

Calendar No. 745

118TH CONGRESS
2D SESSION**S. 5133****[Report No. 118–325]**

To establish a tracker for Senate-confirmed executive branch positions.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2024

Mr. PETERS (for himself, Mr. LANKFORD, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish a tracker for Senate-confirmed executive branch positions.

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 “Improving Senate Con-
5 firmation and Vacancy Oversight Act of 2024”.

1 **SEC. 2. ESTABLISHMENT OF TRACKER FOR SENATE-CONFIRMED EXECUTIVE BRANCH POSITIONS.**
2

3 (a) **DEFINITIONS.**—In this section:

4 (1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

7 (A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

9 (B) the Committee on Oversight and Accountability of the House of Representatives.

11 (2) **COVERED PAS POSITION.**—The term “covered PAS position” means a policy and supporting position (as defined in section 3330f of title 5, United States Code) in an executive branch agency for which appointment is made by the President, by and with the advice and consent of the Senate.

17 (3) **DIRECTOR OF OPM.**—The term “Director of OPM” means the Director of the Office of Personnel Management.

20 (4) **EXECUTIVE BRANCH AGENCY.**—The term “executive branch agency” means an agency described in subparagraph (A) or (C) of section 3330f(a)(1) of title 5, United States Code.

24 (5) **PAS TRACKER.**—The term “PAS Tracker” means the Senate Confirmed Position Tracker established under subsection (b)(1).

1 (6) PLUM REPORTING WEBSITE.—The term
2 “PLUM reporting website” means the website estab-
3 lished and maintained under section 3330f(b) of title
4 5, United States Code.

5 (b) ESTABLISHMENT OF TRACKER.—

6 (1) IN GENERAL.—Not later than 2 years after
7 the date of enactment of this Act, the Comptroller
8 General of the United States, in consultation with
9 the Librarian of Congress, the Director of OPM,
10 and the Director of the Congressional Research
11 Service, shall publish on the public-facing website of
12 the Government Accountability Office a new inter-
13 face or webpage, to be known as the “Senate Con-
14 firmed Position Tracker”, that displays data, which
15 shall be updated on not less than a weekly basis,
16 tracking covered PAS positions, including the indi-
17 viduals occupying covered PAS positions and the
18 status, within the Senate advice and consent process,
19 of individuals nominated for covered PAS positions.

20 (2) DESIGN.—The Comptroller General shall
21 ensure that the PAS Tracker, in addition to track-
22 ing each covered PAS position throughout the Sen-
23 ate advice and consent process, publishes informa-
24 tion, and displays the information through graphics

1 and charts, on trends and analyses of all covered
2 PAS positions, including—

3 (A) data and trends broken down by posi-
4 tions with the same title, including the percent-
5 age of covered PAS positions that—

6 (i) are occupied by an official con-
7 firmed by the Senate;

8 (ii) are occupied by an acting official;

9 or

10 (iii) are not occupied by any official;

11 (B) data and trends broken down by Sen-
12 ate committees of jurisdiction, including the
13 percentage of covered PAS positions that—

14 (i) are occupied by an official con-
15 firmed by the Senate;

16 (ii) are occupied by an acting official;

17 or

18 (iii) are not occupied by any official;

19 (C) data and trends broken down by execu-
20 tive branch agency and components thereof, in-
21 cluding the percentage of covered PAS positions
22 that—

23 (i) are occupied by an official con-
24 firmed by the Senate;

1 (ii) are occupied by an acting official;

2 or

3 (iii) are not occupied by any official;

4 and

5 (D) the percentage of all covered PAS po-
6 sitions that—

7 (i) are occupied by an official con-
8 firmed by the Senate;

9 (ii) are occupied by an acting official;
10 or

11 (iii) are not occupied by any official.

12 ~~(3) CONSISTENT INFORMATION.—~~

13 (A) IN GENERAL.—In establishing and
14 maintaining the PAS tracker, the Comptroller
15 General shall—

16 (i) collect data from all executive
17 branch agencies and components thereof;
18 and

19 (ii) assess and utilize data available to
20 the Comptroller General on covered PAS
21 positions, including information provided
22 by the Library of Congress and the Office
23 of Personnel Management.

