

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7107
OFFERED BY MRS. CAROLYN B. MALONEY OF
NEW YORK**

Strike all after the enacting clause and insert the following:

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

1 (3) improve the frequency, accuracy and acces-
2 sibility of data on the individuals filling government
3 policy and supporting positions.

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

6 (a) ESTABLISHMENT.—

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

10 **“§ 3330f. Government policy and supporting position**
11 **data**

12 “(a) DEFINITIONS.—In this section:

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

14 “(A) any Executive agency, including the
15 United States Postal Service and the Postal
16 Regulatory Commission;

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

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

24 “(i) the Council of Economic Advi-
25 sors;

1 “(ii) the Council on Environmental
2 Quality;

3 “(iii) the National Security Council;

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

5 “(v) the Office of Policy Development;

6 “(vi) the Office of Administration;

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

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

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

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

15 “(xi) the White House Office.

16 “(2) COVERED WEBSITE.—The term ‘covered
17 website’ means the website established and main-
18 tained by the Director under subsection (b).

19 “(3) DIRECTOR.—The term ‘Director’ means
20 the Director of the Office of Personnel Management.

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

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

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

4 “(i) sections 3345 through 3349d
5 (commonly referred to as the ‘Federal Va-
6 cancies Reform Act of 1998’);

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

9 “(iii) a Presidential appointment de-
10 scribed in section 3347(a)(2).

11 “(5) POLICY AND SUPPORTING POSITION.—The
12 term ‘policy and supporting position’ means—

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

16 “(B) a position that requires or permits
17 appointment by the President or Vice Presi-
18 dent, without the advice and consent of the
19 Senate;

20 “(C) a position occupied by a limited term
21 appointee, limited emergency appointee, or non-
22 career appointee in the Senior Executive Serv-
23 ice, as defined under paragraphs (5), (6), and
24 (7), 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 publica-
10 tion entitled ‘United States Government Policy
11 and Supporting Positions’, commonly referred
12 to as 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 competi-
16 tive service by law because of the confidential or
17 policy-determining nature of the position duties.

18 “(b) ESTABLISHMENT OF WEBSITE.—Not later than
19 1 year after the date of enactment of the PLUM Act, the
20 Director 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) 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 paragraph (1) under the applicable
6 President.

7 “(c) CONTENTS.—With respect to any policy and
8 supporting position listed on the covered website, the Di-
9 rector shall include—

10 “(1) the agency, and agency component, (in-
11 cluding the agency and bureau code used by the Of-
12 fice of Management and Budget) in which the posi-
13 tion is located ;

14 “(2) the name of the position;

15 “(3) the name of the individual occupying such
16 position (if any);

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

19 “(5) the pay system under which the position is
20 paid;

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

22 “(7) the term or duration of the appointment
23 (if any);

24 “(8) the expiration date, in the case of a time-
25 limited appointment;

1 “(9) a unique identifier for each appointee to
2 enable tracking such appointee across positions; and

3 “(10) whether the position is vacant.

4 “(d) FORMAT.—The Director shall make the data on
5 the covered website available to the public at no cost over
6 the internet in a searchable, sortable, downloadable, and
7 machine readable format so that the data qualifies as an
8 open Government data asset, as defined in section 3502
9 of title 44.

10 “(e) AUTHORITY OF DIRECTOR.—

11 “(1) INFORMATION REQUIRED.—Each agency
12 shall provide to the Director any information that
13 the Director determines necessary to establish and
14 maintain the covered website, including the informa-
15 tion uploaded pursuant to paragraph (4).

16 “(2) REQUIREMENTS FOR AGENCIES.—Not
17 later than 1 year after the date of enactment of the
18 PLUM Act, the Director shall issue instructions to
19 agencies with specific requirements for the provision
20 or uploading of information required under para-
21 graph (1), including—

22 “(A) specific data standards that an agen-
23 cy shall follow to ensure that the information is
24 complete, accurate, and reliable;

25 “(B) data quality assurance methods; and

1 “(C) the timeframe during which an agen-
2 cy shall provide or upload the information, in-
3 cluding the timeframe described under para-
4 graph (4).

5 “(3) PUBLIC ACCOUNTABILITY.—The Director
6 shall identify on the covered website any agency that
7 has failed to provide—

8 “(A) the information required by the Di-
9 rector;

10 “(B) complete, accurate, and reliable infor-
11 mation; or

12 “(C) the information during the timeframe
13 specified by the Director.

