116TH CONGRESS
2D Session

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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.

IN THE SENATE OF THE UNITED STATES

Mr. CARPER introduced the following bill; which was read twice and referred to the Committee on ________

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,

3 SECTION 1. SHORT TITLE; PURPOSES.

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Periodically Listing Updates to Management Act of
6 2020” or the “PLUM Act of 2020”.

7 (b) PURPOSES.—The purposes of this Act are to—
modernize the practice of publishing the “Plum Book,” which has occurred nearly every 4 years since 1952, and contains data on more than 9,000 Federal civil service leadership and support positions in the legislative and executive branches of the Government that may be subject to noncompetitive appointment;

(2) enhance transparency by reporting who is serving in the Government and making policy decisions; and

(3) improve the frequency, accuracy, and accessibility of data on the individuals filling Government policy and supporting positions.

SEC. 2. ESTABLISHMENT OF PUBLIC WEBSITE ON GOVERNMENT POLICY AND SUPPORTING POSITIONS.

(a) Establishment.—

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

"§ 3330f. Government policy and supporting position data

"(a) DEFINITIONS.—In this section:

"(1) AGENCY.—The term ‘agency’ means—
“(A) any Executive agency, including the United States Postal Service and the Postal Regulatory Commission;

“(B) the Architect of the Capitol, the Government Accountability Office, the Government Publishing Office, and the Library of Congress; and

“(C) the Executive Office of the President and any component within that Office (including any successor component), including—

“(i) the Council of Economic Advisers;

“(ii) the Council on Environmental Quality;

“(iii) the National Security Council;

“(iv) the Office of the Vice President;

“(v) the Office of Policy Development;

“(vi) the Office of Administration;

“(vii) the Office of Management and Budget;

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

“(ix) the Office of Science and Technology Policy;
“(x) the Office of National Drug Control Policy; and

“(xi) the White House Office.

“(2) APPOINTEE.—The term ‘appointee’—

“(A) means an individual serving in a policy and supporting position; and

“(B) includes an individual serving in a policy and supporting position temporarily in an acting capacity in accordance with—

“(i) sections 3345 through 3349d (commonly referred to as the ‘Federal Vacancies Reform Act of 1998’);

“(ii) any other statutory provision described in section 3347(a)(1); or

“(iii) a Presidential appointment described in section 3347(a)(2).

“(3) COVERED WEBSITE.—The term ‘covered website’ means the website established and maintained by the Director under subsection (b).

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

“(5) POLICY AND SUPPORTING POSITION.—The term ‘policy and supporting position’ means—
“(A) a position that requires appointment by the President, by and with the advice and consent of the Senate;

“(B) a position that requires or permits appointment by the President or Vice President, without the advice and consent of the Senate;

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

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

“(E) a position in the Senior Foreign Service;

“(F) any career position at an agency that, but for this section and section 2(b)(4) of the PLUM Act of 2020, would be included in the publication entitled ‘United States Government Policy and Supporting Positions’ (commonly referred to as the ‘Plum Book’); and
“(G) any other position classified at or above level GS–14 of the General Schedule (or equivalent) that is excepted from the competitive service by law because of the confidential or policy-determining nature of the position duties.

“(b) Establishment of Website.—The Director shall establish and maintain a public website containing the following information:

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

“(2) Each individual who—

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

“(B) previously served in a position described in paragraph (1) under the President then in office.

“(c) Contents.—With respect to any policy and supporting position listed on the covered website, the Director shall include—

“(1) the agency and agency component (including the agency and bureau code used by the Office of Management and Budget) in which the position is located;

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

“(4) the geographic location of the position, including the city, State or province, and country;

“(5) the pay system for the position;

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

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

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

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

“(10) whether the position is vacant.

