

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 4828

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

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

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

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

5 (3) DIRECTOR.—The term “Director” means
6 the Director of the Office of Management and Budg-
7 et.

8 (4) GOVERNMENTWIDE EXECUTIVE COUNCIL.—
9 The term “governmentwide executive council”
10 means—

11 (A) the Chief Acquisition Officers Council,
12 established pursuant to Section 1311 of title
13 41, United States Code;

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

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

21 (D) the Chief Human Capital Officers
22 Council, established pursuant to Section 1303
23 of the Homeland Security Act of 2002 (5
24 U.S.C. 1401 note; Public Law 107–296);

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

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

7 (G) any other council designated as a gov-
8 ernmentwide executive council, pursuant to sec-
9 tion 6 of this Act.

10 **SEC. 3. RESPONSIBILITIES OF GOVERNMENTWIDE EXECU-**
11 **TIVE COUNCILS.**

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

15 (1) maintain a publicly accessible website that
16 includes information relating to the mission, pur-
17 pose, priorities, and membership of the govern-
18 mentwide executive council;

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

24 (3) provide legislative, policy, project funding,
25 or shared services recommendations to the Director

1 and the Administrator related to the specific area of
2 expertise of the governmentwide executive council;
3 and

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

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

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

12 (b) STRATEGIC PLAN.—

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

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

24 (3) SUBMISSION TO CONGRESS.—Each govern-
25 mentwide executive council shall promptly submit

1 the strategic plan published under paragraph (1), or
2 updated under paragraph (2), to the Committee on
3 Homeland Security and Governmental Affairs of the
4 Senate and the Committee on Oversight and Reform
5 of the House of Representatives.

6 **SEC. 4. HARMONIZING ADMINISTRATIVE SUPPORT FOR**
7 **GOVERNMENTWIDE EXECUTIVE COUNCILS.**

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

11 (b) DUTIES.—The Office of Executive Councils
12 shall—

13 (1) in consultation with the Director, provide
14 administrative and project management support to
15 the governmentwide executive councils;

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

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

23 (4) submit any reports, provide any informa-
24 tion, or respond to any requests required by Con-
25 gress.

1 (c) FUNCTIONAL INDEPENDENCE.—The Office of
2 Executive Councils shall be headed by an Associate Ad-
3 ministrator who shall—

4 (1) be appointed by the President;

5 (2) carry out additional duties and functions
6 the Director and Administrator jointly request; and

7 (3) represent the collective viewpoints and pri-
8 orities of the governmentwide executive councils and
9 their membership.

10 (d) PROHIBITION.—The Office of Executive Councils
11 may not provide any administrative or project manage-
12 ment services to a governmentwide executive council un-
13 less the council is authorized by Congress.

14 **SEC. 5. HARMONIZING GOVERNMENTWIDE EXECUTIVE**
15 **COUNCIL LEADERSHIP ROLES.**

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

18 (1) in subsection (b)—

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

20 (B) by redesignating paragraphs (2)
21 through (5) as paragraphs (1) through (4); and

22 (2) in subsection (c)—

23 (A) in paragraph (1), by striking “Deputy
24 Director for Management of the Office of Man-

1 agement and Budget” and inserting “Adminis-
2 trator”;

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

4 (C) by redesignating paragraph (4) as
5 paragraph (3).

6 (b) TITLE 44.—Title 44, United States Code, is
7 amended—

8 (1) in section 3520A—

9 (A) in subsection (a), by striking “Office
10 of Management and Budget” and inserting “ex-
11 ecutive branch”;

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

14 “(2) CHAIR.—The Chair of the Council shall be
15 the Administrator of the Office of Electronic Gov-
16 ernment.

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

20 (C) by redesignating subsections (d) and
21 (e) as subsections (e) and (f); and

22 (D) by inserting before subsection (e), as
23 so redesignated, the following:

1 “(d) SUPPORT.—The Administrator of General Serv-
2 ices shall provide administrative support for the Council.”;
3 and

4 (2) in section 3603—

5 (A) in subsection (b)—

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

7 (ii) by redesignating paragraphs (2)
8 and (4) through (7) as paragraphs (1)
9 through (5), respectively; and

10 (iii) in paragraph (1), as so redesi-
11 gnated, by inserting before the period “,
12 who shall serve as Chair of the Council”;
13 and

14 (B) in subsection (c)(1), by striking “on
15 behalf of the Deputy Director for Manage-
16 ment”.