14 “(4) MONTHLY UPDATES.—

15 “(A) Not later than 90 days after the date
16 the covered website is established, and not less
17 than once during each 30 day period thereafter,
18 the head of each agency shall upload to the cov-
19 ered website updated information (if any) on—

20 “(i) the policy and supporting posi-
21 tions in the agency;

22 “(ii) the appointees occupying such
23 positions in the agency; and

1 “(iii) the former appointees who
2 served in the agency under the President
3 then in office.

4 “(B) Information provided under subpara-
5 graph (A) shall supplement, not supplant, pre-
6 viously provided data under such subparagraph.

7 “(5) OPM HELP DESK.—The Director shall es-
8 tablish a central help desk, to be operated by not
9 more than one full-time employee, to assist any
10 agency with implementing this section.

11 “(6) COORDINATION.—

12 “(A) The Director shall consult with the
13 18F office (or any successor office) within the
14 General Services Administration for purposes of
15 the development, establishment, operation, and
16 support of the covered website.

17 “(B) The Director may designate one or
18 more Federal agencies to participate in the de-
19 velopment, establishment, operation, and sup-
20 port of the covered website. With respect to any
21 such designation, the Director may specify the
22 scope of the responsibilities of the Federal
23 agency so designated.

24 “(f) RESPONSIBILITY OF AGENCIES.—

1 “(1) PROVISION OF INFORMATION.—Each agen-
2 cy shall comply with the instructions and guidance
3 issued by the Director to carry out this Act, and,
4 upon request of the Director, shall provide appro-
5 priate assistance to the Director to ensure the suc-
6 cessful operation of the covered website in the man-
7 ner and within the timeframe specified by the Direc-
8 tor under subsection (e)(2).

9 “(2) ENSURING COMPLETENESS, ACCURACY,
10 AND RELIABILITY.—With respect to any submission
11 of information described in paragraph (1), the head
12 of an agency shall include an explanation of how the
13 agency ensured the information is complete, accu-
14 rate, and reliable, and a certification that such infor-
15 mation is complete, accurate, and reliable.

16 “(g) INFORMATION VERIFICATION.—

17 “(1) IN GENERAL.—Not less frequently than
18 semiannually, the Director, in coordination with the
19 White House Office of Presidential Personnel, shall
20 confirm that the information on the covered website
21 is complete, accurate, reliable, and up-to-date. On
22 the date of any such confirmation, the Director shall
23 publish on the covered website a certification of that
24 such confirmation has been made.

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

3 “(A) request additional information from
4 an agency; and

5 “(B) use any additional information pro-
6 vided to the Director or the White House Office
7 of Presidential Personnel for the purposes of
8 verification.

9 “(3) PUBLIC COMMENT.—The Director shall es-
10 tablish a process under which members of the public
11 may provide feedback regarding the accuracy of the
12 information on the covered website.

13 “(h) DATA ARCHIVING.—

14 “(1) IN GENERAL.—As soon as practicable
15 after a transitional inauguration day (as defined in
16 section 3349a), the Director, in consultation with
17 the Archivist of the United States, shall archive the
18 data that was compiled on the covered website for
19 the preceding presidential administration.

20 “(2) PUBLIC AVAILABILITY.—The Director
21 shall make the data described in paragraph (1) pub-
22 licly available over the internet—

23 “(A) on, or through a link on, the covered
24 website;

25 “(B) at no cost; and

1 “(C) in a searchable, sortable,
2 downloadable, and machine readable format.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions for subchapter I of chapter 33 of title 5,
5 United States Code, is amended by adding at the
6 end the following:

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

7 (b) OTHER MATTERS.—

8 (1) AUTHORIZATION OF APPROPRIATIONS.—
9 There is authorized to be appropriated \$10,000,000,
10 to remain available until expended, for developing
11 the website under section 3330f(b) of title 5, United
12 States Code, as added by subsection (a)(1).

13 (2) GAO REVIEW AND REPORT.—Not later than
14 1 year after the date such website is established, the
15 Comptroller General shall conduct a review, and
16 issue a briefing or report, on the implementation of
17 this Act and the amendments made by this Act. The
18 review shall include—

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

22 (B) any challenges experienced by agencies
23 in implementing this Act and the amendments
24 made by this Act; and

1 (C) any suggestions or modifications to en-
2 hance compliance with this Act and the amend-
3 ments made by this Act, including best prac-
4 tices for agencies to follow.

5 (3) SUNSET OF PLUM BOOK.—Beginning on
6 January 1, 2024, such website shall serve as the
7 public directory for policy and supporting positions
8 in the Government, and the publication entitled
9 “United States Government Policy and Supporting
10 Positions”, commonly referred to as the “Plum
11 Book”, shall no longer be issued or published.

