

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 3650

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. CARPER

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Periodically Listing
5 Updates to Management Act of 2022” or the “PLUM Act
6 of 2022”.

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

9 (a) ESTABLISHMENT.—

1 “(vii) the Office of Management and
2 Budget;

3 “(viii) the Office of the United States
4 Trade Representative;

5 “(ix) the Office of Science and Tech-
6 nology Policy;

7 “(x) the Office of National Drug Con-
8 trol Policy; and

9 “(xi) the White House Office, includ-
10 ing the White House Office of Presidential
11 Personnel.

12 “(2) APPOINTEE.—The term ‘appointee’—

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

15 “(B) includes an individual serving in such
16 a position temporarily in an acting capacity in
17 accordance with—

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

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

23 “(iii) a Presidential appointment de-
24 scribed in section 3347(a)(2).

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

4 “(4) DIRECTOR.—The term ‘Director’ means
5 the Director of the Office of Personnel Management.

6 “(5) POLICY AND SUPPORTING POSITION.—The
7 term ‘policy and supporting position’—

8 “(A) means any position at an agency, as
9 determined by the Director, that, but for this
10 section and section 2(b)(3) of the PLUM Act of
11 2022, would be included in the publication enti-
12 tled ‘United States Government Policy and
13 Supporting Positions’ (commonly referred to as
14 the ‘Plum Book’); and

15 “(B) may include—

16 “(i) a position on any level of the Ex-
17 ecutive Schedule under subchapter II of
18 chapter 53, or another position with an
19 equivalent rate of pay;

20 “(ii) a general position (as defined in
21 section 3132(a)(9)) in the Senior Execu-
22 tive service;

23 “(iii) a position in the Senior Foreign
24 Service;

1 “(iv) a position of a confidential or
2 policy-determining character under sched-
3 ule C of subpart C of part 213 of title 5,
4 Code of Federal Regulations, or any suc-
5 cessor regulation; and

6 “(v) any other position classified at or
7 above level GS–14 of the General Schedule
8 (or equivalent) that is excepted from the
9 competitive service by law because of the
10 confidential or policy-determining nature of
11 the position duties.

12 “(b) ESTABLISHMENT OF WEBSITE.—Not later than
13 1 year after the date of enactment of the PLUM Act of
14 2022, the Director shall establish, and thereafter the Di-
15 rector shall maintain, a public website containing the fol-
16 lowing information for the President in office on the date
17 of establishment and for each subsequent President:

18 “(1) Each policy and supporting position in the
19 Federal Government, including any such position
20 that is vacant.

21 “(2) The name of each individual who—

22 “(A) is serving in a position described in
23 paragraph (1); or

1 “(B) previously served in a position de-
2 scribed in such paragraph under the applicable
3 President.

4 “(3) Information on—

5 “(A) any Government-wide or agency-wide
6 limitation on the total number of positions in
7 the Senior Executive Service under section
8 3133 or 3134 or the total number of positions
9 under schedule C of subpart C of part 213 of
10 title 5, Code of Federal Regulations; and

11 “(B) the total number of individuals occu-
12 pying such positions.

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

16 “(1) the agency, and agency component, (in-
17 cluding the agency and bureau code used by the Of-
18 fice of Management and Budget) in which the posi-
19 tion is located;

20 “(2) the name of the position;

21 “(3) the name of the individual occupying the
22 position (if any);

23 “(4) the geographic location of the position, in-
24 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
5 (if any);

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

8 “(9) a unique identifier for each appointee;

9 “(10) whether the position is vacant; and

10 “(11) for any position that is vacant—

11 “(A) for a position for which appointment
12 is required to be made by the President, by and
13 with the advice and consent of the Senate, the
14 name of the acting official; and

15 “(B) for other positions, the name of the
16 official performing the duties of the vacant po-
17 sition.

18 “(d) CURRENT DATA.—For each agency, the Direc-
19 tor shall indicate in the information on the covered website
20 the date that the agency last updated the data.

21 “(e) FORMAT.—The Director shall make the data on
22 the covered website available to the public at no cost over
23 the internet in a searchable, sortable, downloadable, and
24 machine-readable format so that the data qualifies as an

1 open Government data asset, as defined in section 3502
2 of title 44.

3 “(f) AUTHORITY OF DIRECTOR.—

4 “(1) INFORMATION REQUIRED.—Each agency
5 shall provide to the Director any information that
6 the Director determines necessary to establish and
7 maintain the covered website, including the informa-
8 tion uploaded under paragraph (4).

