112TH CONGRESS
2D SESSION
H. R. 6305

To improve the efficiency of Federal Executive Boards to enhance the coordination, economy, and effectiveness of Federal agency activities, including emergency preparedness and continuity of operations, in geographic areas outside the Washington, D.C., metropolitan area.

IN THE HOUSE OF REPRESENTATIVES
AUGUST 2, 2012
Mr. CONNOLLY of Virginia (for himself and Mr. PLATTS) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL
To improve the efficiency of Federal Executive Boards to enhance the coordination, economy, and effectiveness of Federal agency activities, including emergency preparedness and continuity of operations, in geographic areas outside the Washington, D.C., metropolitan area.

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 “Federal Executive
5 Board Efficiency Act”.

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SEC. 2. FEDERAL EXECUTIVE BOARDS.

(a) In general.—Chapter 11 of title 5, United States Code, is amended by adding at the end the following:

“§ 1106. Federal executive boards

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

“(1) strengthen the coordination of Government activities;

“(2) facilitate interagency collaboration to improve the efficiency and effectiveness of Federal programs;

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

“(4) provide stable funding for Federal Executive Boards.

“(b) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’—

“(A) means an Executive agency as defined under section 105; and

“(B) shall not include the Government Accountability Office.

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Office of Personnel Management.
“(3) Federal Executive Board.—The term ‘Federal Executive Board’ means an interagency entity established by the Director, in consultation with the headquarters of appropriate agencies, in a geographic area with a high concentration of Federal employees outside the Washington, D.C., metropolitan area to strengthen the management and administration of agency activities and coordination among local Federal officers to implement national initiatives in that geographic area.

“(c) Establishment.—

“(1) In general.—The Director shall establish Federal Executive Boards in geographic areas outside the Washington, D.C., metropolitan area. Before establishing Federal Executive Boards that are not in existence on the date of enactment of this section, the Director shall consult with the headquarters of appropriate agencies to determine the number and location of the Federal Executive Boards.

“(2) Membership.—Each Federal Executive Board for a geographic area shall consist of an appropriate senior officer for each agency in that geographic area. The appropriate senior officer may designate, by title of office, an alternate representa-
tive who shall attend meetings and otherwise rep-
represent the agency on the Federal Executive Board in
the absence of the appropriate senior officer. An al-
ternate representative shall be a senior officer in the
agency.

“(3) LOCATION OF FEDERAL EXECUTIVE
BOARDs.—In determining the location for the estab-
lishment of Federal Executive Boards, the Director
shall consider—

“(A) whether a Federal Executive Board
exists in a geographic area on the date of enact-
ment of this section;

“(B) whether a geographic area has a
strong, viable, and active Federal Executive As-

“(C) whether the Federal Executive Asso-
ciation of a geographic area petitions the Direc-
tor to become a Federal Executive Board; and

“(D) such other factors as the Director
and the headquarters of appropriate agencies
consider relevant.

“(d) ADMINISTRATION AND OVERSIGHT.—

“(1) IN GENERAL.—The Director shall provide
for the administration and oversight of Federal Ex-
ecutive Boards, including—
“(A) establishing staffing policies in consultation with the headquarters of agencies participating in Federal Executive Boards;

“(B) designating an agency to staff each Federal Executive Board based on recommendations from that Federal Executive Board;

“(C) establishing communications policies for the dissemination of information to agencies;

“(D) in consultation with the headquarters of appropriate agencies, establishing performance standards for the Federal Executive Board staff;

“(E) developing accountability initiatives to ensure Federal Executive Boards are meeting performance standards; and

“(F) administering Federal Executive Board funding through the fund established in subsection (f).

“(2) STAFFING.—In making designations under paragraph (1)(B), the Director shall give preference to agencies staffing Federal Executive Boards.

“(e) GOVERNANCE AND ACTIVITIES.—
“(1) IN GENERAL.—Each Federal Executive Board shall—

“(A) subject to the approval of the Director, adopt by-laws or other rules for the internal governance of the Federal Executive Board;

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

“(C) serve as an instrument of outreach for the national headquarters of agencies relating to agency activities in the geographic area;

“(D) provide a forum for the exchange of information relating to programs and management methods and problems—

“(i) between the national headquarters of agencies and the field; and

“(ii) among field elements in the geographic area;

“(E) develop local coordinated approaches to the development and operation of programs that have common characteristics;

“(F) communicate management initiatives and other concerns from Federal officers and employees in the Washington, D.C., area to Federal officers and employees in the geo-
graphic area to achieve better mutual understanding and support;

“(G) develop relationships with State and local governments and nongovernmental organizations to help fulfill the roles and responsibilities of that Board;

“(H) in coordination with appropriate agencies and consistent with any relevant memoranda of understanding between the Office of Personnel Management and such agencies, facilitate communication, collaboration, and training to prepare the Federal workforce for emergencies and continuity of operations; and

“(I) take other actions as agreed to by the Federal Executive Board and the Director.

“(2) COORDINATION OF CERTAIN ACTIVITIES.— The facilitation of communication, collaboration, and training described under paragraph (1)(H) shall, when appropriate, be coordinated and defined through memoranda of understanding entered into between the Director and headquarters of appropriate agencies.

“(f) FUNDING.—
“(1) Establishment of Fund.—The Director shall establish a fund within the Office of Personnel Management for financing essential Federal Executive Board functions—

“(A) including basic staffing and operating expenses; and

“(B) excluding the costs of the Office of Personnel Management relating to administrative and oversight activities conducted under subsection (d).

“(2) Deposits.—There shall be deposited in the fund established under paragraph (1) contributions from the headquarters of each agency participating in Federal Executive Boards, in an amount determined by a formula established by the Director, in consultation with the headquarters of such agencies and the Office of Management and Budget.

“(3) Contributions.—

“(A) Formula.—The formula for contributions established by the Director shall consider the number of employees in each agency in all geographic areas served by Federal Executive Boards. The contribution of the headquarters of each agency to the fund shall be recalculated at least every 2 years.
“(B) IN-KIND CONTRIBUTIONS.—At the sole discretion of the Director, the headquarters of an agency may provide in-kind contributions instead of providing monetary contributions to the fund.

“(4) USE OF EXCESS AMOUNTS.—Any unobligated and unexpended balances in the fund which the Director determines to be in excess of amounts needed for essential Federal Executive Board functions shall be allocated by the Director, in consultation with the headquarters of agencies participating in Federal Executive Boards, among the Federal Executive Boards for the activities under subsection (e) and other priorities, such as conducting training.

“(5) ADMINISTRATIVE AND OVERSIGHT COSTS.—The Office of Personnel Management shall pay for costs relating to administrative and oversight activities conducted under subsection (d) from appropriations made available to the Office of Personnel Management.

“(g) REPORTS.—The Director shall submit annual reports to Congress and agencies on Federal Executive Board program outcomes and budget matters.

“(h) REGULATIONS.—The Director shall prescribe regulations necessary to carry out this section.”.
(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall submit a report 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 that includes—

(1) a description of essential Federal Executive Board functions;

(2) details of basic staffing requirements for each Federal Executive Board;

(3) estimates of basic staffing and operating expenses for each Federal Executive Board; and

(4) a comparison of basic staffing and operating expenses for Federal Executive Boards operating before the date of enactment of this Act and such expenses for Federal Executive Boards after the implementation of this Act.

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

“1106. Federal Executive Boards.”