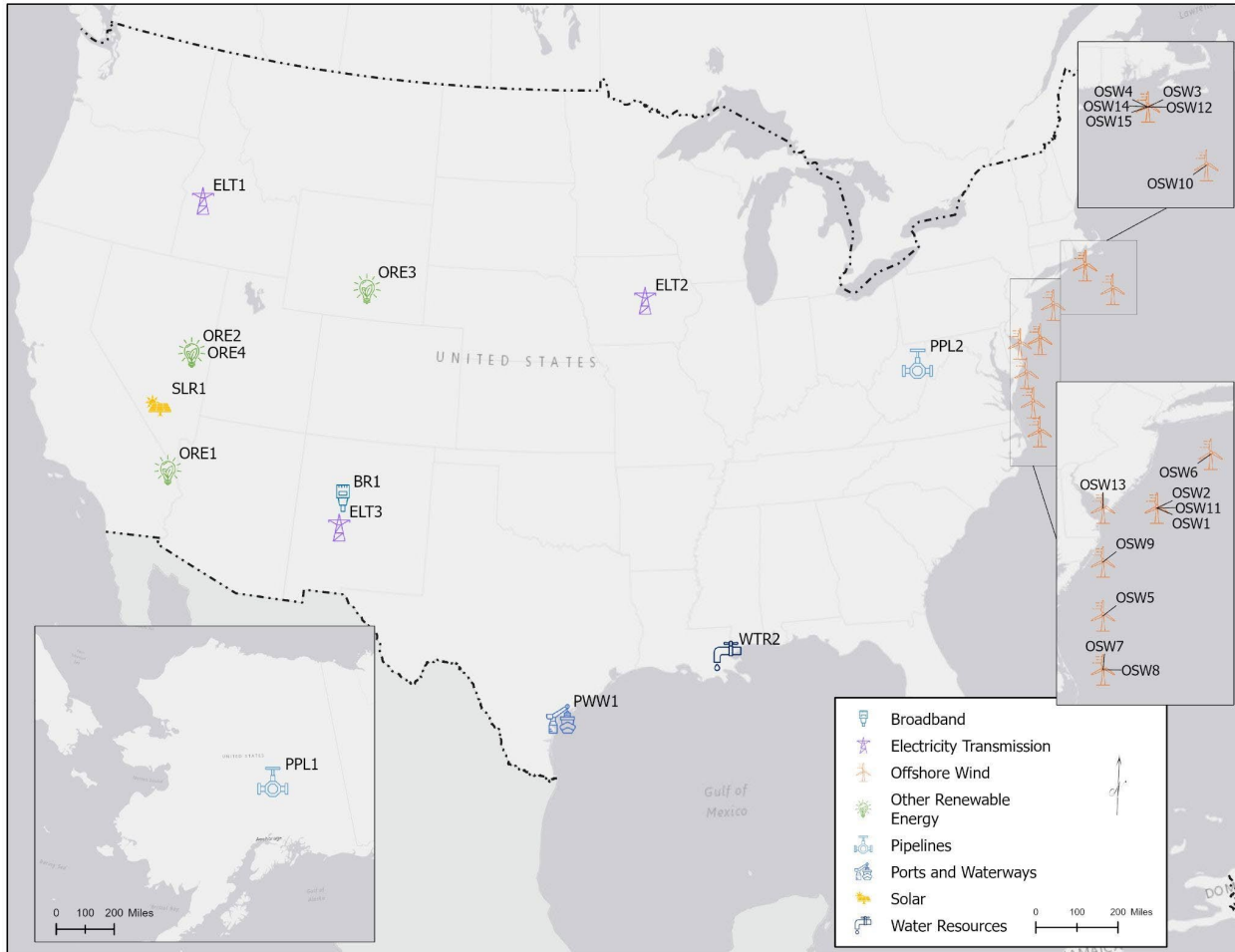


Figure 3: Map of covered projects undergoing active Federal review in Q2 2023.

