

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 285

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PETERS

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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, including those that impact
13 the competitiveness of the United States in the glob-
14 al economy;

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

19 “(4) facilitate strategies and programs for re-
20 cruiting, training, managing, and retaining Federal
21 employees, as well as sharing best practices for im-
22 proving the workforce experience and access to edu-
23 cation and training, including with respect to the re-
24 sponsible use of emerging technology;

25 “(5) facilitate relationships with State and local
26 governments, colleges and universities, and local

1 nonprofit organizations that collaborate with the
2 Federal Government; and

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

6 “(b) DEFINITIONS.—In this section:

7 “(1) AGENCY.—The term ‘agency’—

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

10 “(B) does not include the Government Ac-
11 countability Office.

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

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

17 “(A) established by the Director—

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

22 “(ii) in consultation with the head-
23 quarters of appropriate agencies;

1 “(B) located in a geographic area with a
2 high concentration of Federal employees outside
3 the Washington, DC, metropolitan area; and

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

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

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

17 “(c) PERPETUATION AND CONTINUED SUPPORT.—

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

24 “(2) CONSULTATION.—Before establishing any
25 new Federal Executive Boards that are not in exist-

1 ence on the date of enactment of this section, the
2 Director shall conduct a review of existing Federal
3 Executive Boards and consult with the headquarters
4 of appropriate agencies to guide the determination
5 of the number and location of Federal Executive
6 Boards.

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

11 “(A) factor in contemporary Federal work-
12 force data as of the date of enactment of this
13 section; and

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

18 “(4) MEMBERSHIP.—

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

23 “(B) ALTERNATE REPRESENTATIVE.—The
24 senior officer of an agency described in sub-

1 paragraph (A) may designate, by title of office,
2 an alternate representative, who shall—

3 “(i) be a senior officer in the agency;

4 and

5 “(ii) attend meetings and otherwise
6 represent the agency on the Federal Exec-
7 utive Board in the absence of the most
8 senior officer.

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

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

20 “(2) establishing communications policies for
21 the dissemination of information to agencies partici-
22 pating in Federal Executive Boards; and

23 “(3) administering Federal Executive Board
24 funding through the fund established in subsection
25 (f).

1 “(e) GOVERNANCE AND ACTIVITIES.—

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

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

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

10 “(C) serve as an instrument of outreach
11 relating to agency activities in the geographic
12 area;

13 “(D) provide a forum to amplify the ex-
14 change of information relating to programs and
15 management methods and problems—

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

18 “(ii) among field elements in geo-
19 graphic areas;

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

24 “(F) communicate management initiatives
25 and other concerns from Federal officers and

1 employees in the Washington, DC, metropolitan
2 area to Federal officers and employees in the
3 geographic area to achieve better mutual under-
4 standing and support;

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

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

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

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

1 “(K) consult with State workforce develop-
2 ment boards and local workforce development
3 boards as established in sections 101 and 107
4 of the Workforce Innovation and Opportunity
5 Act (29 U.S.C. 3111, 3122), respectively, as
6 appropriate;

7 “(L) as appropriate and in accordance
8 with law, rules, and policies, lead cross-agency
9 talent management initiatives—

10 “(i) including interagency—

11 “(I) recruitment and hiring ac-
12 tivities;

13 “(II) internships and apprentice-
14 ships;

15 “(III) onboarding and leadership
16 and management development; and

17 “(IV) mentorship programs; and

18 “(ii) by prioritizing initiatives related
19 to—

20 “(I) conducting outreach to com-
21 munities of individuals with demo-
22 graphics that are underrepresented in
23 a given occupation or agency;

24 “(II) addressing skills gaps with-
25 in the Federal Government related to

1 high-risk areas as identified by the
2 Government Accountability Office;

3 “(III) enabling the Federal work-
4 force to adapt to and responsibly use
5 emerging technology; and

6 “(IV) strengthening the competi-
7 tiveness of the United States in the
8 global economy;

9 “(M) coordinate with the Transition As-
10 sistance Centers established to carry out the
11 Transition Assistance Program of the Depart-
12 ment of Defense to help members of the Armed
13 Forces who are transitioning to civilian life
14 apply for Government positions in the geo-
15 graphic location of the Federal Executive
16 Board;

17 “(N) as appropriate, serve as a collabo-
18 rative space where employees from across agen-
19 cies can participate in innovation projects rel-
20 evant to Federal initiatives by applying human-
21 centered design, user-experience design, or
22 other creativity methods; and

23 “(O) take other actions as agreed to by the
24 Federal Executive Board and the Director, in
25 consultation with the Director of the Office of

1 Management and Budget and the Adminis-
2 trator of General Services.

3 “(2) COORDINATION OF CERTAIN ACTIVITIES.—

4 The facilitation of communication, collaboration, and
5 training described in paragraph (1)(H) shall, when
6 appropriate, be coordinated and defined through
7 written agreements entered into between the Direc-
8 tor and the heads of the applicable agencies.

