

#### 117TH CONGRESS 1ST SESSION

# H. R. 2043

To amend title 5, United States Code, to require the Director of the Office of Personnel Management to establish and maintain a public directory of the individuals occupying Government policy and supporting positions, and for other purposes.

### IN THE HOUSE OF REPRESENTATIVES

March 18, 2021

Mrs. Carolyn B. Maloney of New York (for herself, Mr. Connolly, and Mr. Sarbanes) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

## A BILL

To amend title 5, United States Code, to require the Director of the Office of Personnel Management to establish and maintain a public directory of the individuals occupying Government policy and supporting positions, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

### 1 SECTION 1. SHORT TITLE; PURPOSES.

2	(a) Short Title.—This Act may be cited as the
3	"Periodically Listing Updates to Management Act" or the
4	"PLUM Act".
5	(b) Purposes.—The purposes of this Act are to—
6	(1) modernize the practice of publishing the
7	"Plum Book," which has occurred nearly every four
8	years since 1952, and contains data on over 9,000
9	Federal civil service leadership and support positions
10	in the legislative and executive branches of the Gov
11	ernment that may be subject to noncompetitive ap
12	pointment;
13	(2) enhance transparency by reporting who is
14	serving in the Government and making policy deci
15	sions; and
16	(3) improve the frequency, accuracy and acces
17	sibility of data on the individuals filling government
18	policy and supporting positions.
19	SEC. 2. ESTABLISHMENT OF PUBLIC WEBSITE ON GOVERN
20	MENT POLICY AND SUPPORTING POSITIONS.
21	(a) Establishment.—
22	(1) In general.—Subchapter I of chapter 33
23	of title 5, United States Code, is amended by adding
24	at the end the following:

1	"§ 3330f. Government policy and supporting position
2	data
3	"(a) Definitions.—In this section:
4	"(1) AGENCY.—The term 'agency' means—
5	"(A) any Executive agency, including the
6	United States Postal Service and the Postal
7	Regulatory Commission;
8	"(B) the Architect of the Capitol, the Gov-
9	ernment Accountability Office, the Government
10	Publishing Office, and the Library of Congress;
11	and
12	"(C) the Executive Office of the President
13	and any component within such Office (includ-
14	ing any successor component), including—
15	"(i) the Council of Economic Advi-
16	sors;
17	"(ii) the Council on Environmental
18	Quality;
19	"(iii) the National Security Council;
20	"(iv) the Office of the Vice President;
21	"(v) the Office of Policy Development;
22	"(vi) the Office of Administration;
23	"(vii) the Office of Management and
24	Budget;
25	"(viii) the Office of the United States
26	Trade Representative;

1	"(ix) the Office of Science and Tech-
2	nology Policy;
3	"(x) the Office of National Drug Con-
4	trol Policy; and
5	"(xi) the White House Office.
6	"(2) COVERED WEBSITE.—The term 'covered
7	website' means the website established and main-
8	tained by the Director under subsection (b).
9	"(3) Director.—The term 'Director' means
10	the Director of the Office of Personnel Management.
11	"(4) APPOINTEE.—The term 'appointee'—
12	"(A) means an individual serving in a pol-
13	icy and supporting position; and
14	"(B) includes an individual serving in such
15	a position temporarily in an acting capacity in
16	accordance with—
17	"(i) sections 3345 through 3349d
18	(commonly referred to as the 'Federal Va-
19	cancies Reform Act of 1998');
20	"(ii) any other statutory provision de-
21	scribed in section 3347(a)(1); or
22	"(iii) a Presidential appointment de-
23	scribed in section 3347(a)(2).
24	"(5) Policy and supporting position.—The
25	term 'policy and supporting position' means—