## Agency Implementation of FAST-41 Initiation and Coordinated Project Plan Establishment Requirements

**FAST-41 Initiation Notice.** The FAST-41 process begins when a project sponsor<sup>12</sup> submits a notice of the initiation of a FAST-41 covered project (a.k.a., FAST-41 Initiation Notice, or “FIN”) to the Executive Director and the appropriate facilitating or lead agency.<sup>13</sup> The Executive Director must make a project entry on the Permitting Dashboard within 14 days of receiving a FIN unless the facilitating or lead agency, or the Executive Director, determines that the project is not a covered project.<sup>14</sup>

NEPA lead agency is identified, at which point the lead agency assumes the responsibilities of the facilitating agency. *See id.* §§ 4370m(13), 4370m-2(a)(5).

<sup>11</sup> Project status was derived from analysis of the Dashboard’s non-public revision history dataset.

<sup>12</sup> Under FAST-41, a “project sponsor” means an entity, including any private, public, or public-private entity, seeking an authorization for a covered project. 42 U.S.C. § 4370m(18).

<sup>13</sup> 42 U.S.C. § 4370m-2(a)(1)(A).

<sup>14</sup> 42 U.S.C. § 4370m-2(b)(2)(A)(ii).



**Agency Invites.** Within 21 days after the Executive Director makes a project entry on the Dashboard, the facilitating or lead agency must invite all Federal agencies likely to have responsibilities with respect to the proposed project to become a participating or cooperating agency for purposes of FAST-41.<sup>15</sup>

**Coordinated Project Plan Establishment.** The facilitating/lead agency must establish a CPP “not later than 60 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard.”<sup>16</sup> The CPP must include a list of all entities with an environmental review or authorization responsibility for a project; their respective roles and responsibilities; a discussion of potential avoidance, minimization, and mitigation strategies; plans and a schedule for public and tribal outreach and coordination; and the project permitting timetable.<sup>17</sup> The Executive Director posts the permitting timetable on the Permitting Dashboard.<sup>18</sup>

The CPP is central to the management of the environmental review and authorization process for a FAST-41 covered project. The permitting timetable, which is posted and managed publicly on the Permitting Dashboard according to the requirements of FAST-41, provides transparency, predictability, and a comprehensive view of all the steps that are necessary for completion of the Federal environmental review and authorization process.

**OED Assessment of Agency Performance.** In the second quarter of Fiscal Year 2023, there were four FINs submitted for covered projects.

<i>Project</i>	<i>Lead Agency</i>
Seminole Pumped Storage Project	FERC
Santa Fe Indian School Broadband	DOC - National Telecommunications and Information Administration (NTIA)
Stagecoach Wind	DOI - Bureau of Land Management (BLM)
White Pine Pumped Storage	FERC

All four projects have CPP establishment deadlines in the third quarter of Fiscal Year 2023, so agency compliance will be reported as part of the Fiscal Q3 2023 (April - June) Quarterly Agency Performance Report.

**OED Compliance Assistance.** The Executive Director’s objective is to ensure that the initial CPP meets FAST-41 requirements by including a permitting timetable setting forth a comprehensive schedule of dates by which all environmental reviews and authorizations must be made so as to guide the entire Federal review and authorizations for each covered project. The Executive Director will continue to work with agencies to refine the initial CPP development process.

<sup>15</sup> 42 U.S.C. § 4370m-2(a)(2)(A).

<sup>16</sup> 42 U.S.C. § 4370m-2(c)(1)(A).

<sup>17</sup> 42 U.S.C. § 4370m-2(c)(1)(B).

<sup>18</sup> 42 U.S.C. § 4370m-2(b)(4)(A), (C), & (D).

## Agency Completion of Coordinated Project Plan Quarterly Updates

FAST-41 requires the facilitating/lead agency to review and update the CPP at least once per quarter.<sup>19</sup> While an agency's updates to the permitting timetable are integral to updating the CPP, the other aspects of the CPP additionally need to be reviewed and, if necessary, updated. In the second quarter of Fiscal Year 2023, this statutory requirement was accomplished through a one-step submission process for agencies to certify their CPP review and updates on the Dashboard.