24 ~~(B) RELATION TO PLUM REPORTING~~
25 ~~WEBSITE.—The Comptroller General and the~~

1 Director of OPM shall work in coordination to
2 ensure that—

3 (i) all relevant information displayed
4 on both the PLUM reporting website and
5 the PAS Tracker is consistent and accu-
6 rate; and

7 (ii) there is a process to both regu-
8 larly review data across the 2 sources de-
9 scribed in clause (i) and address any dis-
10 crepancies in a timely fashion.

11 ~~(4) DATA COLLECTED AND PUBLISHED.—~~

12 ~~(A) COORDINATION; DATA AGREEMENTS.—~~

13 To the maximum extent practicable, the Comp-
14 troller General shall coordinate with the Librar-
15 ian of Congress, the Director of OPM, and the
16 Secretary of the Senate, and enter into relevant
17 data agreements with the Librarian of Congress
18 and the Director of OPM, to enable the Comp-
19 troller General to carry out paragraph (3) and
20 subparagraph (C) of this paragraph and to fa-
21 cilitate the Secretary's implementation of sub-
22 paragraph (B)(ii) of this paragraph.

23 ~~(B) INFORMATION ON NEW PAS POSI-~~
24 ~~TIONS.—~~

1 (i) REPORTING BY COMMITTEES.—

2 Each committee of the Senate or the
3 House of Representatives shall report to
4 the Secretary of the Senate the titles and
5 number of new covered PAS positions that
6 would be created under—

7 (I) any legislation that is ordered
8 reported by the committee, not later
9 than 30 days after the legislation is
10 ordered reported; or

11 (II) any amendment on the floor
12 of the Senate or the House of Rep-
13 resentatives, respectively, to legisla-
14 tion that is within the jurisdiction of
15 the committee, not later than 30 days
16 after the amendment is agreed to.

17 (ii) REPORTING BY SECRETARY OF
18 THE SENATE.—Annually, the Secretary of
19 the Senate shall issue a report to Congress
20 and the Comptroller General containing
21 the titles and number of covered PAS posi-
22 tions that were created under legislation
23 that was enacted into law during the year
24 covered by the report.

1 (C) DATA.—The Comptroller General shall
2 collect, and publish through the PAS Tracker
3 in a searchable, sortable, downloadable, ma-
4 chine-readable format, the following data:

5 (i) Each covered PAS position, includ-
6 ing—

7 (I) any covered PAS position
8 that has never been occupied or is not
9 occupied as of the date of publication
10 by an official confirmed by the Sen-
11 ate, including a covered PAS position
12 identified under subparagraph (B)(ii);
13 and

14 (II) any covered PAS position on
15 a board or commission that is admin-
16 istratively inactive, as indicated in the
17 Federal Advisory Committee Act data-
18 base.

19 (ii) For each covered PAS position,
20 the following information:

21 (I) All the information for the
22 covered PAS position that is included
23 on the PLUM reporting website pur-
24 suant to subsections (b) and (c) of

1 section 3330f of title 5, United States
2 Code.

3 (H) For any covered PAS posi-
4 tion that is not occupied by an official
5 confirmed by the Senate or an acting
6 official—

7 (aa) the dates on which the
8 acting official who most recently
9 served in the covered PAS posi-
10 tion, if any, began serving and
11 ceased serving, respectively, in
12 the covered PAS position;

13 (bb) the date on which an
14 individual was most recently ap-
15 pointed to the covered PAS posi-
16 tion;

17 (cc) the date on which a
18 nomination for the covered PAS
19 position was most recently sub-
20 mitted to the Senate; and

21 (dd) whether any statute
22 specific to the executive branch
23 agency governs the filling of the
24 position.

1 (III) Each key Senate advice and
2 consent process milestone collected on
3 congress.gov, including the date of the
4 nomination for the covered PAS posi-
5 tion, the date of the nomination hear-
6 ing, the date of the committee vote,
7 the date of each vote of the Senate,
8 and the date of final confirmation.

9 (IV) The dates on which the offi-
10 cial who most recently served in the
11 covered PAS position began serving
12 and ceased serving, respectively, in
13 the covered PAS position, including in
14 an acting capacity.

15 (V) In the case of an acting offi-
16 cial currently serving in the covered
17 PAS position, if no nomination has
18 extended the time limit under section
19 3346 of title 5, United States Code,
20 and to the maximum extent prac-
21 ticable, the number of days for which
22 the official may continue to serve in
23 an acting capacity before violating
24 such section 3346.

