

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2043
OFFERED BY MRS. CAROLYN B. MALONEY OF
NEW YORK**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Periodically Listing
3 Updates to Management Act” or the “PLUM Act”.

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, the United
15 States Postal Service, and the Postal Regu-
16 latory Commission;

1 “(B) the Architect of the Capitol, the Gov-
2 ernment Accountability Office, the Government
3 Publishing Office, and the Library of Congress;
4 and

5 “(C) the Executive Office of the President
6 and any component within such Office (includ-
7 ing any successor component), including—

8 “(i) the Council of Economic Advi-
9 sors;

10 “(ii) the Council on Environmental
11 Quality;

12 “(iii) the National Security Council;

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

14 “(v) the Office of Policy Development;

15 “(vi) the Office of Administration;

16 “(vii) the Office of Management and
17 Budget;

18 “(viii) the Office of the United States
19 Trade Representative;

20 “(ix) the Office of Science and Tech-
21 nology Policy;

22 “(x) the Office of National Drug Con-
23 trol Policy; and

1 “(xi) the White House Office, includ-
2 ing the White House Office of Presidential
3 Personnel.

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

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

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

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

12 “(B) includes an individual serving in such
13 a position temporarily in an acting capacity in
14 accordance with—

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

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

20 “(iii) a Presidential appointment de-
21 scribed in section 3347(a)(2).

22 “(5) POLICY AND SUPPORTING POSITION.—The
23 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) The name of 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 such paragraph under the applicable
19 President.

20 “(3) Information on any Government-wide or
21 agency-wide limitation on the total number of posi-
22 tions in the Senior Executive Service under section
23 3133 or 3132, and for the total number of positions
24 in Schedule C of subpart C of part 213 of title 5,

1 Code of Federal Regulations, and total number of
2 individuals occupying such positions.

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

6 “(1) the agency, and agency component, (in-
7 cluding the agency and bureau code used by the Of-
8 fice of Management and Budget) in which the posi-
9 tion is located;

10 “(2) the name of the position;

11 “(3) the name of the individual occupying such
12 position (if any);

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

15 “(5) the pay system under which the position is
16 paid;

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

18 “(7) the term or duration of the appointment
19 (if any);

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

22 “(9) a unique identifier for each appointee to
23 enable tracking such appointee across positions;

24 “(10) whether the position is vacant, and in the
25 case of a vacancy, for positions for which appoint-

1 ment is required to be made by the President by and
2 with the advice and consent of the Senate, the name
3 of the acting official, and, for other positions, the
4 name of the official performing the duties of the va-
5 cant position.

6 “(d) CURRENT DATA.—For each agency, the Direc-
7 tor shall indicate the date that the agency last updated
8 the data.

9 “(e) FORMAT.—The Director shall make the data on
10 the covered website available to the public at no cost over
11 the internet in a searchable, sortable, downloadable, and
12 machine-readable format so that the data qualifies as an
13 open Government data asset, as defined in section 3502
14 of title 44.

15 “(f) AUTHORITY OF DIRECTOR.—

16 “(1) INFORMATION REQUIRED.—Each agency
17 shall provide to the Director any information that
18 the Director determines necessary to establish and
19 maintain the covered website, including the informa-
20 tion uploaded pursuant to paragraph (4).

21 “(2) REQUIREMENTS FOR AGENCIES.—Not
22 later than 1 year after the date of enactment of the
23 PLUM Act, the Director shall issue instructions to
24 agencies with specific requirements for the provision

1 or uploading of information required under para-
2 graph (1), including—

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

6 “(B) data quality assurance methods; and

7 “(C) the timeframe during which an agen-
8 cy shall provide or upload the information, in-
9 cluding the timeframe described under para-
10 graph (4).

11 “(3) PUBLIC ACCOUNTABILITY.—The Director
12 shall identify on the covered website any agency that
13 has failed to provide—

14 “(A) the information required by the Di-
15 rector;

16 “(B) complete, accurate, and reliable infor-
17 mation; or

18 “(C) the information during the timeframe
19 specified by the Director.

20 “(4) MONTHLY UPDATES.—

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

1 “(i) the policy and supporting posi-
2 tions in the agency;

3 “(ii) the appointees occupying such
4 positions in the agency; and

5 “(iii) the former appointees who
6 served in the agency under the President
7 then in office.

8 “(B) Information provided under subpara-
9 graph (A) shall supplement, not supplant, pre-
10 viously provided data under such subparagraph.

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

15 “(6) COORDINATION.—The Director may des-
16 ignate one or more Federal agencies to participate
17 in the development, establishment, operation, and
18 support of the covered website. With respect to any
19 such designation, the Director may specify the scope
20 of the responsibilities of the Federal agency so des-
21 ignated.

22 “(7) DATA STANDARDS AND TIMING.—The Di-
23 rector shall make available on the covered website
24 information regarding on data collection standards,

1 quality assurance methods, and time frames for re-
2 porting data to the Director.

