

Union Calendar No. 157

117TH CONGRESS
1ST SESSION

H. R. 2043

[Report No. 117–169, Part I]

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

NOVEMBER 1, 2021

Reported from the Committee on Oversight and Reform with an amendment

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

[For text of introduced bill, see copy of bill as introduced on March 18, 2021]

NOVEMBER 1, 2021

Referral to the Committee on House Administration extended for a period ending not later than November 30, 2021

NOVEMBER 30, 2021

Referral to the Committee on House Administration extended for a period ending not later than December 10, 2021

DECEMBER 13, 2021

Additional sponsors: Ms. NORTON, Mr. MFUME, Ms. OCASIO-CORTEZ, and Mr. CASTRO of Texas

DECEMBER 13, 2021

Committee on House Administration discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Periodically Listing Up-*
 5 *dates to Management Act” or the “PLUM Act”.*

6 **SEC. 2. ESTABLISHMENT OF PUBLIC WEBSITE ON GOVERN-**
 7 **MENT POLICY AND SUPPORTING POSITIONS.**

8 *(a) ESTABLISHMENT.—*

9 *(1) IN GENERAL.—Subchapter I of chapter 33 of*
 10 *title 5, United States Code, is amended by adding at*
 11 *the end the following:*

12 **“§ 3330f. Government policy and supporting position**
 13 **data**

14 *“(a) DEFINITIONS.—In this section:*

15 *“(1) AGENCY.—The term ‘agency’ means—*

16 *“(A) any Executive agency, the United*
 17 *States Postal Service, and the Postal Regulatory*
 18 *Commission;*

19 *“(B) the Architect of the Capitol, the Gov-*
 20 *ernment Accountability Office, the Government*
 21 *Publishing Office, and the Library of Congress;*
 22 *and*

23 *“(C) the Executive Office of the President*
 24 *and any component within such Office (includ-*
 25 *ing any successor component), including—*

1 “(i) the Council of Economic Advisors;

2 “(ii) the Council on Environmental

3 *Quality*;

4 “(iii) the National Security Council;

5 “(iv) the Office of the Vice President;

6 “(v) the Office of Policy Development;

7 “(vi) the Office of Administration;

8 “(vii) the Office of Management and
9 *Budget*;

10 “(viii) the Office of the United States
11 *Trade Representative*;

12 “(ix) the Office of Science and Tech-
13 *nology Policy*;

14 “(x) the Office of National Drug Con-
15 *trol Policy*; and

16 “(xi) the White House Office, including
17 *the White House Office of Presidential Per-*
18 *sonnel*.

19 “(2) *COVERED WEBSITE*.—The term ‘covered
20 *website*’ means the website established and main-
21 *tained by the Director under subsection (b)*.

22 “(3) *DIRECTOR*.—The term ‘Director’ means the
23 *Director of the Office of Personnel Management*.

24 “(4) *APPOINTEE*.—The term ‘appointee’—

1 “(A) means an individual serving in a pol-
2 icy and supporting position; and

3 “(B) includes an individual serving in such
4 a position temporarily in an acting capacity in
5 accordance with—

6 “(i) sections 3345 through 3349d (com-
7 monly referred to as the ‘Federal Vacancies
8 Reform Act of 1998’);

9 “(ii) any other statutory provision de-
10 scribed in section 3347(a)(1); or

11 “(iii) a Presidential appointment de-
12 scribed in section 3347(a)(2).

13 “(5) *POLICY AND SUPPORTING POSITION.*—The
14 term ‘policy and supporting position’ means—

15 “(A) a position that requires appointment
16 by the President, by and with the advice and
17 consent of the Senate;

18 “(B) a position that requires or permits ap-
19 pointment by the President or Vice President,
20 without the advice and consent of the Senate;

21 “(C) a position occupied by a limited term
22 appointee, limited emergency appointee, or non-
23 career appointee in the Senior Executive Service,
24 as defined under paragraphs (5), (6), and (7),
25 respectively, of section 3132(a);