1 (D) FACILITATION OF COLLECTION AND
2 PUBLICATION OF DATA.—

3 (i) FACA DATA.—In order to assist
4 the Comptroller General in carrying out
5 subparagraph (C)(i)(II), the Committee
6 Management Secretariat of the General
7 Services Administration shall provide infor-
8 mation regarding any board or commission
9 that is administratively inactive to the
10 Comptroller General, the Director of OPM,
11 and Congress not less than twice each
12 year.

13 (ii) AGENCY-SPECIFIC STATUTES GOV-
14 ERNING FILLING VACANT POSITIONS.—The
15 Comptroller General shall carry out sub-
16 paragraph (C)(ii)(II)(dd) in coordination
17 with the applicable executive branch agen-
18 cy and the Office of Legal Counsel of the
19 Department of Justice.

20 (5) COORDINATION WITH OPM REGARDING ACT-
21 ING OFFICIALS.—In the case of an individual serving
22 in a covered PAS position in an acting capacity, the
23 Comptroller General shall coordinate with the Direc-
24 tor of OPM to align, and resolve any discrepancies
25 between—

1 (A) information reported to the Office of
2 Personnel Management about the individual;
3 and

4 (B) the information posted on the PAS
5 Tracker about the individual under paragraph
6 (4)(C)(ii)(V).

7 (6) AGENCY REPORTS REGARDING POSITIONS
8 WITHOUT SENATE-CONFIRMED OFFICIALS.—For
9 purposes of paragraph (4)(C)(ii)(V), in the case of
10 any covered PAS position that is not occupied by an
11 official confirmed by the Senate, the executive
12 branch agency shall report to the Comptroller Gen-
13 eral not later than 5 days after the date on which
14 an individual is designated to serve in the position
15 in an acting capacity.

16 (7) AGENCY REPORTS REGARDING START AND
17 END DATES.—Not later than 10 days after the date
18 on which an official begins serving or ceases serving
19 in a covered PAS position, including in an acting ca-
20 pacity, the executive branch agency shall report that
21 start date or end date, respectively, to the Comp-
22 troller General and the Director of OPM.

23 (c) POSITION UNIQUE IDENTIFIERS.—

24 (1) PLAN AND PROCESS FOR IMPLEMENTA-
25 TION.—Not later than 1 year after the date of en-

1 actment of this Act, the Comptroller General, in co-
2 ordination with the Director of OPM, the Librarian
3 of Congress, and the Secretary of the Senate, shall
4 establish a plan and process for implementation of
5 a unique identifier for each covered PAS position
6 that enables public-facing resources, including the
7 PAS Tracker, the PLUM reporting website, and
8 congress.gov, to have consistent and accurate infor-
9 mation on covered PAS positions.

10 (2) CONGRESSIONAL BRIEFING.—No later than
11 30 days after establishing the plan and process for
12 implementation under paragraph (1), the Comp-
13 troller General, the Director of OPM, the Librarian
14 of Congress, and the Secretary of the Senate shall
15 brief the appropriate congressional committees on
16 the plan and process for implementation.

17 (d) REPORTS.—

18 (1) AGENCY REPORTS OF SENATE-CONFIRMED
19 POSITIONS.—In addition to updating the PAS
20 Tracker, each year, on a date determined by the
21 Comptroller General in coordination with the Direc-
22 tor of OPM and taking into consideration the Direc-
23 tor's schedule for collecting data for the PLUM re-
24 porting website, the head of each executive branch

1 agency shall submit to the Comptroller General and
2 the Director of OPM the following information:

3 (A) A list of each covered PAS position in
4 the executive branch agency, including identi-
5 fication of any change to the title of any such
6 covered PAS position, along with the total num-
7 ber of covered PAS positions in the executive
8 branch agency.

9 (B) Each covered PAS position newly es-
10 tablished in the executive branch agency by
11 statute since the previous submission of infor-
12 mation under this paragraph.

13 (C) The number of covered PAS positions
14 that each covered PAS position in the executive
15 branch agency reports to.

16 (2) GAO REPORTS TO CONGRESS ON NON-
17 COMPLIANT AGENCIES.—Annually, the Comptroller
18 General shall submit to the appropriate congres-
19 sional committees a report that indicates any execu-
20 tive branch agency that has not provided informa-
21 tion, or has provided incomplete information, under
22 paragraph (1).