1	"(A) a position that requires appointment
2	by the President, by and with the advice and
3	consent of the Senate;
4	"(B) a position that requires or permits
5	appointment by the President or Vice Presi-
6	dent, without the advice and consent of the
7	Senate;
8	"(C) a position occupied by a limited term
9	appointee, limited emergency appointee, or non-
10	career appointee in the Senior Executive Serv-
11	ice, as defined under paragraphs (5), (6), and
12	(7), respectively, of section 3132(a);
13	"(D) a position of a confidential or policy-
14	determining character under schedule C of sub-
15	part C of part 213 of title 5, Code of Federal
16	Regulations, or any successor regulation;
17	"(E) a position in the Senior Foreign Serv-
18	ice;
19	"(F) any career position at an agency that,
20	but for this section and section 2(b)(3) of the
21	PLUM Act, would be included in the publica-
22	tion entitled 'United States Government Policy
23	and Supporting Positions', commonly referred
24	to as the 'Plum Book'; and

1	"(G) any other position classified at or
2	above level GS $-14$ of the General Schedule (or
3	equivalent) that is excepted from the competi-
4	tive service by law because of the confidential or
5	policy-determining nature of the position duties.
6	"(b) Establishment of Website.—Not later than
7	1 year after the date of enactment of the PLUM Act, the
8	Director shall establish, and thereafter maintain, a public
9	website containing the following information for the Presi-
10	dent then in office and for each subsequent President:
11	"(1) Each policy and supporting position in the
12	Federal Government, including any such position
13	that is vacant.
14	"(2) Each individual who—
15	"(A) is serving in a position described in
16	paragraph (1); or
17	"(B) previously served in a position de-
18	scribed in paragraph (1) under the applicable
19	President.
20	"(c) Contents.—With respect to any policy and
21	supporting position listed on the covered website, the Di-
22	rector shall include—
23	"(1) the agency, and agency component, (in-
24	cluding the agency and bureau code used by the Of-

1	fice of Management and Budget) in which the posi-
2	tion is located;
3	"(2) the name of the position;
4	"(3) the name of the individual occupying such
5	position (if any);
6	"(4) the geographic location of the position, in-
7	cluding the city, State or province, and country;
8	"(5) the pay system under which the position is
9	paid;
10	"(6) the level, grade, or rate of pay;
11	"(7) the term or duration of the appointment
12	(if any);
13	"(8) the expiration date, in the case of a time-
14	limited appointment;
15	"(9) a unique identifier for each appointee to
16	enable tracking such appointee across positions; and
17	"(10) whether the position is vacant.
18	"(d) FORMAT.—The Director shall make the data on
19	the covered website available to the public at no cost over
20	the internet in a searchable, sortable, downloadable, and
21	machine readable format so that the data qualifies as an
22	open Government data asset, as defined in section 3502
23	of title 44.
24	"(e) Authority of Director.—

1	"(1) Information required.—Each agency
2	shall provide to the Director any information that
3	the Director determines necessary to establish and
4	maintain the covered website, including the informa-
5	tion uploaded pursuant to paragraph (4).
6	"(2) Requirements for agencies.—Not
7	later than 1 year after the date of enactment of the
8	PLUM Act, the Director shall issue instructions to
9	agencies with specific requirements for the provision
10	or uploading of information required under para-
11	graph (1), including—
12	"(A) specific data standards that an agen-
13	cy shall follow to ensure that the information is
14	complete, accurate, and reliable;
15	"(B) data quality assurance methods; and
16	"(C) the timeframe during which an agen-
17	cy shall provide or upload the information, in-
18	cluding the timeframe described under para-
19	graph (4).
20	"(3) Public accountability.—The Director
21	shall identify on the covered website any agency that
22	has failed to provide—
23	"(A) the information required by the Di-
24	rector;

1	"(B) complete, accurate, and reliable infor-
2	mation; or
3	"(C) the information during the timeframe
4	specified by the Director.
5	"(4) Monthly updates.—
6	"(A) Not later than 90 days after the date
7	the covered website is established, and not less
8	than once during each 30-day period thereafter,
9	the head of each agency shall upload to the cov-
10	ered website updated information (if any) on—
11	"(i) the policy and supporting posi-
12	tions in the agency;
13	"(ii) the appointees occupying such
14	positions in the agency; and
15	"(iii) the former appointees who
16	served in the agency under the President
17	then in office.
18	"(B) Information provided under subpara-
19	graph (A) shall supplement, not supplant, pre-
20	viously provided data under such subparagraph.
21	"(5) OPM HELP DESK.—The Director shall es-
22	tablish a central help desk, to be operated by not
23	more than one full-time employee, to assist any
24	agency with implementing this section.
25	"(6) Coordination.—

1 "(A) The Director shall consult with the 2 18F office (or any successor office) within the 3 General Services Administration for purposes of 4 the development, establishment, operation, and 5 support of the covered website.