17 (c) CHIEF FINANCIAL OFFICERS ACT OF 1990.—
18 Section 302 of the Chief Financial Officers Act of 1990
19 (31 U.S.C. 901 note) is amended—

20 (1) in subsection (a)—

21 (A) by striking paragraph (1);

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

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

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

8 “(c) SUPPORT.—The Administrator of General Serv-
9 ices shall provide administrative support for the council.”.

10 (d) HOMELAND SECURITY ACT OF 2002.—Section
11 1303 of the Homeland Security Act of 2002 (5 U.S.C.
12 1401 note) is amended by adding at the end the following:

13 “(e) SUPPORT.—The Administrator of General Serv-
14 ices shall provide administrative support for the Council.”.

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

17 (1) by striking paragraph (1) and inserting the
18 following:

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

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

24 (3) by inserting after paragraph (1) the fol-
25 lowing:

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

3 “(A) a designee of the Director of the Of-
4 fice of Management and Budget, who shall have
5 experience in the areas of strategic and per-
6 formance planning, measurement, and analysis,
7 including the use of performance information to
8 improve the results of an agency; and

9 “(B) the Performance Improvement Offi-
10 cer from each agency defined in section 901(b)
11 of this title.”.

12 “(3) CHAIRPERSON AND VICE CHAIRPERSON.—

13 “(A) CHAIRPERSON.—The chairperson of
14 the Performance Improvement Council shall be
15 the designee of the Director of Management of
16 the Office of Management and Budget, as de-
17 scribed in paragraph (2)(A).

18 “(B) VICE CHAIRPERSON.—The Perform-
19 ance Improvement Council shall select from
20 among its members a Performance Improve-
21 ment Officer to serve as vice chairperson.”.

1 **SEC. 6. ANNUAL REPORT; PROCESS FOR INCLUSION OF AD-**
2 **DITIONAL GOVERNMENTWIDE EXECUTIVE**
3 **COUNCILS.**

4 (a) ANNUAL REPORT.—Not later than 1 year after
5 the date of enactment of this Act, and annually thereafter,
6 the Associate Administrator shall submit to the Commit-
7 tees on Homeland Security and Governmental Affairs and
8 Appropriations of the Senate and the Committees on
9 Oversight and Reform and Appropriations of the House
10 of Representatives a report on the activities of the Office
11 of Executive Councils.

12 (b) CONTENTS.—The reports required under sub-
13 section (a) shall include—

14 (1) a description of the activities of the Office
15 of Executive Councils during the year period ending
16 on the date on which the report is submitted, includ-
17 ing detailed summaries of the projects and services
18 provided by the Office of Executive Councils, orga-
19 nized by governmentwide executive council;

20 (2) a detailed accounting of—

21 (A) the costs associated with the activities
22 of the Office of Executive Councils, organized
23 by governmentwide executive council; and

24 (B) any administrative costs associated
25 with the operations of the Office of Executive
26 Councils;

1 (3) a detailed accounting of all projects, serv-
2 ices, or other programs approved by and executed on
3 behalf of each governmentwide executive council, in-
4 cluding any outcomes or highlights of such projects,
5 services, or other programs; and

6 (4) any recommendations for the designation of
7 other councils or entities as governmentwide execu-
8 tive councils.

9 (c) DESIGNATION.—

10 (1) REQUEST.—Not earlier than the date that
11 is 30 days after the submission of each report re-
12 quired under subsection (a), and only if such report
13 includes a recommendation for the designation of 1
14 or more councils or entities as governmentwide exec-
15 utive councils, the Director may submit to the Com-
16 mittees on Homeland Security and Governmental
17 Affairs and Appropriations of the Senate and the
18 Committees on Oversight and Reform and Appro-
19 priations of the House of Representatives a request
20 for those recommended councils or entities to be des-
21 ignated as governmentwide executive councils.

22 (2) CONTENTS.—A request under paragraph
23 (1) shall include—

24 (A) the name of the council;

1 (B) the names of the chair and vice chair
2 of the council;

3 (C) the agencies that will be members of
4 the council;

5 (D) the expected goals, functions, and pri-
6 orities of the council;

7 (E) the expected annual costs to support
8 the functions of the council; and

9 (F) any other information the Director de-
10 termines to be necessary regarding the designa-
11 tion of the council to be a governmentwide execu-
12 tive council.

13 (d) REQUIREMENTS.—Any new governmentwide ex-
14 ecutive council designated after the date of enactment of
15 this Act shall be subject to the requirements under section
16 3.

17 **SEC. 7. TECHNICAL AMENDMENTS.**

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

20 (1) in subsection (a)—

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

22 (B) by redesignating paragraphs (13) and
23 (14) as paragraphs (12) and (13); and

24 (2) in subsection (b)—

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

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

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

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

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