23 (3) BIENNIAL GAO REPORTS.—

24 (A) IN GENERAL.—Not less frequently
25 than once every 2 years for 10 years, the

1 Comptroller General shall review the implemen-
2 tation of this section and publish and submit to
3 Congress a report containing the findings of the
4 review.

5 (B) CONTENTS.—The Comptroller General
6 shall include in each review under subparagraph

7 (A)—

8 (i) a review of the accuracy and time-
9 liness of information provided in the PAS
10 Tracker;

11 (ii) an analysis of all covered PAS po-
12 sitions, including—

13 (I) an indication of any covered
14 PAS position that is on an inactive
15 board or commission within an execu-
16 tive branch agency or for which an in-
17 dividual has not been nominated or
18 confirmed for a period of more than 8
19 years, which may be a good candidate
20 for elimination or for removal of the
21 Senate advice and consent require-
22 ment;

23 (II) an analysis of any impact va-
24 cancies in covered PAS positions have

1 had on the performance and operation
2 of executive branch agencies; and

3 ~~(III)~~ recommendations for addi-
4 tional data needed to understand the
5 impacts of vacancies in covered PAS
6 positions;

7 (iii) a review of any challenges experi-
8 enced by, and best practices used by, the
9 Comptroller General, the Director of OPM,
10 or executive branch agencies in quickly ob-
11 taining accurate information required to
12 implement this section; and

13 (iv) a determination of—

14 (I) each covered PAS position
15 that was not occupied by an official
16 confirmed by the Senate for any pe-
17 riod of more than 365 days during the
18 preceding 2-year period;

19 (II) each covered PAS position
20 that was not occupied by an official
21 confirmed by the Senate or an acting
22 official; and for which no individual
23 had been nominated; for any period of
24 more than 365 days during the pre-
25 ceding 2-year period; and

1 (III) any covered PAS position
2 that may not need or benefit from the
3 advice and consent of the Senate.

4 (4) COMMITTEE BRIEFINGS.—

5 (A) INITIAL BRIEFING.—Not later than 1
6 year after the date of enactment of this Act, the
7 Comptroller General shall brief the appropriate
8 congressional committees on the status of the
9 development of the PAS Tracker, including a
10 review of—

11 (i) any difficulties the Comptroller
12 General is experiencing in acquiring data
13 needed to complete the PAS Tracker in ac-
14 cordance with this section; and

15 (ii) any challenges executive branch
16 agencies have reported experiencing in pro-
17 viding the information required under this
18 section.

19 (B) SECOND BRIEFING.—Not later than
20 180 days after the date on which the Comp-
21 troller General establishes the PAS Tracker,
22 the Comptroller General shall brief the appro-
23 priate congressional committees on the status of
24 the PAS Tracker, including an assessment of—

1 (i) the implementation of the PAS
2 Tracker; and

3 (ii) the key challenges and successes
4 in implementing the PAS Tracker.

5 ~~(e) AUTHORIZATION OF APPROPRIATIONS.—There~~
6 ~~are authorized to be appropriated such sums as may be~~
7 ~~necessary to carry out this section.~~

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “Improving Senate Con-*
10 *firmation and Vacancy Oversight Act of 2024”.*

11 **SEC. 2. ESTABLISHMENT OF TRACKER FOR SENATE-CON-**
12 **FIRMED EXECUTIVE BRANCH POSITIONS.**

13 *(a) DEFINITIONS.—In this section:*

14 *(1) APPROPRIATE CONGRESSIONAL COMMIT-*
15 *TEES.—The term “appropriate congressional commit-*
16 *tees” means—*

17 *(A) the Committee on Homeland Security*
18 *and Governmental Affairs of the Senate; and*

19 *(B) the Committee on Oversight and Ac-*
20 *countability of the House of Representatives.*

21 *(2) COVERED PAS POSITION.—The term “covered*
22 *PAS position” means a position in an executive*
23 *branch agency for which appointment is made by the*
24 *President, by and with the advice and consent of the*

1 *Senate, including any such position that is listed on*
2 *the PLUM reporting website.*

3 (3) *DIRECTOR OF OPM.—The term “Director of*
4 *OPM” means the Director of the Office of Personnel*
5 *Management.*

6 (4) *EXECUTIVE BRANCH AGENCY.—The term “ex-*
7 *ecutive branch agency” means an agency described in*
8 *subparagraph (A) or (C) of section 3330f(a)(1) of title*
9 *5, United States Code.*

10 (5) *PAS TRACKER.—The term “PAS Tracker”*
11 *means the Senate Confirmed Position Tracker estab-*
12 *lished under subsection (b)(1).*

13 (6) *PLUM REPORTING WEBSITE.—The term*
14 *“PLUM reporting website” means the website estab-*
15 *lished and maintained under section 3330f(b) of title*
16 *5, United States Code.*

17 (7) *POSITION UNIQUE IDENTIFIER.—The term*
18 *“position unique identifier” means a unique number*
19 *associated with a covered PAS position that does not*
20 *change with a modification of the duties or title of the*
21 *covered PAS position.*

22 (b) *ESTABLISHMENT OF TRACKER.—*

23 (1) *IN GENERAL.—Not later than 2 years after*
24 *the date of enactment of this Act, the Comptroller*
25 *General of the United States, in consultation with the*

1 *Librarian of Congress, the Director of OPM, and the*
2 *Director of the Congressional Research Service, shall*
3 *publish on the public-facing website of the Govern-*
4 *ment Accountability Office a new interface or*
5 *webpage, to be known as the “Senate Confirmed Posi-*
6 *tion Tracker”, that displays data, which shall be up-*
7 *dated on not less than a weekly basis, tracking cov-*
8 *ered PAS positions, including the individuals occu-*
9 *pying covered PAS positions and the status, within*
10 *the Senate advice and consent process, of individuals*
11 *nominated for covered PAS positions.*

12 (2) *DESIGN.—Not later than 180 days after es-*
13 *tablishing the PAS Tracker, the Comptroller General*
14 *shall ensure that the PAS Tracker, in addition to*
15 *tracking each covered PAS position throughout the*
16 *Senate advice and consent process, publishes informa-*
17 *tion, and displays the information through graphics*
18 *and charts, on trends and analyses of all covered PAS*
19 *positions, including—*

20 (A) *data and trends broken down by posi-*
21 *tions with the same title, including the percent-*
22 *age of covered PAS positions that—*

23 (i) *are occupied by an official con-*
24 *firmed by the Senate;*

1 (ii) are occupied by an acting official;

2 or

3 (iii) are not occupied by any official;

4 (B) data and trends broken down by Senate
5 committees of jurisdiction, including the percent-
6 age of covered PAS positions that—

7 (i) are occupied by an official con-
8 firmed by the Senate;

9 (ii) are occupied by an acting official;

10 or

11 (iii) are not occupied by any official;

12 (C) data and trends broken down by execu-
13 tive branch agency and components thereof, in-
14 cluding the percentage of covered PAS positions
15 that—

16 (i) are occupied by an official con-
17 firmed by the Senate;

18 (ii) are occupied by an acting official;

19 or

20 (iii) are not occupied by any official;

21 and

22 (D) the percentage of all covered PAS posi-
23 tions that—

24 (i) are occupied by an official con-
25 firmed by the Senate;

1 (ii) are occupied by an acting official;

2 or

3 (iii) are not occupied by any official.

4 (3) *CONSISTENT INFORMATION.*—

5 (A) *IN GENERAL.*—*In establishing and*
6 *maintaining the PAS tracker, the Comptroller*
7 *General shall—*

8 (i) *collect data from all executive*
9 *branch agencies and components thereof;*
10 *and*

11 (ii) *assess and utilize data available to*
12 *the Comptroller General on covered PAS po-*
13 *sitions, including—*

14 (I) *information provided by the*
15 *Library of Congress; and*

16 (II) *information provided by the*
17 *Office of Personnel Management*
18 *through the PLUM reporting website.*

19 (B) *RELATION TO PLUM REPORTING*
20 *WEBSITE.*—*The Comptroller General and the Di-*
21 *rector of OPM shall work in coordination to en-*
22 *sure that—*

23 (i) *all relevant information displayed*
24 *on both the PLUM reporting website and*

1 *the PAS Tracker is consistent and accurate;*
2 *and*

3 *(ii) there is a process to both regularly*
4 *review data across the 2 sources described in*
5 *clause (i) and address any discrepancies in*
6 *a timely fashion.*