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

16 “(4) PROGRAMMATIC ASSESSMENTS.—Not less
17 frequently than semi-annually or following each
18 major programmatic activity, each Federal Executive
19 Board shall assess the experience of participants or
20 other relevant stakeholders in each program pro-
21 vided by the Federal Executive Board.

22 “(f) FUNDING.—

23 “(1) ESTABLISHMENT OF FUND.—The Direc-
24 tor, in coordination with the Director of the Office
25 of Management and Budget and the Administrator

1 of General Services, shall establish a Federal Execu-
2 tive Board Fund within the Office of Personnel
3 Management for financing essential Federal Execu-
4 tive Board functions for the purposes of staffing and
5 operating expenses.

6 “(2) DEPOSITS.—There shall be deposited in
7 the fund established under paragraph (1) amounts
8 transferred to the fund pursuant to paragraph (3)
9 from each agency participating in Federal Executive
10 Boards, according to a formula established by the
11 Director—

12 “(A) in consultation with the headquarters
13 of those agencies; and

14 “(B) in coordination with the Director of
15 the Office of Management and Budget and the
16 Administrator of General Services.

17 “(3) CONTRIBUTIONS.—

18 “(A) CONTRIBUTION TRANSFERS.—Subject
19 to the formula for contributions established by
20 the Director under paragraph (2), each agency
21 participating in Federal Executive Boards shall
22 transfer amounts to the fund established under
23 paragraph (1).

24 “(B) FORMULA.—

1 “(i) IN GENERAL.—The formula for
2 contributions established by the Director
3 under paragraph (2) shall consider the
4 number of employees in each agency in all
5 geographic areas served by Federal Execu-
6 tive Boards.

7 “(ii) RECALCULATION.—The contribu-
8 tion of the headquarters of each agency
9 under clause (i) to the fund established
10 under paragraph (1) shall be recalculated
11 not less frequently than every 2 years.

12 “(C) IN-KIND CONTRIBUTIONS.—At the
13 discretion of the Director, an agency may pro-
14 vide in-kind contributions instead of, or in addi-
15 tion to, providing monetary contributions to the
16 fund established under paragraph (1).

17 “(4) MINIMUM AMOUNT.—

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

22 “(B) ADJUSTMENT.—The Director shall
23 adjust the amount required under subparagraph
24 (A) every 2 years on a schedule aligned with

1 the recalculation described in paragraph
2 (3)(B)(ii) to reflect—

3 “(i) the percentage increase, if any, in
4 the Consumer Price Index for all Urban
5 Consumers as determined by the Bureau of
6 Labor Statistics; and

7 “(ii) any changes in costs related to
8 Federal pay changes authorized by the
9 President or by an Act of Congress.

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

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

20 “(B) in consultation with the headquarters
21 of agencies participating in Federal Executive
22 Boards.

23 “(6) ADMINISTRATIVE AND OVERSIGHT
24 COSTS.—The Office of Personnel Management shall
25 pay for costs relating to administrative and oversight

1 activities conducted under subsection (d) from ap-
2 propriations made available to the Office of Per-
3 sonnel Management.

4 “(g) REPORTS.—The Director, in coordination with
5 the Director of the Office of Management and Budget and
6 the Administrator of General Services, shall submit bien-
7 nial reports to Congress and to agencies participating in
8 Federal Executive Boards on the outcomes of and budget
9 matters related to Federal Executive Boards.

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

14 (b) REPORT.—

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

19 (2) REPORT.—Not later than 180 days after
20 the date of enactment of this Act, the Director of
21 the Office of Personnel Management, in coordination
22 with the Director of the Office of Management and
23 Budget and the Administrator of General Services,
24 shall submit to the Committee on Homeland Secu-
25 rity and Governmental Affairs of the Senate and the

1 Committee on Oversight and Accountability of the
2 House of Representatives a report that includes—

3 (A) a description of essential Federal Ex-
4 ecutive Board functions;

5 (B) details of staffing requirements for
6 each Federal Executive Board; and

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

9 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

10 The table of sections for chapter 11 of title 5, United
11 States Code, is amended by inserting after the item relat-
12 ing to section 1105 the following:

“1106. Federal Executive Boards.”.