

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7107

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2020

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

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## 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 of  
4 2020” or the “PLUM Act of 2020”.

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 of 2020, would be included in the  
22 publication entitled ‘United States Government  
23 Policy and Supporting Positions’, commonly re-  
24 ferred 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 of  
8 2020, the Director shall establish, and thereafter main-  
9 tain, a public website containing the following information  
10 for the President then in office and for each subsequent  
11 President:

12           “(1) Each policy and supporting position in the  
13 Federal Government, including any such position  
14 that is vacant.

15           “(2) Each individual who—

16           “(A) is serving in a position described in  
17 paragraph (1); or

18           “(B) previously served in a position de-  
19 scribed in paragraph (1) under the applicable  
20 President.

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

24           “(1) the agency, and agency component, (in-  
25 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 of 2020, the Director shall issue instruc-  
9 tions to agencies with specific requirements for the  
10 provision or uploading of information required under  
11 paragraph (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.

6           “(B) The Director may designate one or  
7           more Federal agencies to participate in the de-  
8           velopment, establishment, operation, and sup-  
9           port of the covered website. With respect to any  
10          such designation, the Director may specify the  
11          scope of the responsibilities of the Federal  
12          agency so designated.

13          “(f) RESPONSIBILITY OF AGENCIES.—

14                 “(1) PROVISION OF INFORMATION.—Each agen-  
15                 cy shall comply with the instructions and guidance  
16                 issued by the Director to carry out this Act, and,  
17                 upon request of the Director, shall provide appro-  
18                 priate assistance to the Director to ensure the suc-  
19                 cessful operation of the covered website in the man-  
20                 ner and within the timeframe specified by the Direc-  
21                 tor under subsection (e)(2).

22                 “(2) ENSURING COMPLETENESS, ACCURACY,  
23                 AND RELIABILITY.—With respect to any submission  
24                 of information described in paragraph (1), the head  
25                 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,  
14 downloadable, 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  
24 States Code, as added by subsection (a)(1).

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  
22           Positions”, commonly referred to as the “Plum  
23           Book”, shall no longer be issued or published.

○