9 “(2) REQUIREMENTS FOR AGENCIES.—Not
10 later than 1 year after the date of enactment of the
11 PLUM Act of 2022, the Director shall issue instruc-
12 tions to agencies with specific requirements for the
13 provision or uploading of information required under
14 paragraph (1), including—

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

18 “(B) data quality assurance methods; and

19 “(C) the timeframe during which an agen-
20 cy shall provide or upload the information, in-
21 cluding the timeframe described under para-
22 graph (4).

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

1 “(A) the information required by the Di-
2 rector;

3 “(B) complete, accurate, and reliable infor-
4 mation; or

5 “(C) the information during the timeframe
6 specified by the Director.

7 “(4) ANNUAL UPDATES.—

8 “(A) IN GENERAL.—Not later than 90
9 days after the date on which the covered
10 website is established, and not less than once
11 during each year thereafter, the head of each
12 agency shall upload to the covered website up-
13 dated information (if any) on—

14 “(i) the policy and supporting posi-
15 tions in the agency;

16 “(ii) the appointees occupying such
17 positions in the agency; and

18 “(iii) the former appointees who
19 served in such positions in the agency
20 under the President then in office.

21 “(B) SUPPLEMENT NOT SUPPLANT.—In-
22 formation provided under subparagraph (A)
23 shall supplement, not supplant, previously pro-
24 vided information under that subparagraph.

1 “(5) OPM HELP DESK.—The Director shall es-
2 tablish a central help desk, to be operated by not
3 more than 1 full-time employee, to assist any agency
4 with implementing this section.

5 “(6) COORDINATION.—The Director may des-
6 ignate 1 or more agencies to participate in the devel-
7 opment, establishment, operation, and support of the
8 covered website. With respect to any such designa-
9 tion, the Director may specify the scope of the re-
10 sponsibilities of the agency so designated.

11 “(7) DATA STANDARDS AND TIMING.—The Di-
12 rector shall make available on the covered website
13 information regarding data collection standards,
14 quality assurance methods, and time frames for re-
15 porting data to the Director.

16 “(8) REGULATIONS.—The Director may pre-
17 scribe regulations necessary for the administration
18 of this section.

19 “(g) RESPONSIBILITY OF AGENCIES.—

20 “(1) PROVISION OF INFORMATION.—Each agen-
21 cy shall comply with the instructions and guidance
22 issued by the Director to carry out this section, and,
23 upon request of the Director, shall provide appro-
24 priate assistance to the Director to ensure the suc-
25 cessful operation of the covered website in the man-

1 ner and within the timeframe specified by the Direc-
2 tor under subsection (f)(2).

3 “(2) ENSURING COMPLETENESS, ACCURACY,
4 AND RELIABILITY.—With respect to any submission
5 of information described in paragraph (1), the head
6 of an agency shall include—

7 “(A) an explanation of how the agency en-
8 sured the information is complete, accurate,
9 and reliable; and

10 “(B) a certification that the information is
11 complete, accurate, and reliable.

12 “(h) INFORMATION VERIFICATION.—

13 “(1) CONFIRMATION.—

14 “(A) IN GENERAL.—On the date that is 90
15 days after the date on which the covered
16 website is established, the Director, in coordina-
17 tion with the White House Office of Presi-
18 dential Personnel, shall confirm that the infor-
19 mation on the covered website is complete, ac-
20 curate, reliable, and up-to-date.

21 “(B) CERTIFICATION.—On the date on
22 which the Director makes a confirmation under
23 subparagraph (A), the Director shall publish on
24 the covered website a certification that the con-
25 firmation 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 “(i) 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) DEFINITIONS.—In this subsection, the
9 terms “agency”, “covered website”, “Director”, and
10 “policy and supporting position” have the meanings
11 given those terms in section 3330f of title 5, United
12 States Code, as added by subsection (a).

13 (2) GAO REVIEW AND REPORT.—Not later than
14 1 year after the date on which the Director estab-
15 lishes the covered website, the Comptroller General
16 of the United States shall conduct a review of, and
17 issue a briefing or report on, the implementation of
18 this Act and the amendments made by this Act,
19 which shall include—

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

23 (B) any challenges experienced by agencies
24 in implementing this Act and the amendments
25 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, 2026—

7 (A) the covered website shall serve as the
8 public directory for policy and supporting posi-
9 tions in the Government; and

10 (B) the publication entitled “United States
11 Government Policy and Supporting Positions”,
12 commonly referred to as the “Plum Book”,
13 shall no longer be issued or published.

14 (4) FUNDING.—

15 (A) IN GENERAL.—No additional amounts
16 are authorized to be appropriated to carry out
17 this Act or the amendments made by this Act.

18 (B) OTHER FUNDING.—The Director shall
19 carry out this Act and the amendments made
20 by this Act using amounts otherwise available
21 to the Director.