

Calendar No. 574117TH CONGRESS
2^D SESSION**S. 3650****[Report No. 117–218]**

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, Mr. MERKLEY, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 5, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

7 ~~(a) ESTABLISHMENT.—~~

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

11 **“§ 3330f. Government policy and supporting position**
12 **data**

13 ~~“(a) DEFINITIONS.—~~In this section:

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

15 ~~“(A) any Executive agency, the United~~
16 ~~States Postal Service, and the Postal Regu-~~
17 ~~latory Commission;~~

18 ~~“(B) the Architect of the Capitol, the Gov-~~
19 ~~ernment Accountability Office, the Government~~
20 ~~Publishing Office, and the Library of Congress;~~
21 ~~and~~

22 ~~“(C) the Executive Office of the President~~
23 ~~and any component within that Office (includ-~~
24 ~~ing any successor component), including—~~

25 ~~“(i) the Council of Economic Advi-~~
26 ~~sors;~~

1 ~~“(ii) the Council on Environmental~~
 2 ~~Quality;~~

3 ~~“(iii) the National Security Council;~~

4 ~~“(iv) the Office of the Vice President;~~

5 ~~“(v) the Office of Policy Development;~~

6 ~~“(vi) the Office of Administration;~~

7 ~~“(vii) the Office of Management and~~
 8 ~~Budget;~~

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

11 ~~“(ix) the Office of Science and Tech-~~
 12 ~~nology Policy;~~

13 ~~“(x) the Office of National Drug Con-~~
 14 ~~trol Policy; and~~

15 ~~“(xi) the White House Office, includ-~~
 16 ~~ing the White House Office of Presidential~~
 17 ~~Personnel.~~

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

19 ~~“(A) means an individual serving in a pol-~~
 20 ~~icy and supporting position; and~~

21 ~~“(B) includes an individual serving in such~~
 22 ~~a position temporarily in an acting capacity in~~
 23 ~~accordance with—~~

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

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

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

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

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

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

15 “(A) a position that requires appointment
16 by the President, by and with the advice and
17 consent of the Senate;

18 “(B) a position that requires or permits
19 appointment by the President or Vice Presi-
20 dent, without the advice and consent of the
21 Senate;

22 “(C) a position occupied by a limited term
23 appointee, limited emergency appointee, or non-
24 career appointee in the Senior Executive Serv-

ice, 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 sub-
part C of part 213 of title 5, Code of Federal
Regulations, or any successor regulation;

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

“(F) any career position at an agency that,
but for this section and section 2(b)(3) of the
PLUM Act of 2022, would be included in the
publication entitled ‘United States Government
Policy and Supporting Positions’, commonly re-
ferred 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 competi-
tive service by law because of the confidential or
policy-determining nature of the position duties.

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

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

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

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

7 “(B) previously served in a position de-
8 scribed in such paragraph under the applicable
9 President.

10 “(3) Information on—

11 “(A) any Government-wide or agency-wide
12 limitation on the total number of positions in
13 the Senior Executive Service under section
14 3133 or 3132 or the total number of positions
15 under schedule C of subpart C of part 213 of
16 title 5, Code of Federal Regulations; and

17 “(B) the total number of individuals occu-
18 pying such positions.

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

22 “(1) the agency, and agency component, (in-
23 cluding the agency and bureau code used by the Of-
24 fice of Management and Budget) in which the posi-
25 tion is located;

1 “(2) the name of the position;

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

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

6 “(5) the pay system under which the position is
7 paid;

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

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

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

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

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

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

17 “(A) for a position for which appointment
18 is required to be made by the President by and
19 with the advice and consent of the Senate, the
20 name of the acting official; and

21 “(B) for other positions, the name of the
22 official performing the duties of the vacant po-
23 sition.

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

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

10 “(f) AUTHORITY OF DIRECTOR.—

11 “(1) INFORMATION REQUIRED.—Each agency
 12 shall provide to the Director any information that
 13 the Director determines necessary to establish and
 14 maintain the covered website, including the informa-
 15 tion uploaded under paragraph (4).

16 “(2) REQUIREMENTS FOR AGENCIES.—Not
 17 later than 1 year after the date of enactment of the
 18 PLUM Act of 2022, the Director shall issue instruc-
 19 tions to agencies with specific requirements for the
 20 provision or uploading of information required under
 21 paragraph (1), including—

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

25 “(B) data quality assurance methods; and

1 “(C) the timeframe during which an agen-
 2 cy shall provide or upload the information, in-
 3 cluding the timeframe described under para-
 4 graph (4).

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

8 “(A) the information required by the Di-
 9 rector;

10 “(B) complete, accurate, and reliable infor-
 11 mation; or

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

14 “(4) MONTHLY UPDATES.—

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

21 “(i) the policy and supporting posi-
 22 tions in the agency;

23 “(ii) the appointees occupying such
 24 positions in the agency; and

1 “(iii) the former appointees who
2 served in such positions in the agency
3 under the President then in office.

4 “(B) SUPPLEMENT NOT SUPPLANT.—In-
5 formation provided under subparagraph (A)
6 shall supplement, not supplant, previously pro-
7 vided information under that subparagraph.

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

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

18 “(7) DATA STANDARDS AND TIMING.—The Di-
19 rector shall make available on the covered website
20 information regarding data collection standards,
21 quality assurance methods, and time frames for re-
22 porting data to the Director.

23 “(8) REGULATIONS.—The Director may pre-
24 scribe regulations necessary for the administration
25 of this section.

