

117TH CONGRESS
2D SESSION

S. 4828

To provide consistent leadership, purpose, and administrative support for the primary governmentwide executive councils, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2022

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

A BILL

To provide consistent leadership, purpose, and administrative support for the primary governmentwide executive councils, 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 “Governmentwide Exec-
5 utive Councils Administration and Performance Improve-
6 ment Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of General Serv-
3 ices.

4 (2) ASSOCIATE ADMINISTRATOR.—The term
5 “Associate Administrator” means the head of the
6 Office of Executive Councils established pursuant to
7 section 4.

8 (3) DIRECTOR.—The term “Director” means
9 the Director of the Office of Management and Budg-
10 et.

11 (4) GOVERNMENTWIDE EXECUTIVE COUNCIL.—
12 The term “governmentwide executive council”
13 means—

14 (A) the Chief Acquisition Officers Council,
15 established pursuant to Section 1311 of title
16 41, United States Code;

17 (B) the Chief Data Officer Council, estab-
18 lished pursuant to Section 3520A of title 44,
19 United States Code;

20 (C) the Chief Financial Officers Council,
21 established pursuant to Section 302 of the
22 Chief Financial Officers Act of 1990 (31 U.S.C.
23 901 note; Public Law 101–576);

24 (D) the Chief Human Capital Officers
25 Council, established pursuant to Section 1303

1 of the Homeland Security Act of 2002 (5
2 U.S.C. 1401 note; Public Law 107–296);

3 (E) the Chief Information Officers Council,
4 established pursuant to Section 3603 of title
5 44, United States Code;

6 (F) the Performance Improvement Council,
7 established pursuant to Section 1124(b) of title
8 31, United States Code; and

9 (G) any other council designated as a gov-
10 ernmentwide executive council, pursuant to the
11 requirements of section 6 of this Act.

12 **SEC. 3. RESPONSIBILITIES OF GOVERNMENTWIDE EXECU-**
13 **TIVE COUNCILS.**

14 (a) IN GENERAL.—In addition to any authority pro-
15 vided to a governmentwide executive council elsewhere in
16 law, each governmentwide executive council shall—

17 (1) maintain a publicly accessible website that
18 includes information relating to the mission, pur-
19 pose, priorities, and membership of the government-
20 wide executive council;

21 (2) develop and publish on the website de-
22 scribed in paragraph (1) a charter outlining the
23 roles of members, responsibilities, procedures, and
24 other relevant information concerning the govern-
25 mentwide executive council;

1 (3) provide legislative, policy, project funding,
2 or shared services recommendations to the Director
3 and the Administrator related to the specific area of
4 expertise of the governmentwide executive council;
5 and

6 (4) serve as a primary advisory body to the Di-
7 rector on the development and execution of—

8 (A) the Federal Government performance
9 plan under section 1115(a) of title 31, United
10 States Code; and

11 (B) the Federal Government priority goals
12 under section 1120(a) of title 31, United States
13 Code.

14 (b) STRATEGIC PLAN.—

15 (1) IN GENERAL.—Not more than 90 days after
16 the date of enactment of this Act, each government-
17 wide executive council, after receiving input and rec-
18 ommendations from all members, shall publish a
19 strategic plan for the governmentwide executive
20 council that identifies the goals, priorities, and ex-
21 pectations of the governmentwide executive council.

22 (2) UPDATES.—The leadership of each govern-
23 mentwide executive council shall update and affirm
24 the strategic plan required under paragraph (1) not
25 less frequently than once every 2 years.

1 (3) SUBMISSION TO CONGRESS.—Each govern-
2 mentwide executive council shall promptly submit
3 the strategic plan published under paragraph (1), or
4 updated under paragraph (2), to the Committee on
5 Homeland Security and Governmental Affairs of the
6 Senate and the Committee on Oversight and Reform
7 of the House of Representatives.

8 **SEC. 4. HARMONIZING ADMINISTRATIVE SUPPORT FOR**
9 **GOVERNMENTWIDE EXECUTIVE COUNCILS.**

10 (a) OFFICE OF EXECUTIVE COUNCILS.—There is es-
11 tablished in the General Services Administration the Of-
12 fice of Executive Councils.

