



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

November 19, 2008

The Honorable Richard B. Cheney
President of the Senate
United States Senate
Washington, DC 20510

Dear Mr. President:

The Office of Personnel Management (OPM) is submitting the enclosed legislative proposal entitled the "Federal Executive Board Authorization Act of 2008." We request that it be referred to the appropriate committee for prompt and favorable consideration.

This proposal would provide a statutory foundation for the important interagency entities known as Federal Executive Boards (FEB's). By Presidential Directive in 1961, President John F. Kennedy established FEB's to improve communication and interagency coordination among Federal departments and activities outside of Washington, D.C. The Director of the Office of Personnel Management is responsible to the President for the organizational and programmatic activities of the FEB's.

The need for effective coordination among Federal organizations' field activities was clear then, and is even more important in today's environment. Approximately 90 percent of all Federal employees work outside of the National Capital Area, and most Federal programs are implemented through the regional and local offices of Federal departments and agencies. Regional and local Federal officials are the Federal Government's principal representatives to the vast majority of our Nation's citizens.

Today, there are 28 FEB's located in areas with a significant Federal population. The Boards are composed of the highest-ranking local officials from each Federal agency located in the FEB area. Board leadership and structure consist of elected officers (Chair, Vice Chair) and Committees and Councils designated to direct FEB programs. Each FEB staff office is authorized two full-time equivalent (FTE) Federal employees (Executive Director and Assistant), who manage the daily operations of the Board. Administrative funding is provided by a host department or agency, while project funding is covered by the local member agencies.

The Boards function in four general areas: (1) coordinating local approaches to national programs and shared management needs; (2) providing a forum for the exchange of information between Washington and the field about programs, management methods, and administrative issues; (3) communicating from Washington to the field about management initiatives and other concerns for the improvement of coordination; and (4) referring to the national level problems that cannot be resolved locally.

In Fiscal Year 2007, FEB's implemented a new operational structure to provide a defined focus for their programs and activities. This structure includes two lines of business - Emergency Preparedness, Security and Employee Safety and Human Capital Readiness – and a foundational function to advance local and national initiatives through intergovernmental partnerships.

Currently, FEB support is provided by departments and agencies through voluntary contributions of full-time equivalent (FTE) personnel and money for the FEB staff office. Two FTE, money for salaries/benefits of the FTE, and minimal operational funds are provided. Rising interest and expectations about FEB contributions to emergency preparedness and human capital management in the field are not matched by agencies' ability to support FEB's.

Where local agencies are no longer able to donate money and FTE to the FEB's, the Boards cannot perform the vital functions that Congress and the Government Accountability Office (GAO) and the White House (particularly the Homeland Security Council) are looking for them to fulfill.

The May 2007 GAO Report entitled: *The Federal Workforce – Additional Steps Needed to Take Advantage of Federal Executive Boards' Ability to Contribute to Emergency Operations*, included four recommendations to improve the ability of the FEB's to contribute to the nation's emergency preparedness efforts, particularly the threat of pandemic influenza. One of the recommendations specifically directed OPM to "...develop a proposal for an alternative to the current voluntary contribution mechanism that would address the uncertainty of funding sources for the boards." The Report stated, "The availability of continuing resource support for the FEB's is uncertain and the continued willingness of host and member agencies to commit resources beyond their core missions may decrease, especially in times of increasing budgetary constraints."

In addition, Federal Emergency Management Agency (FEMA) field staff works closely with FEB's to convene planning meetings, conduct training sessions, and sponsor tabletop exercises to test agency continuity of operations plans. FEMA officials have stated that if FEB's didn't exist, they would have to create them to reach department and agency offices outside of Washington, DC. As noted in the GAO Report, "FEMA also recognized the current personnel and budget limitations of the FEB's in supporting emergency planning and response activities and said that a proposal for an alternative to the current FEB voluntary contribution mechanism should assist with providing an improved capability for the boards."

Also, as part of the National Strategy for Pandemic Influenza, the Homeland Security Council has developed a comprehensive checklist, known as the meta-checklist, to be used by agencies in addressing pandemic preparedness in their continuity plans. The meta-checklist includes FEB's as an important coordinating mechanism for agency planning at the local level.

In order to deliver on the emergency support expectations of GAO, the White House, FEMA, and OPM, the FEB's must have ample and dependable resources from which to operate.

