

118TH CONGRESS
1ST SESSION

S. 285

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2023

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

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 2023”.

7 **SEC. 2. FEDERAL EXECUTIVE BOARDS.**

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

1 **“§ 1106. Federal Executive Boards**

2 “(a) PURPOSES.—The purposes of this section are
3 to—

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

10 “(2) facilitate interagency collaboration to im-
11 prove the efficiency and effectiveness of Federal pro-
12 grams and initiatives;

13 “(3) facilitate communication and collaboration
14 on Federal emergency preparedness and continuity
15 of operations for the Federal workforce in applicable
16 geographic areas;

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

22 “(5) facilitate relationships with State and local
23 governments, colleges and universities, and local
24 nonprofit organizations that collaborate with the
25 Federal Government; and

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

4 “(b) DEFINITIONS.—In this section:

5 “(1) AGENCY.—The term ‘agency’—

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

8 “(B) does not include the Government Ac-
9 countability Office.

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

12 “(3) FEDERAL EXECUTIVE BOARD.—The term
13 ‘Federal Executive Board’ means an interagency en-
14 tity—

15 “(A) established by the Director—

16 “(i) in coordination with the Director
17 of the Office of Management and Budget
18 and the Administrator of General Services;
19 and

20 “(ii) in consultation with the head-
21 quarters of appropriate agencies;

22 “(B) located in a geographic area with a
23 high concentration of Federal employees outside
24 the Washington, DC, metropolitan area; and

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

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

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

14 “(c) PERPETUATION AND CONTINUED SUPPORT.—

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

21 “(2) CONSULTATION.—Before establishing any
22 new Federal Executive Boards that are not in exist-
23 ence on the date of enactment of this section, the
24 Director shall conduct a review of existing Federal
25 Executive Boards and consult with the headquarters

1 of appropriate agencies to guide the determination
2 of the number and location of Federal Executive
3 Boards.

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

8 “(A) factor in contemporary Federal work-
9 force data as of the date of enactment of this
10 section; and

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

15 “(4) MEMBERSHIP.—

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

20 “(B) ALTERNATE REPRESENTATIVE.—The
21 senior officer of an agency described in sub-
22 paragraph (A) may designate, by title of office,
23 an alternate representative, who shall—

24 “(i) be a senior officer in the agency;
25 and

1 “(ii) attend meetings and otherwise
2 represent the agency on the Federal Exec-
3 utive Board in the absence of the most
4 senior officer.

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

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

16 “(2) establishing communications policies for
17 the dissemination of information to agencies partici-
18 pating in Federal Executive Boards; and

19 “(3) administering Federal Executive Board
20 funding through the fund established in subsection
21 (f).

22 “(e) GOVERNANCE AND ACTIVITIES.—

23 “(1) IN GENERAL.—Each Federal Executive
24 Board shall—

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

4 “(B) elect a Chairperson from among the
5 members of the Federal Executive Board, who
6 shall serve for a set term;

7 “(C) serve as an instrument of outreach
8 relating to agency activities in the geographic
9 area;

10 “(D) provide a forum to amplify the ex-
11 change of information relating to programs and
12 management methods and problems—

13 “(i) between the national head-
14 quarters of agencies and the field; and

15 “(ii) among field elements in geo-
16 graphic areas;

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

21 “(F) communicate management initiatives
22 and other concerns from Federal officers and
23 employees in the Washington, DC, metropolitan
24 area to Federal officers and employees in the

1 geographic area to achieve better mutual under-
2 standing and support;

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

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

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

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

23 “(K) consult with State workforce develop-
24 ment boards and local workforce development
25 boards as established in sections 101 and 107

1 of the Workforce Innovation and Opportunity
2 Act (29 U.S.C. 3111, 3122), respectively, as
3 appropriate;

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

7 “(i) including interagency—

8 “(I) recruitment and hiring ac-
9 tivities;

10 “(II) internships and apprentice-
11 ships;

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

14 “(IV) mentorship programs; and

15 “(ii) by prioritizing initiatives related
16 to—

17 “(I) conducting outreach to com-
18 munities of individuals with demo-
19 graphics that are underrepresented in
20 a given occupation or agency; and

21 “(II) addressing skills gaps with-
22 in the Federal Government related to
23 high-risk areas as identified by the
24 Government Accountability Office;

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

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

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

20 “(2) COORDINATION OF CERTAIN ACTIVITIES.—

21 The facilitation of communication, collaboration, and
22 training described in paragraph (1)(H) shall, when
23 appropriate, be coordinated and defined through
24 written agreements entered into between the Direc-
25 tor and the heads of the applicable agencies.

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

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

14 “(f) FUNDING.—

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

23 “(2) DEPOSITS.—There shall be deposited in
24 the fund established under paragraph (1) amounts
25 transferred to the fund pursuant to paragraph (3)

1 from each agency participating in Federal Executive
2 Boards, according to a formula established by the
3 Director—

4 “(A) in consultation with the headquarters
5 of those agencies; and

6 “(B) in coordination with the Director of
7 the Office of Management and Budget and the
8 Administrator of General Services.

9 “(3) CONTRIBUTIONS.—

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

16 “(B) FORMULA.—

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

23 “(ii) RECALCULATION.—The contribu-
24 tion of the headquarters of each agency
25 under clause (i) to the fund established

1 under paragraph (1) shall be recalculated
2 not less frequently than every 2 years.

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

8 “(4) MINIMUM AMOUNT.—

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

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

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

22 “(ii) any changes in costs related to
23 Federal pay changes authorized by the
24 President or by an Act of Congress.

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

8 “(A) in coordination with the Director of
9 the Office of Management and Budget and the
10 Administrator of General Services; and

11 “(B) in consultation with the headquarters
12 of agencies participating in Federal Executive
13 Boards.

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

20 “(g) REPORTS.—The Director, in coordination with
21 the Director of the Office of Management and Budget and
22 the Administrator of General Services, shall submit bien-
23 nial reports to Congress and to agencies participating in
24 Federal Executive Boards on the outcomes of and budget
25 matters related to Federal Executive Boards.

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

5 (b) REPORT.—

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

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

19 (A) a description of essential Federal Ex-
20 ecutive Board functions;

21 (B) details of staffing requirements for
22 each Federal Executive Board; and

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

- 1 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
2 The table of sections for chapter 11 of title 5, United
3 States Code, is amended by inserting after the item relat-
4 ing to section 1105 the following:

“1106. Federal Executive Boards.”.