13 (b) DUTIES.—The Office of Executive Councils
14 shall—

15 (1) in consultation with the Director, provide
16 administrative, project management, and other sup-
17 port to the governmentwide executive councils;

18 (2) detail employees to 1 or more government-
19 wide executive council, as needed, to support the op-
20 erations and functions of each governmentwide exec-
21 utive council;

22 (3) collect and transfer funds to support the
23 priorities of the governmentwide executive councils,
24 as provided in appropriations acts; and

1 (4) subject to approval of the leadership of a
 2 governmentwide executive council, submit any re-
 3 ports, provide any information, or respond to any re-
 4 quests required by Congress.

5 (c) FUNCTIONAL INDEPENDENCE.—The Office of
 6 Executive Councils shall be headed by an Associate Ad-
 7 ministrators who shall—

8 (1) be appointed by the President;

9 (2) report to the Director;

10 (3) carry out additional duties and functions
 11 the Director, in consultation with the Administrator,
 12 requests; and

13 (4) represent the collective viewpoints and pri-
 14 orities of the governmentwide executive councils and
 15 their membership.

16 (d) PROHIBITION.—The Office of Executive Councils
 17 may not provide any administrative or project manage-
 18 ment services to an entity unless the entity is designated
 19 by the Director and affirmed by Congress pursuant to sec-
 20 tion 6.

21 **SEC. 5. HARMONIZING GOVERNMENTWIDE EXECUTIVE**
 22 **COUNCIL LEADERSHIP ROLES.**

23 (a) TITLE 41.—Section 1311 of title 41, United
 24 States Code, is amended—

25 (1) in subsection (b)—

1 (A) by striking paragraph (1); and

2 (B) by redesignating paragraphs (2)
3 through (5) as paragraphs (1) through (4); and
4 (2) in subsection (c)—

5 (A) in paragraph (1), by striking “Deputy
6 Director for Management of the Office of Man-
7 agement and Budget” and inserting “Adminis-
8 trator”;

9 (B) by striking paragraph (3); and

10 (C) by redesignating paragraph (4) as
11 paragraph (3).

12 (b) TITLE 44.—Title 44, United States Code, is
13 amended—

14 (1) in section 3520A—

15 (A) in subsection (a), by striking “Office
16 of Management and Budget” and inserting “ex-
17 ecutive branch”;

18 (B) in subsection (c) by striking para-
19 graphs (2) and (3) and inserting the following:

20 “(2) CHAIR.—The Chair of the Council shall be
21 the Administrator of the Office of Electronic Gov-
22 ernment.

23 “(3) VICE CHAIR.—The Council shall select
24 from among its members a Vice Chair of the Coun-
25 cil.”;

1 (C) by redesignating subsections (d) and
 2 (e) as subsections (e) and (f); and

3 (D) by inserting before subsection (e), as
 4 so redesignated, the following:

5 “(d) SUPPORT.—The Administrator of General Serv-
 6 ices shall provide administrative and other support for the
 7 Council.”; and

8 (2) in section 3603—

9 (A) in subsection (b)—

10 (i) by striking paragraphs (1) and (3);

11 (ii) by redesignating paragraphs (2)
 12 and (4) through (7) as paragraphs (1)
 13 through (5), respectively; and

14 (iii) in paragraph (1), as so redesign-
 15 nated, by inserting before the period “,
 16 who shall serve as Chair of the Council”;
 17 and

18 (B) in subsection (c)(1), by striking “on
 19 behalf of the Deputy Director for Manage-
 20 ment”.

21 (c) CHIEF FINANCIAL OFFICERS ACT OF 1990.—
 22 Section 302 of the Chief Financial Officers Act of 1990
 23 (31 U.S.C. 901 note) is amended—

24 (1) in subsection (a)—

25 (A) by striking paragraph (1);

1 (B) by redesignating paragraphs (2), (3),
2 and (4) as paragraphs (1), (2), and (3), respec-
3 tively;

4 (C) in paragraph (1), as so redesignated,
5 by inserting “, who shall serve as chair of the
6 council” after “Management and Budget”; and

7 (D) in paragraph (2), as so redesignated,
8 by inserting “, who shall serve as vice chair of
9 the council” after “Secretary of Treasury”; and
10 (2) by adding at the end the following:

11 “(c) SUPPORT.—The Administrator of General Serv-
12 ices shall provide administrative and other support for the
13 council.”.

