

Calendar No. 636

117TH CONGRESS
2D SESSION**S. 4894****[Report No. 117–252]**

To provide for the perpetuation, administration, and funding of Federal Executive Boards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2022

Mr. PETERS (for himself, Mr. CORNYN, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 13, 2022

Reported by Mr. PETERS, without amendment

A BILL

To provide for the perpetuation, administration, and funding of Federal Executive Boards, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improving Government
5 Efficiency and Workforce Development through Federal
6 Executive Boards Act of 2022”.

1 **SEC. 2. FEDERAL EXECUTIVE BOARDS.**

2 (a) IN GENERAL.—Chapter 11 of title 5, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 1106. Federal Executive Boards**

6 “(a) PURPOSES.—The purposes of this section are
7 to—

8 “(1) strengthen the strategic coordination, com-
9 munication, and management of Government activi-
10 ties across the United States, including to improve
11 the experience of citizens interacting with agencies,
12 and to incorporate field perspectives into the prepa-
13 ration of Federal workforce policy goals;

14 “(2) facilitate interagency collaboration to im-
15 prove the efficiency and effectiveness of Federal pro-
16 grams and initiatives;

17 “(3) facilitate communication and collaboration
18 on Federal emergency preparedness and continuity
19 of operations for the Federal workforce in applicable
20 geographic areas;

21 “(4) facilitate strategies and programs for re-
22 cruiting, training, managing, and retaining Federal
23 employees, as well as sharing best practices for im-
24 proving the workforce experience and access to edu-
25 cation and training;

1 “(5) facilitate relationships with State and local
 2 governments, colleges and universities, and local
 3 nonprofit organizations that collaborate with the
 4 Federal Government; and

5 “(6) provide stable funding for Federal Execu-
 6 tive Boards to enable the activities described in
 7 paragraphs (1) through (5).

8 “(b) DEFINITIONS.—In this section:

9 “(1) AGENCY.—The term ‘agency’—

10 “(A) means an Executive agency, as de-
 11 fined in section 105; and

12 “(B) does not include the Government Ac-
 13 countability Office.

14 “(2) DIRECTOR.—The term ‘Director’ means
 15 the Director of the Office of Personnel Management.

16 “(3) FEDERAL EXECUTIVE BOARD.—The term
 17 ‘Federal Executive Board’ means an interagency en-
 18 tity—

19 “(A) established by the Director—

20 “(i) in coordination with the Director
 21 of the Office of Management and Budget
 22 and the Administrator of General Services;
 23 and

24 “(ii) in consultation with the head-
 25 quarters of appropriate agencies;

1 “(B) located in a geographic area with a
2 high concentration of Federal employees outside
3 the Washington, D.C., metropolitan area; and

4 “(C) focused on strengthening the manage-
5 ment and administration of agency activities
6 and coordination among local Federal officers
7 to implement national initiatives in that geo-
8 graphic area.

9 “(4) INSTITUTION OF HIGHER EDUCATION.—
10 The term ‘institution of higher education’ has the
11 meaning given the term in section 101(a) of the
12 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

13 “(5) STATE APPRENTICESHIP AGENCY.—The
14 term ‘State Apprenticeship Agency’ has the meaning
15 given the term in section 29.2 of title 29, Code of
16 Federal Regulations, or any successor regulation.

17 “(c) PERPETUATION AND CONTINUED SUPPORT.—

18 “(1) IN GENERAL.—The Director, in coordina-
19 tion with the Director of the Office of Management
20 and Budget and the Administrator of General Serv-
21 ices, shall continue to support the existence of Fed-
22 eral Executive Boards in geographic areas outside
23 the Washington, D.C., metropolitan area.

24 “(2) CONSULTATION.—Before establishing any
25 new Federal Executive Boards that are not in exist-

1 ence on the date of enactment of this section, the
2 Director shall conduct a review of existing Federal
3 Executive Boards and consult with the headquarters
4 of appropriate agencies to guide the determination
5 of the number and location of Federal Executive
6 Boards.

7 “(3) LOCATION.—The Director shall develop a
8 set of criteria to establish and evaluate the number
9 and locations of Federal Executive Boards that
10 shall—

11 “(A) factor in contemporary Federal work-
12 force data as of the date of enactment of this
13 section; and

14 “(B) be informed by the annual changes in
15 workforce data, including the geographic dis-
16 bursement of the Federal workforce and the
17 role of remote work options.

18 “(4) MEMBERSHIP.—

19 “(A) IN GENERAL.—Each Federal Execu-
20 tive Board for a geographic area shall consist of
21 the most senior officer of each agency in that
22 geographic area.

23 “(B) ALTERNATE REPRESENTATIVE.—The
24 senior officer of an agency described in sub-

1 paragraph (A) may designate, by title of office,
2 an alternate representative, who shall—

3 “(i) be a senior officer in the agency;
4 and

5 “(ii) attend meetings and otherwise
6 represent the agency on the Federal Exec-
7 utive Board in absence of the most senior
8 officer.