1 “(D) a position of a confidential or policy-
2 determining character under schedule C of sub-
3 part C of part 213 of title 5, Code of Federal
4 Regulations, or any successor regulation;

5 “(E) a position in the Senior Foreign Serv-
6 ice;

7 “(F) any career position at an agency that,
8 but for this section and section 2(b)(3) of the
9 PLUM Act, would be included in the publication
10 entitled ‘United States Government Policy and
11 Supporting Positions’, commonly referred to as
12 the ‘Plum Book’; and

13 “(G) any other position classified at or
14 above level GS–14 of the General Schedule (or
15 equivalent) that is excepted from the competitive
16 service by law because of the confidential or pol-
17 icy-determining nature of the position duties.

18 “(b) *ESTABLISHMENT OF WEBSITE*.—Not later than 1
19 year after the date of enactment of the PLUM Act, the Di-
20 rector shall establish, and thereafter maintain, a public
21 website containing the following information for the Presi-
22 dent then in office and for each subsequent President:

23 “(1) Each policy and supporting position in the
24 Federal Government, including any such position
25 that is vacant.

1 “(2) *The name of each individual who—*

2 “(A) *is serving in a position described in*
3 *paragraph (1); or*

4 “(B) *previously served in a position de-*
5 *scribed in such paragraph under the applicable*
6 *President.*

7 “(3) *Information on any Government-wide or*
8 *agency-wide limitation on the total number of posi-*
9 *tions in the Senior Executive Service under section*
10 *3133 or 3132, and for the total number of positions*
11 *in Schedule C of subpart C of part 213 of title 5,*
12 *Code of Federal Regulations, and total number of in-*
13 *dividuals occupying such positions.*

14 “(c) *CONTENTS.—With respect to any policy and sup-*
15 *porting position listed on the covered website, the Director*
16 *shall include—*

17 “(1) *the agency, and agency component, (includ-*
18 *ing the agency and bureau code used by the Office of*
19 *Management and Budget) in which the position is lo-*
20 *cated;*

21 “(2) *the name of the position;*

22 “(3) *the name of the individual occupying such*
23 *position (if any);*

24 “(4) *the geographic location of the position, in-*
25 *cluding the city, State or province, and country;*

1 “(5) *the pay system under which the position is*
2 *paid;*

3 “(6) *the level, grade, or rate of pay;*

4 “(7) *the term or duration of the appointment (if*
5 *any);*

6 “(8) *the expiration date, in the case of a time-*
7 *limited appointment;*

8 “(9) *a unique identifier for each appointee to en-*
9 *able tracking such appointee across positions;*

10 “(10) *whether the position is vacant, and in the*
11 *case of a vacancy, for positions for which appoint-*
12 *ment is required to be made by the President by and*
13 *with the advice and consent of the Senate, the name*
14 *of the acting official, and, for other positions, the*
15 *name of the official performing the duties of the va-*
16 *cant position.*

17 “(d) *CURRENT DATA.—For each agency, the Director*
18 *shall indicate the date that the agency last updated the*
19 *data.*

20 “(e) *FORMAT.—The Director shall make the data on*
21 *the covered website available to the public at no cost over*
22 *the internet in a searchable, sortable, downloadable, and*
23 *machine-readable format so that the data qualifies as an*
24 *open Government data asset, as defined in section 3502 of*
25 *title 44.*

1 “(f) *AUTHORITY OF DIRECTOR.*—

2 “(1) *INFORMATION REQUIRED.*—*Each agency*
3 *shall provide to the Director any information that the*
4 *Director determines necessary to establish and main-*
5 *tain the covered website, including the information*
6 *uploaded pursuant to paragraph (4).*

7 “(2) *REQUIREMENTS FOR AGENCIES.*—*Not later*
8 *than 1 year after the date of enactment of the PLUM*
9 *Act, the Director shall issue instructions to agencies*
10 *with specific requirements for the provision or*
11 *uploading of information required under paragraph*
12 *(1), including—*

13 “(A) *specific data standards that an agency*
14 *shall follow to ensure that the information is*
15 *complete, accurate, and reliable;*

