

111TH CONGRESS  
1ST SESSION

# S. 806

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2009

Referred to the Committee on Oversight and Government Reform

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## AN ACT

To provide for the establishment, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Executive  
3 Board Authorization Act of 2009”.

4 **SEC. 2. FEDERAL EXECUTIVE BOARDS.**

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

8 **“§ 1106. Federal Executive Boards**

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

11 “(1) strengthen the coordination of Government  
12 activities;

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

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

20 “(4) provide stable funding for Federal Execu-  
21 tive Boards.

22 “(b) DEFINITIONS.—In this section:

23 “(1) AGENCY.—The term ‘agency’—

24 “(A) means an Executive agency as de-  
25 fined under section 105; and

1                   “(B) shall not include the Government Ac-  
2                   countability Office.

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

5                   “(3) FEDERAL EXECUTIVE BOARD.—The term  
6                   ‘Federal Executive Board’ means an interagency en-  
7                   tity established by the Director, in consultation with  
8                   the headquarters of appropriate agencies, in a geo-  
9                   graphic area with a high concentration of Federal  
10                  employees outside the Washington, D.C. metropoli-  
11                  tan area to strengthen the management and admin-  
12                  istration of agency activities and coordination among  
13                  local Federal officers to implement national initia-  
14                  tives in that geographic area.

15                  “(c) ESTABLISHMENT.—

16                  “(1) IN GENERAL.—The Director shall establish  
17                  Federal Executive Boards in geographic areas out-  
18                  side the Washington, D.C. metropolitan area. Before  
19                  establishing Federal Executive Boards that are not  
20                  in existence on the date of enactment of this section,  
21                  the Director shall consult with the headquarters of  
22                  appropriate agencies to determine the number and  
23                  location of the Federal Executive Boards.

24                  “(2) MEMBERSHIP.—Each Federal Executive  
25                  Board for a geographic area shall consist of an ap-

1 appropriate senior officer for each agency in that geo-  
2 graphic area. The appropriate senior officer may  
3 designate, by title of office, an alternate representa-  
4 tive who shall attend meetings and otherwise rep-  
5 resent the agency on the Federal Executive Board in  
6 the absence of the appropriate senior officer. An al-  
7 ternate representative shall be a senior officer in the  
8 agency.

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

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

16 “(B) whether a geographic area has a  
17 strong, viable, and active Federal Executive As-  
18 sociation;

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

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

25 “(d) ADMINISTRATION AND OVERSIGHT.—

1           “(1) IN GENERAL.—The Director shall provide  
2           for the administration and oversight of Federal Ex-  
3           ecutive Boards, including—

4                   “(A) establishing staffing policies in con-  
5                   sultation with the headquarters of agencies par-  
6                   ticipating in Federal Executive Boards;

7                   “(B) designating an agency to staff each  
8                   Federal Executive Board based on rec-  
9                   ommendations from that Federal Executive  
10                  Board;

11                  “(C) establishing communications policies  
12                  for the dissemination of information to agen-  
13                  cies;

14                  “(D) in consultation with the headquarters  
15                  of appropriate agencies, establishing perform-  
16                  ance standards for the Federal Executive Board  
17                  staff;

18                  “(E) developing accountability initiatives  
19                  to ensure Federal Executive Boards are meet-  
20                  ing performance standards; and

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

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

4           “(e) GOVERNANCE AND ACTIVITIES.—

5           “(1) IN GENERAL.—Each Federal Executive  
6           Board shall—

7                   “(A) subject to the approval of the Direc-  
8                   tor, adopt by-laws or other rules for the inter-  
9                   nal governance of the Federal Executive Board;

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

13                   “(C) serve as an instrument of outreach  
14                   for the national headquarters of agencies relat-  
15                   ing to agency activities in the geographic area;

16                   “(D) provide a forum for the exchange of  
17                   information relating to programs and manage-  
18                   ment methods and problems—

19                           “(i) between the national head-  
20                           quarters of agencies and the field; and

21                           “(ii) among field elements in the geo-  
22                           graphic area;

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

1           “(F) communicate management initiatives  
2           and other concerns from Federal officers and  
3           employees in the Washington, D.C. area to  
4           Federal officers and employees in the geo-  
5           graphic area to achieve better mutual under-  
6           standing and support;

7           “(G) develop relationships with State and  
8           local governments and nongovernmental organi-  
9           zations to help fulfill the roles and responsibil-  
10          ities of that Board;

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

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

21          “(2) COORDINATION OF CERTAIN ACTIVITIES.—

22          The facilitation of communication, collaboration, and  
23          training described under paragraph (1)(H) shall,  
24          when appropriate, be coordinated and defined  
25          through memoranda of understanding entered into

1       between the Director and headquarters of appro-  
 2       priate agencies.

3       “(f) FUNDING.—

4               “(1) ESTABLISHMENT OF FUND.—The Director  
 5       shall establish a fund within the Office of Personnel  
 6       Management for financing essential Federal Execu-  
 7       tive Board functions—

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

10                      “(B) excluding the costs of the Office of  
 11       Personnel Management relating to administra-  
 12       tive and oversight activities conducted under  
 13       subsection (d).

14               “(2) DEPOSITS.—There shall be deposited in  
 15       the fund established under paragraph (1) contribu-  
 16       tions from the headquarters of each agency partici-  
 17       pating in Federal Executive Boards, in an amount  
 18       determined by a formula established by the Director,  
 19       in consultation with the headquarters of such agen-  
 20       cies and the Office of Management and Budget.

21               “(3) CONTRIBUTIONS.—

22                      “(A) FORMULA.—The formula for con-  
 23       tributions established by the Director shall con-  
 24       sider the number of employees in each agency  
 25       in all geographic areas served by Federal Exec-

1           utive Boards. The contribution of the head-  
2           quarters of each agency to the fund shall be re-  
3           calculated at least every 2 years.

4           “(B) IN-KIND CONTRIBUTIONS.—At the  
5           sole discretion of the Director, the headquarters  
6           of an agency may provide in-kind contributions  
7           instead of providing monetary contributions to  
8           the fund.

9           “(4) USE OF EXCESS AMOUNTS.—Any unobli-  
10          gated and unexpended balances in the fund which  
11          the Director determines to be in excess of amounts  
12          needed for essential Federal Executive Board func-  
13          tions shall be allocated by the Director, in consulta-  
14          tion with the headquarters of agencies participating  
15          in Federal Executive Boards, among the Federal  
16          Executive Boards for the activities under subsection  
17          (e) and other priorities, such as conducting training.

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

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

4       “(h) REGULATIONS.—The Director shall prescribe  
5 regulations necessary to carry out this section.”.

6       (b) REPORT.—Not later than 60 days after the date  
7 of enactment of this Act, the Director of the Office of Per-  
8 sonnel Management shall submit a report to the Com-  
9 mittee on Homeland Security and Governmental Affairs  
10 of the Senate and the Committee on Oversight and Gov-  
11 ernment Reform of the House of Representatives that in-  
12 cludes—

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

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

17           (3) estimates of basic staffing and operating ex-  
18 penses for each Federal Executive Board; and

19           (4) a comparison of basic staffing and oper-  
20 ating expenses for Federal Executive Boards oper-  
21 ating before the date of enactment of this Act and  
22 such expenses for Federal Executive Boards after  
23 the implementation of this Act.

24       (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
25 The table of sections for chapter 11 of title 5, United

- 1 States Code, is amended by inserting after the item relat-
- 2 ing to section 1105 the following:

“1106. Federal Executive Boards.”.

Passed the Senate November 5, 2009.

Attest: NANCY ERICKSON,  
*Secretary.*