9 “(d) ADMINISTRATION AND OVERSIGHT.—The Direc-
10 tor, in coordination with the Director of the Office of Man-
11 agement and Budget and the Administrator of General
12 Services, shall administer and oversee Federal Executive
13 Boards, including—

14 “(1) establishing staffing and accountability
15 policies, including performance standards, for em-
16 ployees responsible for administering Federal Execu-
17 tive Boards with an opportunity for employee cus-
18 tomer service feedback from agencies participating
19 in Federal Executive Boards;

20 “(2) establishing communications policies for
21 the dissemination of information to agencies partici-
22 pating in Federal Executive Boards; and

23 “(3) administering Federal Executive Board
24 funding through the fund established in subsection
25 (f).

1 “(e) GOVERNANCE AND ACTIVITIES.—

2 “(1) IN GENERAL.—Each Federal Executive
3 Board shall—

4 “(A) subject to the approval of the Direc-
5 tor, adopt charters or other rules for the inter-
6 nal governance of the Federal Executive Board;

7 “(B) elect a Chairperson from among the
8 members of the Federal Executive Board, who
9 shall serve for a set term;

10 “(C) serve as an instrument of outreach
11 relating to agency activities in the geographic
12 area;

13 “(D) provide a forum to amplify the ex-
14 change of information relating to programs and
15 management methods and problems—

16 “(i) between the national head-
17 quarters of agencies and the field; and

18 “(ii) among field elements in geo-
19 graphic areas;

20 “(E) develop local coordinated approaches
21 to the development and operation of programs
22 that have common characteristics or serve the
23 same populations;

24 “(F) communicate management initiatives
25 and other concerns from Federal officers and

1 employees in the Washington, D.C., metropoli-
2 tan area to Federal officers and employees in
3 the geographic area to achieve better mutual
4 understanding and support;

5 “(G) develop relationships with State and
6 local governments, institutions of higher edu-
7 cation, and nongovernmental organizations to
8 help fulfill the roles and responsibilities of the
9 Federal Executive Board;

10 “(H) in coordination with appropriate
11 agencies and consistent with any relevant
12 memoranda of understanding between the Of-
13 fice of Personnel Management and those agen-
14 cies, facilitate communication, collaboration,
15 and training to prepare the Federal workforce
16 for emergencies and continuity of operations;

17 “(I) in coordination with appropriate agen-
18 cies, support agency efforts to place and recruit
19 students in training opportunities, particularly
20 apprenticeships and paid internships;

21 “(J) consult with the Secretary of Labor
22 or State Apprenticeship Agencies on the process
23 for establishing registered apprenticeship pro-
24 grams within agencies, as appropriate;

“(K) consult with State workforce development boards and local workforce development boards as established in sections 101 and 107 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111, 3122), respectively, as appropriate;

“(L) as appropriate and in accordance with law, rules, and policies, lead cross-agency talent management initiatives—

“(i) including interagency—

“(I) recruitment and hiring activities;

“(II) internships and apprenticeships;

“(III) onboarding and leadership and management development; and

“(IV) mentorship programs; and

“(ii) by prioritizing initiatives related to—

“(I) conducting outreach to communities of individuals with demographics that are underrepresented in a given occupation or agency; and

“(II) addressing skills gaps within the Federal Government related to

1 high-risk areas as identified by the
2 Government Accountability Office;

3 “(M) coordinate with the Transition As-
4 sistance Centers established to carry out the
5 Transition Assistance Program of the Depart-
6 ment of Defense to help members of the Armed
7 Forces who are transitioning to civilian life
8 apply for Government positions in the geo-
9 graphic location of the Federal Executive
10 Board;

11 “(N) as appropriate, serve as a collabo-
12 rative space where employees from across agen-
13 cies can participate in innovation projects rel-
14 evant to Federal initiatives by applying human-
15 centered design, user-experience design, or
16 other creativity methods; and

17 “(O) take other actions as agreed to by the
18 Federal Executive Board and the Director, in
19 consultation with the Director of the Office of
20 Management and Budget and the Adminis-
21 trator of General Services.

22 “(2) COORDINATION OF CERTAIN ACTIVITIES.—
23 The facilitation of communication, collaboration, and
24 training described in paragraph (1)(H) shall, when
25 appropriate, be coordinated and defined through

1 written agreements entered into between the Direc-
2 tor and the heads of the applicable agencies.

3 “(3) NON-MONETARY DONATIONS.—Each Fed-
4 eral Executive Board may accept donations of sup-
5 plies, services, land, and equipment consistent with
6 the purposes described in paragraphs (1) through
7 (5) of subsection (a), including to assist in carrying
8 out the activities described in paragraph (1) of this
9 subsection.

10 “(4) PROGRAMMATIC ASSESSMENTS.—Not less
11 frequently than semi-annually or following each
12 major programmatic activity, each Federal Executive
13 Board shall assess the experience of participants or
14 other relevant stakeholders in each program pro-
15 vided by the Federal Executive Board.