Certification of compliance with this FAST-41 requirement is an important metric because it provides the Executive Director with confirmation that agencies are actively managing their permitting timetables and updating project CPPs as required by FAST-41.

**OED Assessment of Agency Performance.** In the second quarter of Fiscal Year 2023, agencies met CPP review and update requirements for twenty-four of the twenty-six FAST-41 covered projects. For the Bay State Wind Project and Skipjack Wind Farm project, DOI - Bureau of Ocean Energy Management (BOEM) did not review or update the CPP due to prioritizing timetable management for in-progress offshore wind projects.

**OED Compliance Assistance.** The Executive Director continued refining Dashboard functionality and providing training to agency staff on the submission process for certification of CPP reviews and updates. The Executive Director will continue to advise agencies to ensure that CPP review and update certifications are submitted timely.

## Agency Management of Permitting Timetables

FAST-41 requires agencies to manage and maintain accurate permitting timetables and to meet or modify completion dates set forth in permitting timetables according to FAST-41 statutory requirements. Various FAST-41 mechanisms help agencies accomplish these goals, including requirements governing how completion dates may be modified and what agencies must do if they do not meet the completion dates in their publicly-posted timetables.

**Timetable Modification.** Once a permitting timetable has been established, the facilitating/lead agency may modify completion dates in the permitting timetable if the agency meets certain statutory prerequisites, including:

- Consulting with the Executive Director, affected cooperating agencies, participating agencies, and the project sponsor before making the modification;
- Providing a written, publicly-posted justification for the modification;
- Obtaining Executive Director authorization for changes that would necessitate an extension of a final completion date by more than 30 days after the originally-established final completion date.<sup>20</sup>

Additionally, a permitting timetable completion date may not be modified within 30 days of the completion date.<sup>21</sup>

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<sup>19</sup> 42 U.S.C. § 4370m-2(c)(1)(B).

<sup>20</sup> 42 U.S.C. § 4370m-2(c)(2)(D).

<sup>21</sup> 42 U.S.C. § 4370m-2(c)(2)(D)(ii).

**Conformance with Established Timetables.** Each Federal agency is required to meet the intermediate and final completion dates in the permitting timetable that currently is posted on the Permitting Dashboard.<sup>22</sup> If an agency does not conform to the established timetable—that is, if an agency does not meet or modify the completion dates set forth in the permitting timetable according to FAST-41 requirements—the statute requires that the agency responsible for the delayed action must:

- Submit an explanation of the delay to the Executive Director for posting on the Permitting Dashboard.
- Establish an alternative completion date in consultation with the facilitating or lead agency.
- Submit to the Executive Director for posting on the Dashboard monthly reports describing all agency actions relating to the project until the agency has taken final action on the delayed authorization or review.<sup>23</sup>

**OED Assessment of Agency Performance.** The Executive Director tracks agencies' compliance with the FAST-41 permitting timetable modification procedures and conformance with posted completion dates on the Dashboard.

During the second quarter of Fiscal Year 2023, agencies modified 96 completion dates in compliance with FAST-41 requirements.<sup>24</sup> These agencies are proactively managing permitting timetables, including following the statutory requirements for engaging in consultation and providing an explanation for modification of completion dates. Schedule modifications occur for various reasons, including factors within and outside Federal agency control. Agencies' effective management of permitting timetables not only achieves FAST-41's goals of enhancing permitting transparency and predictability but also provides reliable information that, over time, may be used to identify bottlenecks in the Federal permitting process. The table on the following page identifies the number of completion dates modified organized by environmental review or authorization.

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<sup>22</sup> 42 U.S.C. § 4370m-2(c)(2)(F)(i).

<sup>23</sup> 42 U.S.C. § 4370m-2(c)(2)(F)(ii).

<sup>24</sup> Per 42 U.S.C. § 4370m-2(c)(2)(D)(ii), a completion date may not be modified within 30 days of the completion date, which means that agencies must modify completion dates at least 31 days in advance.