16 “(B) *data quality assurance methods; and*

17 “(C) *the timeframe during which an agency*
18 *shall provide or upload the information, includ-*
19 *ing the timeframe described under paragraph*
20 *(4).*

21 “(3) *PUBLIC ACCOUNTABILITY.*—*The Director*
22 *shall identify on the covered website any agency that*
23 *has failed to provide—*

24 “(A) *the information required by the Direc-*
25 *tor;*

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 po-
14 sitions in the agency; and

15 “(iii) the former appointees who served
16 in the agency under the President then in
17 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 more
23 than one full-time employee, to assist any agency
24 with implementing this section.

1 “(6) *COORDINATION.*—*The Director may des-*
2 *ignate one or more Federal agencies to participate in*
3 *the development, establishment, operation, and sup-*
4 *port of the covered website. With respect to any such*
5 *designation, the Director may specify the scope of the*
6 *responsibilities of the Federal agency so designated.*

7 “(7) *DATA STANDARDS AND TIMING.*—*The Direc-*
8 *tor shall make available on the covered website infor-*
9 *mation regarding on data collection standards, qual-*
10 *ity assurance methods, and time frames for reporting*
11 *data to the Director.*

12 “(8) *REGULATIONS.*—*The Director may pre-*
13 *scribe regulations necessary for the administration of*
14 *this section.*

15 “(g) *RESPONSIBILITY OF AGENCIES.*—

16 “(1) *PROVISION OF INFORMATION.*—*Each agency*
17 *shall comply with the instructions and guidance*
18 *issued by the Director to carry out this Act, and,*
19 *upon request of the Director, shall provide appro-*
20 *priate assistance to the Director to ensure the success-*
21 *ful operation of the covered website in the manner*
22 *and within the timeframe specified by the Director*
23 *under subsection (f)(2).*

24 “(2) *ENSURING COMPLETENESS, ACCURACY, AND*
25 *RELIABILITY.*—*With respect to any submission of in-*

1 *formation described in paragraph (1), the head of an*
 2 *agency shall include an explanation of how the agen-*
 3 *cy ensured the information is complete, accurate, and*
 4 *reliable, and a certification that such information is*
 5 *complete, accurate, and reliable.*

6 “(h) *INFORMATION VERIFICATION.*—

7 “(1) *IN GENERAL.*—Not less frequently than
 8 *semiannually, the Director, in coordination with the*
 9 *White House Office of Presidential Personnel, shall*
 10 *confirm that the information on the covered website*
 11 *is complete, accurate, reliable, and up-to-date. On the*
 12 *date of any such confirmation, the Director shall pub-*
 13 *lish on the covered website a certification that such*
 14 *confirmation has been made.*

15 “(2) *AUTHORITY OF DIRECTOR.*—In carrying out
 16 *paragraph (1), the Director may—*

17 “(A) *request additional information from*
 18 *an agency; and*

19 “(B) *use any additional information pro-*
 20 *vided to the Director or the White House Office*
 21 *of Presidential Personnel for the purposes of*
 22 *verification.*

23 “(3) *PUBLIC COMMENT.*—The Director shall es-
 24 *tablish a process under which members of the public*

1 *may provide feedback regarding the accuracy of the*
 2 *information on the covered website.*

3 “(i) *DATA ARCHIVING.*—

4 “(1) *IN GENERAL.*—*As soon as practicable after*
 5 *a transitional inauguration day (as defined in sec-*
 6 *tion 3349a), the Director, in consultation with the*
 7 *Archivist of the United States, shall archive the data*
 8 *that was compiled on the covered website for the pre-*
 9 *ceding presidential administration.*

10 “(2) *PUBLIC AVAILABILITY.*—*The Director shall*
 11 *make the data described in paragraph (1) publicly*
 12 *available over the internet—*

13 “(A) *on, or through a link on, the covered*
 14 *website;*

15 “(B) *at no cost; and*

16 “(C) *in a searchable, sortable, downloadable,*
 17 *and machine-readable format.*

