

117TH CONGRESS
2D SESSION

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2022

Mr. CARPER (for himself, Mr. BRAUN, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

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
5 Updates to Management Act of 2022” or the “PLUM Act
6 of 2022”.

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

3 (a) ESTABLISHMENT.—

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

7 **“§ 3330f. Government policy and supporting position**
 8 **data**

9 “(a) DEFINITIONS.—In this section:

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

11 “(A) any Executive agency, the United
 12 States Postal Service, and the Postal Regu-
 13 latory Commission;

14 “(B) the Architect of the Capitol, the Gov-
 15 ernment Accountability Office, the Government
 16 Publishing Office, and the Library of Congress;
 17 and

18 “(C) the Executive Office of the President
 19 and any component within that Office (includ-
 20 ing any successor component), including—

21 “(i) the Council of Economic Advi-
 22 sors;

23 “(ii) the Council on Environmental
 24 Quality;

25 “(iii) the National Security Council;

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

1 “(v) the Office of Policy Development;

2 “(vi) the Office of Administration;

3 “(vii) the Office of Management and
4 Budget;

5 “(viii) the Office of the United States
6 Trade Representative;

7 “(ix) the Office of Science and Tech-
8 nology Policy;

9 “(x) the Office of National Drug Con-
10 trol Policy; and

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

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

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

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

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

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

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

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

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

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

10 “(A) a position that requires appointment
11 by the President, by and with the advice and
12 consent of the Senate;

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

17 “(C) a position occupied by a limited term
18 appointee, limited emergency appointee, or non-
19 career appointee in the Senior Executive Serv-
20 ice, as defined under paragraphs (5), (6), and
21 (7), respectively, of section 3132(a);

22 “(D) a position of a confidential or policy-
23 determining character under schedule C of sub-
24 part C of part 213 of title 5, Code of Federal
25 Regulations, or any successor regulation;

1 “(E) a position in the Senior Foreign Serv-
2 ice;

3 “(F) any career position at an agency that,
4 but for this section and section 2(b)(3) of the
5 PLUM Act of 2022, would be included in the
6 publication entitled ‘United States Government
7 Policy and Supporting Positions’, commonly re-
8 ferred to as the ‘Plum Book’; and

9 “(G) any other position classified at or
10 above level GS–14 of the General Schedule (or
11 equivalent) that is excepted from the competi-
12 tive service by law because of the confidential or
13 policy-determining nature of the position duties.

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

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

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

24 “(A) is serving in a position described in
25 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 3132 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 to
9 enable tracking the appointee across positions;

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

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

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

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

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

22 “(e) FORMAT.—The Director shall make the data on
23 the covered website available to the public at no cost over
24 the internet in a searchable, sortable, downloadable, and
25 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) MONTHLY 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 30-day period thereafter, the head
12 of each agency shall upload to the covered
13 website updated 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) SEMIANNUAL CONFIRMATION.—

14 “(A) IN GENERAL.—Not less frequently
15 than semiannually, the Director, in coordination
16 with the White House Office of Presidential
17 Personnel, shall confirm that the information
18 on the covered website is complete, accurate, re-
19 liable, and up-to-date.

20 “(B) CERTIFICATION.—On the date on
21 which the Director makes a confirmation under
22 subparagraph (A), the Director shall publish on
23 the covered website a certification that the con-
24 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 “(j) REPORTS.—

4 “(1) IN GENERAL.—Not later than 1 year after
5 the covered website is established, and every year
6 thereafter, the Director, in coordination with the
7 White House Office of Presidential Personnel, shall
8 publish a report on the covered website that—

9 “(A) contains summary-level information
10 on the demographics of each appointee; and

11 “(B) provide the information in a struc-
12 tured data format that—

13 “(i) is searchable, sortable, and
14 downloadable;

15 “(ii) makes use of common identifiers
16 wherever possible; and

17 “(iii) contains current and historical
18 data regarding the information.

19 “(2) CONTENTS.—

20 “(A) IN GENERAL.—Each report published
21 under paragraph (1) shall—

22 “(i) include self-identified data with
23 respect to each type of appointee on race,
24 ethnicity, Tribal affiliation, gender, dis-
25 ability, sexual orientation, veteran status,

1 and whether the appointee is over the age
2 of 40; and

3 “(ii) allow for users of the covered
4 website to view the type of appointee by
5 agency or component, along with the data
6 described in clause (i), alone and in com-
7 bination, to the greatest level detail pos-
8 sible without allowing the identification of
9 individual appointees.

10 “(B) OPTION TO NOT SPECIFY.—When
11 each category of data described in subpara-
12 graph (A)(i) is collected, each appointee shall be
13 allowed an option to not specify with respect to
14 any such category.

15 “(C) CONSULTATION.—The Director shall
16 consult with the Committee on Homeland Secu-
17 rity and Governmental Affairs of the Senate
18 and the Committee on Oversight and Reform of
19 the House of Representatives regarding reports
20 published under this subsection and the infor-
21 mation in the reports to determine whether the
22 intent of this section is being fulfilled and if ad-
23 ditional information or other changes are need-
24 ed for the reports.

1 “(3) EXCLUSION OF CAREER POSITIONS.—For
2 purposes of applying the term ‘appointee’ in this
3 subsection, that term does not include any individual
4 appointed to a position described in subsection
5 (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) DEFINITIONS.—In this subsection, the
12 terms “agency”, “covered website”, “Director”, and
13 “policy and supporting position” have the meanings
14 given those terms in section 3330f of title 5, United
15 States Code, as added by subsection (a).

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

23 (A) the quality of data required to be col-
24 lected and whether the data is complete, accu-
25 rate, timely, and reliable;

1 (B) any challenges experienced by agencies
2 in implementing this Act and the amendments
3 made by this Act; and

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

8 (3) SUNSET OF PLUM BOOK.—Beginning on
9 January 1, 2024—

10 (A) the covered website shall serve as the
11 public directory for policy and supporting posi-
12 tions in the Government; and

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

17 (4) FUNDING.—

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

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

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