<i>Environmental Review or Authorization</i>	<i>Number of Completion Dates Modified During Fiscal Q2 2023</i>
Authorization and Certification	1
Construction and Operations Plan	3
Endangered Species Act (ESA) Consultation (DOI-FWS)	6
ESA Consultation (NOAA-NMFS)	9
Environmental Impact Statement (EIS) or Supplemental EIS	11
Magnuson-Stevens Fishery Conservation and Management Act, Section 305 Essential Fish Habitat (EFH) Consultation	8
Marine Mammal Protection Act (MMPA) Incidental Take Authorization (DOC - NOAA/NMFS)	17
Outer Continental Shelf (OCS) Air Permit	13
Right-of-Way Authorization (DOI-BLM)	3
Section 106 Review	4
Section 404 Clean Water Act (CWA), Section 10 Rivers and Harbors Act of 1899 (RHA), and/or Section 103 Marine Protection, Research, and Sanctuaries Act (MPRSA)	6
Section 408 Permit (USACE)	12
Supplemental Environmental Impact Statement (EIS)	3

At the beginning of the second quarter of Fiscal Year 2023, there were 27 Federal agency milestones whose completion was anticipated during the reporting period. Of those milestones, 13 were completed on-time and four were extended in accordance with FAST-41 requirements. The remaining ten Federal agency milestones, identified in the following table, reflect instances in which agencies did not complete actions by the posted completion dates or modify completion dates in compliance with FAST-41. Three of these ten milestones were completed within the reporting period, and seven were not.

<i>Environmental Review or Authorization</i>	<i>Project</i>	<i>Reporting Agency</i>
<i>Completed Milestones</i>		
<a href="#">ESA Consultation (NOAA-NMFS)</a>	Coastal Virginia Offshore Wind Commercial Project	DOI-BOEM
<a href="#">Magnuson-Stevens Fishery Conservation and Management Act, Section 305 EFH Consultation</a>	Coastal Virginia Offshore Wind Commercial Project	DOI-BOEM
<a href="#">ESA Consultation (NOAA-NMFS)</a>	Ocean Wind 1 Project	DOC-NOAA
<i>In-Progress Milestones</i>		
<a href="#">ESA Consultation (DOI-FWS)</a>	Coastal Virginia Offshore Wind Commercial Project	DOI-FWS
<a href="#">Magnuson-Stevens Fishery Conservation and Management Act, Section 305 EFH Consultation</a>	New England Wind	DOI-BOEM
<a href="#">ESA Consultation (NOAA-NMFS)</a>	Revolution Wind Farm Project	DOC-NOAA

<i>Environmental Review or Authorization</i>	<i>Project</i>	<i>Reporting Agency</i>
<i>In-Progress Milestones, Continued</i>		
<a href="#">Magnuson-Stevens Fishery Conservation and Management Act, Section 305 EFH Consultation</a>	Revolution Wind Farm Project	DOC-NOAA
<a href="#">ESA Consultation (NOAA-NMFS)</a>	Sunrise Wind Farm	DOI-BOEM
<a href="#">Section 404 CWA and Section 10 RHA</a>	Mountain Valley and Equitrans Expansion Project	FPISC OED and USACE-Regulatory*
<a href="#">Section 106 Review</a>	Port of Corpus Christi Authority Channel Deepening Project	USACE-Regulatory
<p>*Pursuant to 42 USC § 4370m-2(c)(2)(d)(i)(IV), USACE timely requested Executive Director authorization to modify the Section 10/404 final completion date from February 17, 2023 to April 18, 2023. However, the Executive Director did not sign a determination on the record granting the request by the statutory deadline of January 18, 2023 (30 days prior to the posted completion date). Therefore, USACE could not modify the permitting timetable to reflect the extended completion date. Because USACE was unable to meet the posted completion date, pursuant to 42 USC § 4370m-2(c)(2)(F), USACE appropriately established an alternative completion date for the Section 10/404 action and will adhere to the statutory procedures required by section 4370m-2(c)(2)(F) until the agency takes final action on the Section 10/404 permit.</p>		

In addition to the ten instances identified above, there were four instances in which agencies did not complete actions by the posted completion dates or modify completion dates in compliance with FAST-41 from the prior reporting quarter,<sup>25</sup> listed in the following table.