18 “(j) *REPORTS.*—

19 “(1) *IN GENERAL.*—*Not less frequently than one*
 20 *year after the covered website is established and not*
 21 *less than annually thereafter, the Director, in coordi-*
 22 *nation with the White House Office of Presidential*
 23 *Personnel, shall publish a report on the covered*
 24 *website that contains summary level information on*
 25 *the demographics of any appointee. Such report shall*

1 *provide such information in a structured data format*
2 *that is searchable, sortable, and downloadable, makes*
3 *use of common identifiers wherever possible, and con-*
4 *tains current and historical data regarding such in-*
5 *formation.*

6 “(2) CONTENTS.—

7 “(A) IN GENERAL.—Each report published
8 *under paragraph (1) shall include self-identified*
9 *data on race, ethnicity, tribal affiliation, gender,*
10 *disability, sexual orientation, veteran status, and*
11 *whether the appointee is over the age of 40 with*
12 *respect to each type of appointee. Such a report*
13 *shall allow for users of the covered website to*
14 *view the type of appointee by agency or compo-*
15 *nent, along with these self-identified data, alone*
16 *and in combination, to the greatest level detail*
17 *possible without allowing the identification of in-*
18 *dividual appointees.*

19 “(B) OPTION TO NOT SPECIFY.—When col-
20 *lecting each category of data described in sub-*
21 *paragraph (A), each appointee shall be allowed*
22 *an option to not specify with respect to any such*
23 *category.*

24 “(C) CONSULTATION.—The Director shall
25 *consult with the Committee on Oversight and Re-*

1 *form of the House of Representatives and the*
 2 *Committee on Homeland Security and Govern-*
 3 *mental Affairs of the Senate regarding reports*
 4 *published under this subsection and the informa-*
 5 *tion in such reports to determine whether the in-*
 6 *tent of this section is being fulfilled and if addi-*
 7 *tional information or other changes are needed*
 8 *for such reports.*

9 “(3) *EXCLUSION OF CAREER POSITIONS.*—For
 10 *purposes of applying the term ‘appointee’ in this sub-*
 11 *section, such term does not include any individual*
 12 *appointed to a position described in subsection*
 13 *(a)(5)(F).”.*

14 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 15 *tions for subchapter I of chapter 33 of title 5, United*
 16 *States Code, is amended by adding at the end the fol-*
 17 *lowing:*

 “3330f. *Government policy and supporting position data.*”.

18 (b) *OTHER MATTERS.*—

19 (1) *AUTHORIZATION OF APPROPRIATIONS.*—
 20 *There is authorized to be appropriated \$7,000,000, to*
 21 *remain available until expended, for—*

22 (A) *developing the website under section*
 23 *3330f(b) of title 5, United States Code, as added*
 24 *by subsection (a)(1); and*

1 (B) updating any data system operated by,
2 or under the authority of, the Office of Personnel
3 Management that will be used to carry out such
4 section.

5 (2) *GAO REVIEW AND REPORT.*—Not later than
6 1 year after the date such website is established, the
7 Comptroller General shall conduct a review, and issue
8 a briefing or report, on the implementation of this
9 Act and the amendments made by this Act. The re-
10 view shall include—

11 (A) the quality of data required to be col-
12 lected and whether such data is complete, accu-
13 rate, timely, and reliable;

14 (B) any challenges experienced by agencies
15 in implementing this Act and the amendments
16 made by this Act; and

17 (C) any suggestions or modifications to en-
18 hance compliance with this Act and the amend-
19 ments made by this Act, including best practices
20 for agencies to follow.

21 (3) *SUNSET OF PLUM BOOK.*—Beginning on
22 January 1, 2024, such website shall serve as the pub-
23 lic directory for policy and supporting positions in
24 the Government, and the publication entitled “United
25 States Government Policy and Supporting Positions”,

- 1 *commonly referred to as the “Plum Book”, shall no*
- 2 *longer be issued or published.*

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117TH CONGRESS
1ST Session

H. R. 2043

[Report No. 117-169, Part I]

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.

DECEMBER 13, 2021

Committee on House Administration discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed