

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**S. 5312**

To require agencies to create consistent organizational hierarchies, 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 “Organizing and Reveal-  
5 ing the Government’s Construction, Hierarchies, Appoint-  
6 ments, Responsibilities, and Tasks Act” or the “ORG  
7 CHART Act”.

8 **SEC. 2. AGENCY ORGANIZATION HIERARCHIES.**

9 (a) DEFINITIONS.—In this section:

10 (1) AGENCY.—The term “agency”—

1 (A) has the meaning given the term in sec-  
2 tion 3330f(a) of title 5, United States Code;  
3 and

4 (B) does not include the Government Ac-  
5 countability Office.

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

9 (b) ORGANIZATION HIERARCHY TRANSPARENCY  
10 GUIDANCE.—

11 (1) IN GENERAL.—Not later than 365 days  
12 after the date of enactment of this Act, the Director,  
13 in consultation with the Director of the Office of  
14 Personnel Management and the Administrator of  
15 General Services, shall issue guidance that requires  
16 the head of each agency to create, maintain, and pe-  
17 riodically update an organizational hierarchy for the  
18 agency that includes—

19 (A) a diagram and list that documents the  
20 hierarchical relationships between offices and  
21 functions within the agency and each compo-  
22 nent of the agency led by—

23 (i) an individual occupying a policy  
24 and supporting position (as defined in sec-

1                   tion 3330f(a) of title 5, United States  
2                   Code); and

3                   (ii) any other relevant official, as de-  
4                   termined by the Director;

5                   (B) the title of each official who leads the  
6                   agency or a component of the agency;

7                   (C) whether any position to which subpara-  
8                   graph (B) applies is vacant;

9                   (D) whether any official described in sub-  
10                  paragraph (B) is serving in an acting capacity;

11                  (E) with respect to each official described  
12                  in subparagraph (B), a hyperlink to the rel-  
13                  evant information for that official on the  
14                  website established and maintained under sec-  
15                  tion 3330f(b) of title 5, United States Code, if  
16                  applicable;

17                  (F) a unique organizational code that iden-  
18                  tifies each listed office and function; and

19                  (G) the name of each official who leads the  
20                  agency or a component of the agency if—

21                         (i) the appointment of the official is  
22                         subject to the advice and consent of the  
23                         Senate; or

1 (ii) the official consents to the inclu-  
2 sion of the name of the official in the orga-  
3 nizational hierarchy.

4 (2) PUBLIC POSTING OF HIERARCHIES.—The  
5 head of each agency shall include the up-to-date or-  
6 ganizational hierarchy of the agency created pursu-  
7 ant to the guidance issued under paragraph (1) and  
8 the date on which that hierarchy was most recently  
9 verified as accurate—

10 (A) with respect to an agency required to  
11 submit budget justification materials described  
12 in section 105 of title 31, United States Code,  
13 as a part of those budget justification mate-  
14 rials; and

15 (B) on the website of the agency.

16 (3) CONSISTENCY.—To the maximum extent  
17 practicable, publicly available human capital data  
18 produced by each agency shall have the same hier-  
19 archical structure and be consistent with—

20 (A) the organizational hierarchy of the  
21 agency created pursuant to the guidance issued  
22 under paragraph (1); and

23 (B) other datasets identified by the Direc-  
24 tor, in consultation with the Director of the Of-

1            fice of Personnel Management, in the guidance  
2            issued under paragraph (1).

3            (4) SPECIFIC INFORMATION.—In issuing the  
4            guidance required under paragraph (1), the Direc-  
5            tor—

6                    (A) may not require the head of an agency  
7                    to include any contact information for an offi-  
8                    cial described in subsection (b)(1)(B) in an or-  
9                    ganizational hierarchy; and

10                    (B) with respect to the location of an offi-  
11                    cial described in subsection (b)(1)(B), may only  
12                    require the head of an agency to include in the  
13                    organizational hierarchy the city in which the  
14                    position of the official is located.

15            (c) GAO REVIEW AND REPORT.—

16                    (1) IN GENERAL.—Not later than 1 year after  
17                    the issuance of guidance under subsection (b)(1), the  
18                    Comptroller General of the United States shall sub-  
19                    mit to the Committee on Homeland Security and  
20                    Governmental Affairs of the Senate and the Com-  
21                    mittee on Oversight and Accountability of the House  
22                    of Representatives an evaluation of the implementa-  
23                    tion of this Act.

24                    (2) CONTENTS.—The report required under  
25                    subparagraph (A) shall include an evaluation of—

1           (A) the quality of the information required  
2           to be posted under this Act and whether the in-  
3           formation is complete, accurate, timely, and re-  
4           liable;

5           (B) the consistency between datasets de-  
6           scribed in subsection (b)(3)(B) and the organi-  
7           zational hierarchies created by agencies pursu-  
8           ant to the guidance issued under subsection  
9           (b)(1);

10          (C) any challenges experienced by agencies  
11          in implementing this Act; and

12          (D) any suggestions or modifications to  
13          this Act or section 3330f of title 5, United  
14          States Code, to enhance the information pro-  
15          vided by agencies pursuant to this Act, includ-  
16          ing best practices for agencies to follow.

17          (d) **NO NEW FUNDS.**—No additional funds are au-  
18          thorized to be appropriated for the purpose of carrying  
19          out this Act.