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

“(e) AUTHORITY OF DIRECTOR.—

“(1) INFORMATION REQUIRED.—Each agency shall provide to the Director any information that the Director determines necessary to establish and maintain the covered website, including the information uploaded under paragraph (4).
“(2) REQUIREMENTS FOR AGENCIES.—Not later than 1 year after the date of enactment of the PLUM Act of 2020, the Director shall issue instructions to agencies with specific requirements for the provision or uploading of information required under paragraph (1), including—

“(A) specific data standards that an agency shall follow to ensure that the information is complete, accurate, and reliable;

“(B) data quality assurance methods; and

“(C) the timeframe during which an agency shall provide or upload the information, including the timeframe described under paragraph (4).

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

“(A) the information required by the Director;

“(B) complete, accurate, and reliable information; or

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

“(4) MONTHLY UPDATES.—
“(A) IN GENERAL.—Not later than 90 days after the date on which the covered website is established, and not less than once during each 30-day period thereafter, the head of each agency shall upload to the covered website updated information (if any) on—

“(i) the policy and supporting positions in the agency;

“(ii) the appointees occupying those positions in the agency; and

“(iii) the former appointees who served in policy and supporting positions in the agency under the President then in office.

“(B) SUPPLEMENT NOT SUPPLANT.—Information provided under subparagraph (A) shall supplement, not supplant, data previously provided under that subparagraph.

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

“(6) COORDINATION.—

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

“(B) DESIGNATION OF AGENCIES.—The Director—

“(i) may designate 1 or more agencies to participate in the development, establishment, operation, and support of the covered website; and

“(ii) with respect to any such designation, may specify the scope of the responsibilities of the agency so designated.

“(f) RESPONSIBILITY OF AGENCIES.—

“(1) PROVISION OF INFORMATION.—Each agency shall comply with the instructions and guidance issued by the Director to carry out this section, and, upon request of the Director, shall provide appropriate assistance to the Director to ensure the successful operation of the covered website in the manner and within the timeframe specified by the Director under subsection (e)(2).

“(2) ENSURING COMPLETENESS, ACCURACY, AND RELIABILITY.—The head of an agency shall in-
clude with any submission of information described in paragraph (1)—

“(A) an explanation of how the agency ensured the information is complete, accurate, and reliable; and

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

“(g) INFORMATION VERIFICATION.—

“(1) SEMIANNUAL CONFIRMATION.—

“(A) IN GENERAL.—Not less frequently than semianually, the Director, in coordination with the White House Office of Presidential Personnel, shall confirm that the information on the covered website is complete, accurate, reliable, and up-to-date.

“(B) CERTIFICATION.—On the date on which the Director makes a confirmation under subparagraph (A), the Director shall publish on the covered website a certification that the confirmation has been made.

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

“(A) request additional information from an agency; and
“(B) use any additional information provided to the Director or the White House Office of Presidential Personnel for the purposes of verification.

“(3) PUBLIC COMMENT.—The Director shall establish a process under which members of the public may provide feedback regarding the accuracy of the information on the covered website.

“(h) DATA ARCHIVING.—

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

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

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

“(B) at no cost; and

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

(2) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 33 of title 5,
13 United States Code, is amended by adding at the end the following:

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

(3) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall establish the website required under section 3330f(b) of title 5, United States Code, as added by subsection (a)(1).

(b) OTHER MATTERS.—

(1) DEFINITIONS.—In this subsection, the terms “agency”, “covered website”, and “policy and supporting position” have the meanings given those terms in section 3330f of title 5, United States Code, as added by subsection (a)(1).

(2) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated $10,000,000, to remain available until expended, for developing the covered website under section 3330f(b) of title 5, United States Code, as added by subsection (a)(1).

(3) GAO REVIEW AND REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date on which the covered website is established, the Comptroller General of the United States shall conduct a review of, and issue a briefing or report on, the implementa-
tion of this Act and the amendments made by
this Act.

(B) CONTENTS.—The review conducted
under subparagraph (A) shall include—

(i) the quality of data collected and
whether the data is complete, accurate,
timely, and reliable;

(ii) any challenges experienced by
agencies in implementing this Act and the
amendments made by this Act; and

(iii) any suggestions or modifications
to enhance compliance with this Act and
the amendments made by this Act, includ-
ing best practices for agencies to follow.

(4) SUNSET OF PLUM BOOK.—Beginning on

January 1, 2024—

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

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