7 (4) *DATA COLLECTED AND PUBLISHED.—*

8 (A) *COORDINATION; DATA AGREEMENTS.—*

9 *To the maximum extent practicable, the Comp-*
10 *troller General shall coordinate with the Librar-*
11 *ian of Congress, the Director of OPM, and the*
12 *Secretary of the Senate, and enter into relevant*
13 *data agreements with the Librarian of Congress*
14 *and the Director of OPM, to enable the Comp-*
15 *troller General to carry out paragraph (3) and*
16 *subparagraph (C) of this paragraph and to fa-*
17 *cilitate the Secretary's implementation of sub-*
18 *paragraph (B)(i) of this paragraph.*

19 (B) *INFORMATION ON NEW OR ELIMINATED*
20 *PAS POSITIONS, CHANGES TO COMMITTEE OF JU-*
21 *RISDICTION, AND CHANGES TO PRIVILEGED CAL-*
22 *ENDAR.—*

23 (i) *REPORTING BY COMMITTEES.—*

24 *Each committee of the Senate or the House*
25 *of Representatives shall report to the Sec-*

1 retary of the Senate the titles and number
2 of—

3 (I) covered PAS positions under
4 the jurisdiction of the committee that
5 are created or eliminated (including
6 through removal of the Senate advice
7 and consent requirement or elimi-
8 nation of the position entirely) under
9 any legislation enacted into law, not
10 later than 30 days after the date of en-
11 actment;

12 (II) covered PAS positions that
13 are added to or removed from the jurisdic-
14 tion of the committee, not later than
15 30 days after the date of the addition
16 or removal; and

17 (III) covered PAS positions under
18 the jurisdiction of the committee that
19 are added to or removed from the list
20 of positions entitled to expedited proce-
21 dures under section 2 of Senate Resolu-
22 tion 116 (112th Congress), agreed to
23 June 29, 2011 (commonly known as
24 the “Privileged Calendar”), not later

1 *than 30 days after the date of the addi-*
2 *tion or removal.*

3 *(ii) REPORTING BY SECRETARY OF*
4 *THE SENATE.—Annually, the Secretary of*
5 *the Senate shall issue a report to Congress*
6 *and the Comptroller General containing the*
7 *titles and number of—*

8 *(I) covered PAS positions that*
9 *were created or eliminated under legis-*
10 *lation enacted into law during the year*
11 *covered by the report;*

12 *(II) covered PAS positions for*
13 *which the committee of jurisdiction of*
14 *the Senate or the House of Representa-*
15 *tives changed during the year covered*
16 *by the report; and*

17 *(III) covered PAS positions that*
18 *were added to or removed from the*
19 *Privileged Calendar during the year*
20 *covered by the report.*

21 *(C) DATA.—The Comptroller General shall*
22 *collect, and publish through the PAS Tracker in*
23 *a searchable, sortable, downloadable, machine-*
24 *readable format, the following data:*

1 (i) *Each covered PAS position, includ-*
2 *ing—*

3 (I) *any covered PAS position that*
4 *has never been occupied or is not occu-*
5 *pled as of the date of publication by an*
6 *official confirmed by the Senate, in-*
7 *cluding a covered PAS position identi-*
8 *fied under subparagraph (B)(ii); and*

9 (II) *any covered PAS position on*
10 *a board or commission that is admin-*
11 *istratively inactive, as indicated in the*
12 *Federal Advisory Committee Act data-*
13 *base.*

14 (ii) *For each covered PAS position, the*
15 *following information:*

16 (I) *All the information for the*
17 *covered PAS position that is included*
18 *on the PLUM reporting website pursu-*
19 *ant to subsections (b) and (c) of section*
20 *3330f of title 5, United States Code.*

21 (II) *For any covered PAS posi-*
22 *tion that is not occupied by an official*
23 *confirmed by the Senate or an acting*
24 *official—*

1 (aa) the dates on which the
2 acting official who most recently
3 served in the covered PAS posi-
4 tion, if any, began serving and
5 ceased serving, respectively, in the
6 covered PAS position;

7 (bb) the date on which an in-
8 dividual was most recently ap-
9 pointed to the covered PAS posi-
10 tion;

11 (cc) the date on which a
12 nomination for the covered PAS
13 position was most recently sub-
14 mitted to the Senate; and

15 (dd) whether any statute spe-
16 cific to the executive branch agen-
17 cy governs how the executive
18 branch agency can fill the posi-
19 tion.