"(B) The Director may designate one or more Federal agencies to participate in the development, establishment, operation, and support of the covered website. With respect to any such designation, the Director may specify the scope of the responsibilities of the Federal agency so designated.

### "(f) Responsibility of Agencies.—

"(1) Provision of information.—Each agency shall comply with the instructions and guidance issued by the Director to carry out this Act, and, upon request of the Director, shall provide appropriate assistance to the Director to ensure the successful operation of the covered website in the manner and within the timeframe specified by the Director under subsection (e)(2).

"(2) Ensuring completeness, accuracy, and reliability.—With respect to any submission of information described in paragraph (1), the head of an agency shall include an explanation of how the

1	agency ensured the information is complete, accu-
2	rate, and reliable, and a certification that such infor-
3	mation is complete, accurate, and reliable.
4	"(g) Information Verification.—
5	"(1) In general.—Not less frequently than
6	semiannually, the Director, in coordination with the
7	White House Office of Presidential Personnel, shall
8	confirm that the information on the covered website
9	is complete, accurate, reliable, and up-to-date. On
10	the date of any such confirmation, the Director shall
11	publish on the covered website a certification of that
12	such confirmation has been made.
13	"(2) Authority of director.—In carrying
14	out paragraph (1), the Director may—
15	"(A) request additional information from
16	an agency; and
17	"(B) use any additional information pro-
18	vided to the Director or the White House Office
19	of Presidential Personnel for the purposes of
20	verification.
21	"(3) Public comment.—The Director shall es-
22	tablish a process under which members of the public
23	may provide feedback regarding the accuracy of the
24	information on the covered website.
25	"(h) Data Archiving.—

1	"(1) In general.—As soon as practicable
2	after a transitional inauguration day (as defined in
3	section 3349a), the Director, in consultation with
4	the Archivist of the United States, shall archive the
5	data that was compiled on the covered website for
6	the preceding presidential administration.
7	"(2) Public availability.—The Director
8	shall make the data described in paragraph (1) pub-
9	licly available over the internet—
10	"(A) on, or through a link on, the covered
11	website;
12	"(B) at no cost; and
13	"(C) in a searchable, sortable, download-
14	able, and machine readable format.".
15	(2) CLERICAL AMENDMENT.—The table of sec-
16	tions for subchapter I of chapter 33 of title 5
17	United States Code, is amended by adding at the
18	end the following:
	"3330f. Government policy and supporting position data.".
19	(b) Other Matters.—
20	(1) Authorization of appropriations.—
21	There is authorized to be appropriated \$10,000,000
22	to remain available until expended, for developing
23	the website under section 3330f(b) of title 5, United

States Code, as added by subsection (a)(1).

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1	(2) GAO REVIEW AND REPORT.—Not later than
2	1 year after the date such website is established, the
3	Comptroller General shall conduct a review, and
4	issue a briefing or report, on the implementation of
5	this Act and the amendments made by this Act. The
6	review shall include—
7	(A) the quality of data required to be col-
8	lected and whether such data is complete, accu-
9	rate, timely, and reliable;
10	(B) any challenges experienced by agencies
11	in implementing this Act and the amendments
12	made by this Act; and
13	(C) any suggestions or modifications to en-
14	hance compliance with this Act and the amend-
15	ments made by this Act, including best prac-
16	tices for agencies to follow.
17	(3) Sunset of Plum Book.—Beginning on
18	January 1, 2024, such website shall serve as the
19	public directory for policy and supporting positions
20	in the Government, and the publication entitled
21	"United States Government Policy and Supporting

Book", shall no longer be issued or published.

Positions", commonly referred to as the "Plum

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