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

Mr. Peters (for himself and Mr. Braun) introduced the following bill; which was read twice and referred to the Committee on

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Governmentwide Executive Councils Administration and Performance Improvement Act”.

SEC. 2. DEFINITIONS.

In this Act:
(1) Administrator.—The term “Administrator” means the Administrator of General Services.

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

(3) Director.—The term “Director” means the Director of the Office of Management and Budget.

(4) Governmentwide executive council.—The term “governmentwide executive council” means—

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

(B) the Chief Data Officer Council, established pursuant to Section 3520A of title 44, United States Code;

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

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

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

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

(G) any other council designated as a governmentwide executive council, pursuant to the requirements of section 6 of this Act.

SEC. 3. RESPONSIBILITIES OF GOVERNMENTWIDE EXECUTIVE COUNCILS.

(a) In General.—In addition to any authority provided to a governmentwide executive council elsewhere in law, each governmentwide executive council shall— 

(1) maintain a publicly accessible website that includes information relating to the mission, purpose, priorities, and membership of the governmentwide executive council; 

(2) develop and publish on the website described in paragraph (1) a charter outlining the roles of members, responsibilities, procedures, and other relevant information concerning the governmentwide executive council;
(3) provide legislative, policy, project funding, or shared services recommendations to the Director and the Administrator related to the specific area of expertise of the governmentwide executive council; and

(4) serve as a primary advisory body to the Director on the development and execution of—

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

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

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not more than 90 days after the date of enactment of this Act, each governmentwide executive council, after receiving input and recommendations from all members, shall publish a strategic plan for the governmentwide executive council that identifies the goals, priorities, and expectations of the governmentwide executive council.

(2) UPDATES.—The leadership of each governmentwide executive council shall update and affirm the strategic plan required under paragraph (1) not less frequently than once every 2 years.
(3) Submission to Congress.—Each governmentwide executive council shall promptly submit the strategic plan published under paragraph (1), or updated under paragraph (2), to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

SEC. 4. HARMONIZING ADMINISTRATIVE SUPPORT FOR GOVERNMENTWIDE EXECUTIVE COUNCILS.

(a) Office of Executive Councils.—There is established in the General Services Administration the Office of Executive Councils.

(b) Duties.—The Office of Executive Councils shall—

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

(2) detail employees to 1 or more governmentwide executive council, as needed, to support the operations and functions of each governmentwide executive council;

(3) collect and transfer funds to support the priorities of the governmentwide executive councils, as provided in appropriations acts; and
(4) subject to approval of the leadership of a governmentwide executive council, submit any reports, provide any information, or respond to any requests required by Congress.

(c) Functional Independence.—The Office of Executive Councils shall be headed by an Associate Administrator who shall—

(1) be appointed by the President;

(2) report to the Director;

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

(4) represent the collective viewpoints and priorities of the governmentwide executive councils and their membership.

(d) Prohibition.—The Office of Executive Councils may not provide any administrative or project management services to an entity unless the entity is designated by the Director and affirmed by Congress pursuant to section 6.

SEC. 5. HARMONIZING GOVERNMENTWIDE EXECUTIVE COUNCIL LEADERSHIP ROLES.

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

(1) in subsection (b)—
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(A) by striking paragraph (1); and

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

(2) in subsection (c)—

(A) in paragraph (1), by striking “Deputy Director for Management of the Office of Management and Budget” and inserting “Administrator”;

(B) by striking paragraph (3); and

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

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

(1) in section 3520A—

(A) in subsection (a), by striking “Office of Management and Budget” and inserting “executive branch”;

(B) in subsection (c) by striking paragraphs (2) and (3) and inserting the following:

“(2) CHAIR.—The Chair of the Council shall be the Administrator of the Office of Electronic Government.

“(3) VICE CHAIR.—The Council shall select from among its members a Vice Chair of the Council.”;
(C) by redesignating subsections (d) and
(e) as subsections (e) and (f); and

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

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

(2) in section 3603—

(A) in subsection (b)—

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

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

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

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

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

(1) in subsection (a)—

(A) by striking paragraph (1);
(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

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

(D) in paragraph (2), as so redesignated, by inserting “, who shall serve as vice chair of the council” after “Secretary of Treasury”; and

(2) by adding at the end the following:

“(e) SUPPORT.—The Administrator of General Services shall provide administrative and other support for the council.”.

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

“(e) SUPPORT.—The Administrator of General Services shall provide administrative and other support for the Council.”.

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

(1) by striking paragraph (1) and inserting the following:
“(1) Establishment.—There is established in the executive branch a Performance Improvement Council.”;

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

(3) by inserting after paragraph (1) the following:

“(2) Membership.—The Performance Improvement Council shall consist of —

“(A) a designee of the Director of the Office of Management and Budget;

“(B) the Performance Improvement Officer from each agency defined in section 901(b) of this title;

“(C) other Performance Improvement Officers as determined appropriate by the chairperson; and

“(D) other individuals as determined appropriate by the chairperson.”.

“(3) Chairperson and vice chairperson.—

“(A) Chairperson.—The chairperson of the Performance Improvement Council shall be a designee of the Deputy Director of Management of the Office of Management and Budget.
“(B) VICE CHAIRPERSON.—The Performance Improvement Council shall select from among its members a Performance Improvement Officer to serve as vice chairperson.”.

SEC. 6. AUTHORITIES OF THE DIRECTOR.

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

(b) SUBMISSION TO CONGRESS; REVIEW.—

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

(A) provide a justification for the designation to the Committees on Homeland Security and Governmental Affairs and Appropriations of the Senate and the Committees on Oversight and Reform and Appropriations of the House of Representatives; and

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

(i) the name of the council;

(ii) the names of the chair and vice chair of the council;
(iii) the agencies that will be members
of the council;
(iv) the expected goals, functions, and
priorities of the council;
(v) the expected annual costs to sup-
port the functions of the council; and
(vi) any other information the Direc-
tor determines to be necessary regarding
the designation of the council to be a gov-
ernmentwide executive council.

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

(e) REQUIREMENTS.—If the designation of a new
governmentwide executive council is approved pursuant to
subsections (a) and (b), that governmentwide executive
council shall be subject to the requirements under section
3.
SEC. 7. TECHNICAL AMENDMENTS.

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

(1) in subsection (a)—

(A) by striking paragraph (12); and

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

(2) in subsection (b)—

(A) by striking paragraph (5); and

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

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

(1) by striking paragraph (7); and

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