20 (III) Each key Senate advice and
21 consent process milestone collected on
22 congress.gov, including the date of the
23 nomination for the covered PAS posi-
24 tion, the date of the nomination hear-
25 ing, the date of the committee vote, the

1 *date of each vote of the Senate, and the*
2 *date of final confirmation.*

3 *(IV) The dates on which the offi-*
4 *cial who most recently served in the*
5 *covered PAS position began serving*
6 *and ceased serving, respectively, in the*
7 *covered PAS position, including in an*
8 *acting capacity.*

9 *(V) In the case of an acting offi-*
10 *cial currently serving in the covered*
11 *PAS position, if no nomination has ex-*
12 *tended the time limit under section*
13 *3346 of title 5, United States Code,*
14 *and to the maximum extent prac-*
15 *ticable, the number of days for which*
16 *the official may continue to serve in an*
17 *acting capacity before violating such*
18 *section 3346.*

19 (D) *FACILITATION OF COLLECTION AND*
20 *PUBLICATION OF DATA.—*

21 (i) *FACA DATA.—In order to assist the*
22 *Comptroller General in carrying out sub-*
23 *paragraph (C)(i)(II), the Committee Man-*
24 *agement Secretariat of the General Services*
25 *Administration shall provide information*

1 *regarding any board or commission that is*
 2 *administratively inactive to the Comptroller*
 3 *General, the Director of OPM, and Congress*
 4 *not less than twice each year.*

5 *(ii) AGENCY-SPECIFIC STATUTES GOV-*
 6 *ERNING FILLING VACANT POSITIONS.—The*
 7 *Comptroller General shall carry out sub-*
 8 *paragraph (C)(ii)(II)(dd) in coordination*
 9 *with the applicable executive branch agency*
 10 *and the Office of Legal Counsel of the De-*
 11 *partment of Justice.*

12 (5) *COORDINATION WITH OPM REGARDING ACT-*
 13 *ING OFFICIALS.—In the case of an individual serving*
 14 *in a covered PAS position in an acting capacity, the*
 15 *Comptroller General shall coordinate with the Direc-*
 16 *tor of OPM to align, and resolve any discrepancies*
 17 *between—*

18 (A) *information reported to the Office of*
 19 *Personnel Management about the individual;*
 20 *and*

21 (B) *the information posted on the PAS*
 22 *Tracker about the individual under paragraph*
 23 *(4)(C)(ii)(V).*

24 (6) *AGENCY REPORTS REGARDING POSITIONS*
 25 *WITHOUT SENATE-CONFIRMED OFFICIALS.—For pur-*

1 poses of paragraph (4)(C)(ii)(V), in the case of any
2 covered PAS position that is not occupied by an offi-
3 cial confirmed by the Senate, the executive branch
4 agency shall report to the Comptroller General not
5 later than 5 days after the date on which an indi-
6 vidual is designated to serve in the position in an
7 acting capacity.

8 (7) AGENCY REPORTS REGARDING START AND
9 END DATES.—Not later than 10 days after the date
10 on which an official begins serving or ceases serving
11 in a covered PAS position, including in an acting ca-
12 pacity, the executive branch agency shall report that
13 start date or end date, respectively, to the Comptroller
14 General and the Director of OPM.

15 (c) POSITION UNIQUE IDENTIFIERS.—

16 (1) PLAN AND PROCESS FOR IMPLEMENTA-
17 TION.—Not later than 1 year after the date of enact-
18 ment of this Act, the Comptroller General, in coordi-
19 nation with the Director of OPM, the Librarian of
20 Congress, and the Secretary of the Senate, shall estab-
21 lish a plan and process for implementation of a posi-
22 tion unique identifier for each covered PAS position
23 that enables public-facing resources, including the
24 PAS Tracker, the PLUM reporting website, and con-

1 *gress.gov, to have consistent and accurate information*
2 *on covered PAS positions.*

3 (2) *CONGRESSIONAL BRIEFING.*—No later than
4 30 days after establishing the plan and process for
5 implementation under paragraph (1), the Comptroller
6 General, the Director of OPM, the Librarian of Con-
7 gress, and the Secretary of the Senate shall brief the
8 appropriate congressional committees on the plan and
9 process for implementation.