<i>Environmental Review or Authorization</i>	<i>Project</i>	<i>Agency Responsible</i>
<a href="#">ESA Consultation (DOI-FWS)</a>	Coastal Virginia Offshore Wind Commercial Project	DOI-BOEM
<a href="#">ESA Consultation (NOAA-NMFS)</a>	Revolution Wind Farm Project	DOI-BOEM
<a href="#">Magnuson-Stevens Fishery Conservation and Management Act, Section 305 EFH Consultation</a>	Revolution Wind Farm Project	DOI-BOEM
<a href="#">ESA Consultation (DOI-FWS)</a>	Mountain Valley and Equitrans Expansion Project	DOI-FWS

Per the procedures set forth at 42 U.S.C. § 4370m-2(c)(2)(F), explanations for the missed completion dates, alternative completion dates, and monthly status reports are generally available at the links in the tables above. During the reporting quarter, agencies met requirements to provide explanations for missed completion dates and monthly status reports approximately 80 percent of the time.

<sup>25</sup> These instances were not identified in the first quarter of Fiscal Year 2023 as the Office of Executive Director was refining internal processes related to management of missed completion dates on the Permitting Dashboard, including working with agencies to understand the circumstances around the missed completion dates and to accurately attribute responsibility for the missed completion dates.

**OED Compliance Assistance.** The Executive Director will continue to work with agencies to ensure that they proactively manage their permitting timetable completion dates, and make timely modifications as needed.

### Agency Postings of Required Information

For each covered project added to the Permitting Dashboard, FAST-41 requires the facilitating/lead agency, and each cooperating and participating agency, to post a hyperlink to the Permitting Dashboard that directs the public to a website containing certain project information.<sup>26</sup> Specifically, and where consistent with applicable law, agencies must post:

- 1) The project FIN;
- 2) Either the application and supporting documents that have been submitted by a project sponsor for any required environmental review or authorization, or a notice explaining how the public may obtain access to such documents;
- 3) A description of any Federal agency action taken or decision made that materially affects the status of a covered project, and any significant supporting documentation;
- 4) Information on the status of mitigation measures that were agreed to as part of the environmental review and permitting process, including whether and when the mitigation measures have been fully implemented;
- 5) A description of the status of any litigation to which the agency is a party that is directly related to the project, including, if practicable, any judicial document made available on an electronic docket maintained by a Federal, State, or local court;
- 6) Any document described above that is not available by hyperlink on another website.<sup>27</sup>

Agencies additionally must post directly to the Permitting Dashboard information about project-related public meetings, public hearings, and public comment periods, as that information becomes available.

Agencies must make the information described above available not later than 5 business days after the date on which the Federal agency receives the information.<sup>28</sup>

The Dashboard functionality implementing this FAST-41 provision requires that, if an agency posts one element of the required information, the agency must post some information pertaining to all elements.

The degree to which agencies comply with the contents of the postings that are required by this section of FAST-41 is challenging for the Executive Director to independently verify, as much of the required information is only available to the agencies, and the responsiveness of the information to the statutory directive is initially determined by the agencies. Therefore, to track agency compliance with this FAST-41 requirement, the Executive Director focuses on whether agencies have posted any of the basic required information.

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<sup>26</sup> 42 U.S.C. § 4370m-2(b)(3)(A).

<sup>27</sup> 42 U.S.C. § 4370m-2(b)(3)(A)(i)-(ii).

<sup>28</sup> 42 U.S.C. § 4370m-2(b)(3)(B).

**OED Assessment of Agency Performance.** In the second quarter of Fiscal Year 2023, agencies met posting requirements approximately sixty percent of the time. In the remaining forty percent of cases, agencies did not post any of the required information.

**OED Compliance Assistance.** The Executive Director will continue to offer training to agencies, will communicate with agencies regarding missing information, and will socialize with the agencies the need to post the required information on the Dashboard. Further, the Executive Director is considering more granular reporting of individual agency performance on this metric in future quarterly reports.