The enclosed legislative proposal would address those concerns by statutorily authorizing the establishment of FEB's and providing for their management by the Director of the Office of Personnel Management. Interagency funding would be required and would be provided using the revolving fund administered by the Director, along with other resources and information determined by the Director to be necessary. We believe the stability of an express statutory authority can only enhance the capability of these important entities to contribute to the coordination and ongoing operation of Federal programs in meaningful ways.

The Office of Management and Budget advises that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

A similar letter is being sent to the Speaker of the House of Representatives.

Sincerely,

Michael W. Hager
Acting Director

Enclosures



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

November 19, 2008

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

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Sincerely,

Michael W. Hager
Acting Director

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A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Federal Executive Board Authorization Act of 2008.”

Sec. 2. Chapter 11 of title 5, United States Code, is amended—

(1) by inserting at the end the following new section:

“§ 1106. Federal Executive Boards

“(a) The purposes of this section are to:

“(1) strengthen the coordination of Government activities;

“(2) facilitate interagency collaboration to improve the efficiency and effectiveness of Federal programs;

“(3) facilitate communication and collaboration on Federal emergency preparedness and continuity of operations to address homeland security issues and natural disasters outside the Washington, D.C., metropolitan area; and,

“(4) provide stable funding for the Federal Executive Boards.

“(b) The Director of the Office of Personnel Management shall establish outside the Washington D.C., metropolitan area, in each location within the United States the Director determines appropriate, an interagency entity to be known as a Federal Executive Board, consisting of the highest ranking Federal agency officials in that location. Each agency official may designate an alternate representative, at the senior level of the agency, who shall attend meetings and otherwise serve in the absence of the official.

“(c) The Director shall provide for the administration of Federal Executive Boards, including such aspects of administration as:

“(1) staffing policy;

“(2) communications policy;

“(3) program implementation, evaluation, and accountability initiatives; and

“(4) FEB funding, through the revolving fund established in section

1304(e). Such funding, including agency contribution rates, shall be determined in formal consultation with executive departments and independent agencies.

Expenditures for staff and other expenses associated with the Office of Personnel Management’s oversight and direction of Federal Executive Board operations shall be made from the Office of Personnel Management’s appropriated funds.

“(d) For each location designated under subsection (b), the Director will determine which agencies are appropriate to participate in a Federal Executive Board. Each such agency shall participate in a Federal Executive Board and shall provide such resources, funding, and information as the Director, in consultation with the agency, determines to be necessary to administer the provisions of this section. The Director shall provide annual reports to executive departments and independent agencies on FEB program outcomes and budget matters.

“(e) The Director shall prescribe regulations necessary to carry out the purposes of this section.”; and

(2) in the table of sections by inserting the following after the item relating to section 1105:

“1106. Federal Executive Boards.”.

Sec. 3. The amendments made by section 2 of this Act shall take effect 6 months after the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS

To accompany a draft bill

“To provide for the establishment and administration of Federal Executive Boards, and for other purposes.”

The first section of the draft bill titles the bill as the “Federal Executive Board Authorization Act of 2008.”

Section 2 of the draft bill would amend chapter 11 of title 5, United States Code, to add a new section 1106 governing Federal Executive Boards (FEB’s).

Subsection (a) of that new section would establish the purposes of the section. Those purposes would include strengthening the coordination of Federal Government activities, providing for interagency collaboration to improve the efficiency and effectiveness of Federal programs, facilitating communication and collaboration on Federal emergency preparedness and continuity of operations to address homeland security issues and natural disasters, and providing for stable funding for the Federal Executive Boards.

Subsection (b) of that new section would require the Director of the Office of Personnel Management to establish an interagency entity to be known as a Federal Executive Board in each location the Director determines appropriate outside the Washington, D.C. metropolitan area, consisting of the highest ranking Federal agency officials in that location.

Subsection (c) of that new section would require the Director to provide for the administration of FEB’s, including at least such aspects of administration as staffing policy, communications policy, program implementation, evaluation and accountability initiatives, and interagency funding that shall be accomplished through the revolving fund established in section 1304(e) of title 5.

Subsection (d) would require each agency in each location determined appropriate by the Director under subsection (b) to participate in a Federal Executive Board and to provide such resources, funding, and information as the Director, in consultation with the agency, determines to be necessary to administer the provisions of the section.

Subsection (e) would require the Director to prescribe regulations necessary to carry out the purposes of the section.

Section 3 of the draft bill would make the amendments made by section 2 of the draft bill effective 6 months after the date of enactment of the Act.