

113TH CONGRESS  
1ST SESSION

# H. R. 470

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, DC, metropolitan area.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2013

Mr. CONNOLLY introduced the following bill; which was referred to the  
Committee on Oversight and Government Reform

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## 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, DC, 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”.

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 coordination of Government  
9 activities;

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

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; and

17 “(4) provide stable funding for Federal Execu-  
18 tive Boards.

19 “(b) DEFINITIONS.—In this section:

20 “(1) AGENCY.—The term ‘agency’—

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

23 “(B) shall not include the Government Ac-  
24 countability Office.

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

1           “(3) FEDERAL EXECUTIVE BOARD.—The term  
2       ‘Federal Executive Board’ means an interagency en-  
3       tity established by the Director, in consultation with  
4       the headquarters of appropriate agencies, in a geo-  
5       graphic area with a high concentration of Federal  
6       employees outside the Washington, DC, metropolitan  
7       area to strengthen the management and administra-  
8       tion of agency activities and coordination among  
9       local Federal officers to implement national initia-  
10      tives in that geographic area.

11      “(c) ESTABLISHMENT.—

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

20           “(2) MEMBERSHIP.—Each Federal Executive  
21      Board for a geographic area shall consist of an ap-  
22      propriate senior officer for each agency in that geo-  
23      graphic area. The appropriate senior officer may  
24      designate, by title of office, an alternate representa-  
25      tive who shall attend meetings and otherwise rep-

1       resent the agency on the Federal Executive Board in  
2       the absence of the appropriate senior officer. An al-  
3       ternate representative shall be a senior officer in the  
4       agency.

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

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

12          “(B) whether a geographic area has a  
13       strong, viable, and active Federal Executive As-  
14       sociation;

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

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

21       “(d) ADMINISTRATION AND OVERSIGHT.—

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

1           “(A) establishing staffing policies in con-  
2 sultation with the headquarters of agencies par-  
3 ticipating in Federal Executive Boards;

4           “(B) designating an agency to staff each  
5 Federal Executive Board based on rec-  
6 ommendations from that Federal Executive  
7 Board;

8           “(C) establishing communications policies  
9 for the dissemination of information to agen-  
10 cies;

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

15           “(E) developing accountability initiatives  
16 to ensure Federal Executive Boards are meet-  
17 ing performance standards; and

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

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

24           “(e) GOVERNANCE AND ACTIVITIES.—

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

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

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

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

12           “(D) provide a forum for the exchange of  
13 information relating to programs and manage-  
14 ment methods and problems—

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

17           “(ii) among field elements in the geo-  
18 graphic area;

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

22           “(F) communicate management initiatives  
23 and other concerns from Federal officers and  
24 employees in the Washington, DC, area to Fed-  
25 eral officers and employees in the geographic

1 area to achieve better mutual understanding  
2 and support;

3 “(G) develop relationships with State and  
4 local governments and nongovernmental organi-  
5 zations to help fulfill the roles and responsibil-  
6 ities of that Board;

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

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

17 “(2) COORDINATION OF CERTAIN ACTIVITIES.—  
18 The facilitation of communication, collaboration, and  
19 training described under paragraph (1)(H) shall,  
20 when appropriate, be coordinated and defined  
21 through memoranda of understanding entered into  
22 between the Director and headquarters of appro-  
23 priate agencies.

24 “(f) FUNDING.—

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

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

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

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

18           “(3) CONTRIBUTIONS.—

19                   “(A) FORMULA.—The formula for con-  
20                   tributions established by the Director shall con-  
21                   sider the number of employees in each agency  
22                   in all geographic areas served by Federal Exec-  
23                   utive Boards. The contribution of the head-  
24                   quarters of each agency to the fund shall be re-  
25                   calculated at least every 2 years.

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

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

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

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

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

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

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

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

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

14 (4) a comparison of basic staffing and oper-  
15 ating expenses for Federal Executive Boards oper-  
16 ating before the date of enactment of this Act and  
17 such expenses for Federal Executive Boards after  
18 the implementation of this Act.

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

“1106. Federal Executive Boards.”.