3 “(8) REGULATIONS.—The Director may pre-
4 scribe regulations necessary for the administration
5 of this section.

6 “(g) RESPONSIBILITY OF AGENCIES.—

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

15 “(2) ENSURING COMPLETENESS, ACCURACY,
16 AND RELIABILITY.—With respect to any submission
17 of information described in paragraph (1), the head
18 of an agency shall include an explanation of how the
19 agency ensured the information is complete, accu-
20 rate, and reliable, and a certification that such infor-
21 mation is complete, accurate, and reliable.

22 “(h) INFORMATION VERIFICATION.—

23 “(1) IN GENERAL.—Not less frequently than
24 semiannually, the Director, in coordination with the
25 White House Office of Presidential Personnel, shall

1 confirm that the information on the covered website
2 is complete, accurate, reliable, and up-to-date. On
3 the date of any such confirmation, the Director shall
4 publish on the covered website a certification that
5 such confirmation has been made.

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

8 “(A) request additional information from
9 an agency; and

10 “(B) use any additional information pro-
11 vided to the Director or the White House Office
12 of Presidential Personnel for the purposes of
13 verification.

14 “(3) PUBLIC COMMENT.—The Director shall es-
15 tablish a process under which members of the public
16 may provide feedback regarding the accuracy of the
17 information on the covered website.

18 “(i) DATA ARCHIVING.—

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

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

4 “(A) on, or through a link on, the covered
5 website;

6 “(B) at no cost; and

7 “(C) in a searchable, sortable,
8 downloadable, and machine-readable format.

9 “(j) REPORTS.—

10 “(1) IN GENERAL.—Not less frequently than
11 one year after the covered website is established and
12 not less than annually thereafter, the Director, in
13 coordination with the White House Office of Presi-
14 dential Personnel, shall publish a report on the cov-
15 ered website that contains summary level informa-
16 tion on the demographics of any appointee. Such re-
17 port shall provide such information in a structured
18 data format that is searchable, sortable, and
19 downloadable, makes use of common identifiers
20 wherever possible, and contains current and histor-
21 ical data regarding such information.

22 “(2) CONTENTS.—

23 “(A) IN GENERAL.—Each report published
24 under paragraph (1) shall include self-identified
25 data on race, ethnicity, tribal affiliation, gender,

1 disability, sexual orientation, veteran status,
2 and whether the appointee is over the age of 40
3 with respect to each type of appointee. Such a
4 report shall allow for users of the covered
5 website to view the type of appointee by agency
6 or component, along with these self-identified
7 data, alone and in combination, to the greatest
8 level detail possible without allowing the identi-
9 fication of individual appointees.

10 “(B) OPTION TO NOT SPECIFY.—When
11 collecting each category of data described in
12 subparagraph (A), each appointee shall be al-
13 lowed an option to not specify with respect to
14 any such category.

15 “(C) CONSULTATION.—The Director shall
16 consult with the Committee on Oversight and
17 Reform of the House of Representatives and
18 the Committee on Homeland Security and Gov-
19 ernmental Affairs of the Senate regarding re-
20 ports published under this subsection and the
21 information in such reports to determine wheth-
22 er the intent of this section is being fulfilled
23 and if additional information or other changes
24 are needed for such reports.

1 “(3) EXCLUSION OF CAREER POSITIONS.—For
2 purposes of applying the term ‘appointee’ in this
3 subsection, such term does not include any indi-
4 vidual appointed to a position described in sub-
5 section (a)(5)(F).”.

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

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

10 (b) OTHER MATTERS.—

11 (1) AUTHORIZATION OF APPROPRIATIONS.—
12 There is authorized to be appropriated \$7,000,000,
13 to remain available until expended, for—

14 (A) developing the website under section
15 3330f(b) of title 5, United States Code, as
16 added by subsection (a)(1); and

17 (B) updating any data system operated by,
18 or under the authority of, the Office of Per-
19 sonnel Management that will be used to carry
20 out such section.

21 (2) GAO REVIEW AND REPORT.—Not later than
22 1 year after the date such website is established, the
23 Comptroller General shall conduct a review, and
24 issue a briefing or report, on the implementation of

1 this Act and the amendments made by this Act. The
2 review shall include—

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

6 (B) any challenges experienced by agencies
7 in implementing this Act and the amendments
8 made by this Act; and

9 (C) any suggestions or modifications to en-
10 hance compliance with this Act and the amend-
11 ments made by this Act, including best prac-
12 tices for agencies to follow.

13 (3) SUNSET OF PLUM BOOK.—Beginning on
14 January 1, 2024, such website shall serve as the
15 public directory for policy and supporting positions
16 in the Government, and the publication entitled
17 “United States Government Policy and Supporting
18 Positions”, commonly referred to as the “Plum
19 Book”, shall no longer be issued or published.