10 (d) *REPORTS.*—

11 (1) *AGENCY REPORTS OF SENATE-CONFIRMED*
12 *POSITIONS.*—In addition to providing information to
13 the Comptroller General under subsection (b)(3)(A)(i),
14 each year, on a date determined by the Comptroller
15 General in coordination with the Director of OPM
16 and taking into consideration the Director’s schedule
17 for collecting data for the PLUM reporting website,
18 the head of each executive branch agency shall submit
19 to the Comptroller General and the Director of OPM
20 the following information:

21 (A) *A list of each covered PAS position in*
22 *the executive branch agency and the position*
23 *unique identifier for the covered PAS position*
24 *established under subsection (c), including iden-*
25 *tification of any change to the title of any such*

1 covered PAS position, along with the total num-
2 ber of covered PAS positions in the executive
3 branch agency.

4 (B) Each covered PAS position newly estab-
5 lished in the executive branch agency by statute
6 since the previous submission of information
7 under this paragraph.

8 (C) The number of covered PAS positions
9 that each covered PAS position in the executive
10 branch agency reports to.

11 (2) GAO REPORTS TO CONGRESS ON NONCOMPLI-
12 ANT AGENCIES.—Annually, the Comptroller General
13 shall submit to the appropriate congressional commit-
14 tees a report that indicates any executive branch
15 agency that has not provided information, or has pro-
16 vided incomplete information, under paragraph (1).

17 (3) BIENNIAL GAO REPORTS.—

18 (A) IN GENERAL.—Not less frequently than
19 once every 2 years for 10 years, the Comptroller
20 General shall review the implementation of this
21 section and publish and submit to Congress a re-
22 port containing the findings of the review.

23 (B) CONTENTS.—The Comptroller General
24 shall include in each review under subparagraph

25 (A)—

1 (i) *an analysis of all covered PAS po-*
2 *sitions, including—*

3 (I) *an indication of any covered*
4 *PAS position that is on an inactive*
5 *board or commission within an execu-*
6 *tive branch agency or for which an in-*
7 *dividual has not been nominated or*
8 *confirmed for a period of more than 4*
9 *years, which may be a good candidate*
10 *for elimination or for removal of the*
11 *Senate advice and consent require-*
12 *ment;*

13 (II) *an analysis of any impact*
14 *vacancies in covered PAS positions*
15 *have had on the performance and oper-*
16 *ation of executive branch agencies; and*

17 (III) *recommendations for addi-*
18 *tional data needed to understand the*
19 *impacts of vacancies in covered PAS*
20 *positions;*

21 (ii) *a review of any challenges experi-*
22 *enced by the Comptroller General in quickly*
23 *obtaining accurate information required to*
24 *implement this section; and*

25 (iii) *a determination of—*

1 (I) each covered PAS position
 2 that was not occupied by an official
 3 confirmed by the Senate for any period
 4 of more than 365 days during the pre-
 5 ceding 2-year period;

6 (II) each covered PAS position
 7 that was not occupied by an official
 8 confirmed by the Senate or an acting
 9 official, and for which no individual
 10 had been nominated, for any period of
 11 more than 365 days during the pre-
 12 ceding 2-year period; and

13 (III) any covered PAS position
 14 that may not need or benefit from the
 15 advice and consent of the Senate.

16 (4) COMMITTEE BRIEFINGS.—

17 (A) INITIAL BRIEFING.—Not later than 1
 18 year after the date of enactment of this Act, the
 19 Comptroller General shall brief the appropriate
 20 congressional committees on the status of the de-
 21 velopment of the PAS Tracker, including a re-
 22 view of—

23 (i) any difficulties the Comptroller
 24 General is experiencing in acquiring data

1 *needed to complete the PAS Tracker in ac-*
2 *cordance with this section; and*

3 *(ii) any challenges executive branch*
4 *agencies have reported experiencing in pro-*
5 *viding the information required under this*
6 *section.*

7 *(B) SECOND BRIEFING.—Not later than 180*
8 *days after the date on which the Comptroller*
9 *General establishes the PAS Tracker, the Comp-*
10 *troller General shall brief the appropriate con-*
11 *gressional committees on the status of the PAS*
12 *Tracker, including an assessment of—*

13 *(i) the implementation of the PAS*
14 *Tracker; and*

15 *(ii) the key challenges and successes in*
16 *implementing the PAS Tracker.*

Calendar No. 745

118TH CONGRESS
2D SESSION

S. 5133

[Report No. 118-325]

A BILL

To establish a tracker for Senate-confirmed
executive branch positions.

DECEMBER 19 (legislative day, DECEMBER 16), 2024
Reported with an amendment