14 (d) HOMELAND SECURITY ACT OF 2002.—Section
15 1303 of the Homeland Security Act of 2002 (5 U.S.C.
16 1401 note) is amended by adding at the end the following:

17 “(e) SUPPORT.—The Administrator of General Serv-
18 ices shall provide administrative and other support for the
19 Council.”.

20 (e) TITLE 31.—Section 1124(b) of title 31, United
21 States Code, is amended—

22 (1) by striking paragraph (1) and inserting the
23 following:

1 “(1) ESTABLISHMENT.—There is established in
2 the executive branch a Performance Improvement
3 Council.”;

4 (2) by redesignating paragraphs (2) and (3) as
5 paragraphs (4) and (5); and

6 (3) by inserting after paragraph (1) the fol-
7 lowing:

8 “(2) MEMBERSHIP.—The Performance Im-
9 provement Council shall consist of—

10 “(A) a designee of the Director of the Of-
11 fice of Management and Budget;

12 “(B) the Performance Improvement Offi-
13 cer from each agency defined in section 901(b)
14 of this title;

15 “(C) other Performance Improvement Offi-
16 cers as determined appropriate by the chair-
17 person; and

18 “(D) other individuals as determined ap-
19 propriate by the chairperson.”.

20 “(3) CHAIRPERSON AND VICE CHAIRPERSON.—

21 “(A) CHAIRPERSON.—The chairperson of
22 the Performance Improvement Council shall be
23 a designee of the Deputy Director of Manage-
24 ment of the Office of Management and Budget.

1 “(B) VICE CHAIRPERSON.—The Perform-
 2 ance Improvement Council shall select from
 3 among its members a Performance Improve-
 4 ment Officer to serve as vice chairperson.”.

5 **SEC. 6. AUTHORITIES OF THE DIRECTOR.**

6 (a) DESIGNATION.—Subject to the requirements in
 7 subsection (b), the Director may designate 1 or more other
 8 councils to be a governmentwide executive council.

9 (b) SUBMISSION TO CONGRESS; REVIEW.—

10 (1) JUSTIFICATION FOR DESIGNATION.—If the
 11 Director makes the determination to designate 1 or
 12 more councils to be a governmentwide executive
 13 council, the Director shall—

14 (A) provide a justification for the designa-
 15 tion to the Committees on Homeland Security
 16 and Governmental Affairs and Appropriations
 17 of the Senate and the Committees on Oversight
 18 and Reform and Appropriations of the House of
 19 Representatives; and

20 (B) include in the justification required
 21 under subparagraph (A)—

22 (i) the name of the council;

23 (ii) the names of the chair and vice
 24 chair of the council;

1 (iii) the agencies that will be members
2 of the council;

3 (iv) the expected goals, functions, and
4 priorities of the council;

5 (v) the expected annual costs to sup-
6 port the functions of the council; and

7 (vi) any other information the Direc-
8 tor determines to be necessary regarding
9 the designation of the council to be a gov-
10 ernmentwide executive council.

11 (2) APPROVAL.—Any designation by the Direc-
12 tor shall be deemed approved unless, not later than
13 30 days after the date on which each chair and
14 ranking member of the committees described under
15 paragraph (1)(A) receive the justification, the chair
16 and ranking member of 1 or more of the Committees
17 provided the justification under paragraph (1)(A)
18 jointly notify the Director of their disapproval for
19 the designation.

20 (c) REQUIREMENTS.—If the designation of a new
21 governmentwide executive council is approved pursuant to
22 subsections (a) and (b), that governmentwide executive
23 council shall be subject to the requirements under section
24 3.

1 **SEC. 7. TECHNICAL AMENDMENTS.**

2 (a) TITLE 31.—Section 503 of title 31, United States
3 Code, is amended—

4 (1) in subsection (a)—

5 (A) by striking paragraph (12); and

6 (B) by redesignating paragraphs (13) and
7 (14) as paragraphs (12) and (13); and

8 (2) in subsection (b)—

9 (A) by striking paragraph (5); and

10 (B) by redesignating paragraphs (6)
11 through (10) as paragraphs (5) through (9).

12 (b) TITLE 44.—Section 3602(f) of title 44, United
13 States Code, is amended—

14 (1) by striking paragraph (7); and

15 (2) by redesignating paragraphs (8) through
16 (17) as paragraphs (7) through (16).

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