16 “(f) FUNDING.—

17 “(1) ESTABLISHMENT OF FUND.—The Direc-
18 tor, in coordination with the Director of the Office
19 of Management and Budget and the Administrator
20 of General Services, shall establish a Federal Execu-
21 tive Board Fund within the Office of Personnel
22 Management for financing essential Federal Execu-
23 tive Board functions for the purposes of staffing and
24 operating expenses.

1 “(2) DEPOSITS.—There shall be deposited in
2 the fund established under paragraph (1) amounts
3 transferred to the fund pursuant to paragraph (3)
4 from each agency participating in Federal Executive
5 Boards, according to a formula established by the
6 Director—

7 “(A) in consultation with the headquarters
8 of those agencies; and

9 “(B) in coordination with the Director of
10 the Office of Management and Budget and the
11 Administrator of General Services.

12 “(3) CONTRIBUTIONS.—

13 “(A) CONTRIBUTION TRANSFERS.—Subject
14 to the formula for contributions established by
15 the Director under paragraph (2), each agency
16 participating in Federal Executive Boards shall
17 transfer amounts to the fund established under
18 paragraph (1).

19 “(B) FORMULA.—

20 “(i) IN GENERAL.—The formula for
21 contributions established by the Director
22 under paragraph (2) shall consider the
23 number of employees in each agency in all
24 geographic areas served by Federal Execu-
25 tive Boards.

1 “(ii) RECALCULATION.—The contribu-
2 tion of the headquarters of each agency
3 under clause (i) to the fund established
4 under paragraph (1) shall be recalculated
5 not less frequently than every 2 years.

6 “(C) IN-KIND CONTRIBUTIONS.—At the
7 discretion of the Director, an agency may pro-
8 vide in-kind contributions instead of, or in addi-
9 tion to, providing monetary contributions to the
10 fund established under paragraph (1).

11 “(4) MINIMUM AMOUNT.—

12 “(A) IN GENERAL.—The fund established
13 under paragraph (1) shall include a minimum
14 of \$15,000,000 in each fiscal year, to remain
15 available until expended.

16 “(B) ADJUSTMENT.—The Director shall
17 adjust the amount required under subparagraph
18 (A) every 2 years on a schedule aligned with
19 the recalculation described in paragraph
20 (3)(A)(ii) to reflect—

21 “(i) the percentage increase, if any, in
22 the Consumer Price Index for all Urban
23 Consumers as determined by the Bureau of
24 Labor Statistics; and

1 “(ii) any changes in costs related to
2 Federal pay changes authorized by the
3 President or by an Act of Congress.

4 “(5) USE OF EXCESS AMOUNTS.—Any unobli-
5 gated and unexpended balances in the fund estab-
6 lished under paragraph (1) that the Director deter-
7 mines to be in excess of amounts needed for Federal
8 Executive Board functions shall be allocated among
9 the Federal Executive Boards for the activities de-
10 scribed in subsection (e) by the Director—

11 “(A) in coordination with the Director of
12 the Office of Management and Budget and the
13 Administrator of General Services; and

14 “(B) in consultation with the headquarters
15 of agencies participating in Federal Executive
16 Boards.

17 “(6) ADMINISTRATIVE AND OVERSIGHT
18 COSTS.—The Office of Personnel Management shall
19 pay for costs relating to administrative and oversight
20 activities conducted under subsection (d) from ap-
21 propriations made available to the Office of Per-
22 sonnel Management.

23 “(g) REPORTS.—The Director, in coordination with
24 the Director of the Office of Management and Budget and
25 the Administrator of General Services, shall submit bien-

1 nial reports to Congress and to agencies participating in
2 Federal Executive Boards on the outcomes of and budget
3 matters related to Federal Executive Boards.

4 “(h) REGULATIONS.—The Director, in coordination
5 with the Director of the Office of Management and Budget
6 and the Administrator of General Services, shall prescribe
7 regulations necessary to carry out this section.”.

8 (b) REPORT.—

9 (1) DEFINITION.—In this subsection, the term
10 “Federal Executive Board” has the meaning given
11 the term in section 1106(b) of title 5, United States
12 Code, as added by subsection (a) of this section.

13 (2) REPORT.—Not later than 180 days after
14 the date of enactment of this Act, the Director of
15 the Office of Personnel Management, in coordination
16 with the Director of the Office of Management and
17 Budget and the Administrator of General Services,
18 shall submit to the Committee on Homeland Secu-
19 rity and Governmental Affairs of the Senate and the
20 Committee on Oversight and Reform of the House
21 of Representatives a report that includes—

22 (A) a description of essential Federal Ex-
23 ecutive Board functions;

24 (B) details of staffing requirements for
25 each Federal Executive Board; and

1 (C) estimates of staffing and operating ex-
2 penses for each Federal Executive Board.

3 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

4 The table of sections for chapter 11 of title 5, United
5 States Code, is amended by inserting after the item relat-
6 ing to section 1105 the following:

“1106. Federal Executive Boards.”.

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