1 “(g) RESPONSIBILITY OF AGENCIES.—

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

10 “(2) ENSURING COMPLETENESS, ACCURACY,
 11 AND RELIABILITY.—With respect to any submission
 12 of information described in paragraph (1), the head
 13 of an agency shall include—

14 “(A) an explanation of how the agency en-
 15 sured the information is complete, accurate,
 16 and reliable; and

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

19 “(h) INFORMATION VERIFICATION.—

20 “(1) SEMIANNUAL CONFIRMATION.—

21 “(A) IN GENERAL.—Not less frequently
 22 than semiannually, the Director, in coordination
 23 with the White House Office of Presidential
 24 Personnel, shall confirm that the information

1 on the covered website is complete, accurate, re-
2 liable, and up-to-date.

3 ~~“(B) CERTIFICATION.—On the date on~~
4 ~~which the Director makes a confirmation under~~
5 ~~subparagraph (A), the Director shall publish on~~
6 ~~the covered website a certification that the con-~~
7 ~~firmation has been made.~~

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

10 ~~“(A) request additional information from~~
11 ~~an agency; and~~

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

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

20 ~~“(i) DATA ARCHIVING.—~~

21 ~~“(1) IN GENERAL.—As soon as practicable~~
22 ~~after a transitional inauguration day (as defined in~~
23 ~~section 3349a), the Director, in consultation with~~
24 ~~the Archivist of the United States, shall archive the~~

1 data that was compiled on the covered website for
 2 the preceding presidential administration.

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

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

8 “(B) at no cost; and

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

11 “(j) REPORTS.—

12 “(1) IN GENERAL.—Not later than 1 year after
 13 the covered website is established, and every year
 14 thereafter, the Director, in coordination with the
 15 White House Office of Presidential Personnel, shall
 16 publish a report on the covered website that—

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

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

21 “(i) is searchable, sortable, and
 22 downloadable;

23 “(ii) makes use of common identifiers
 24 wherever possible; and

1 “(iii) contains current and historical
2 data regarding the information:

3 ~~“(2) CONTENTS.—~~

4 ~~“(A) IN GENERAL.—~~Each report published
5 under paragraph (1) shall—

6 ~~“(i) include self-identified data with~~
7 ~~respect to each type of appointee on race,~~
8 ~~ethnicity, Tribal affiliation, gender, dis-~~
9 ~~ability, sexual orientation, veteran status,~~
10 ~~and whether the appointee is over the age~~
11 ~~of 40; and~~

12 ~~“(ii) allow for users of the covered~~
13 ~~website to view the type of appointee by~~
14 ~~agency or component, along with the data~~
15 ~~described in clause (i), alone and in com-~~
16 ~~bination, to the greatest level detail pos-~~
17 ~~sible without allowing the identification of~~
18 ~~individual appointees.~~

19 ~~“(B) OPTION TO NOT SPECIFY.—~~When
20 each category of data described in subpara-
21 graph (A)(i) is collected, each appointee shall be
22 allowed an option to not specify with respect to
23 any such category.

24 ~~“(C) CONSULTATION.—~~The Director shall
25 consult with the Committee on Homeland Secu-

1 rity and Governmental Affairs of the Senate
 2 and the Committee on Oversight and Reform of
 3 the House of Representatives regarding reports
 4 published under this subsection and the infor-
 5 mation in the reports to determine whether the
 6 intent of this section is being fulfilled and if ad-
 7 ditional information or other changes are need-
 8 ed for the reports.

9 ~~“(3) EXCLUSION OF CAREER POSITIONS.—For~~
 10 purposes of applying the term ‘appointee’ in this
 11 subsection, that term does not include any individual
 12 appointed to a position described in subsection
 13 (a)(5)(F).”.

14 ~~(2) CLERICAL AMENDMENT.—The table of sec-~~
 15 tions for subchapter I of chapter 33 of title 5,
 16 United States Code, is amended by adding at the
 17 end the following:

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

18 ~~(b) OTHER MATTERS.—~~

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

24 ~~(2) GAO REVIEW AND REPORT.—Not later than~~
 25 1 year after the date on which the Director estab-

lishes the covered website, the Comptroller General of the United States shall conduct a review of, and issue a briefing or report on, the implementation of this Act and the amendments made by this Act, which shall include—

(A) the quality of data required to be collected and whether the data is complete, accurate, timely, and reliable;

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

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

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

(A) the covered website shall serve as the public directory for policy and supporting positions 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.

(4) FUNDING.—

1 ~~(A) IN GENERAL.—No additional amounts~~
 2 are authorized to be appropriated to carry out
 3 this Act or the amendments made by this Act.

4 ~~(B) OTHER FUNDING.—The Director shall~~
 5 carry out this Act and the amendments made
 6 by this Act using amounts otherwise available
 7 to the Director.

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “Periodically Listing Up-*
 10 *dates to Management Act of 2022” or the “PLUM Act of*
 11 *2022”.*

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

14 *(a) ESTABLISHMENT.—*

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

18 **“§ 3330f. Government policy and supporting position**
 19 **data**

20 *“(a) DEFINITIONS.—In this section:*

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

22 *“(A) any Executive agency, the United*
 23 *States Postal Service, and the Postal Regulatory*
 24 *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 that Office (includ-*
 7 *ing any successor component), including—*

8 “(i) *the Council of Economic Advisers;*

9 “(ii) *the Council on Environmental*
 10 *Quality;*

11 “(iii) *the National Security Council;*

12 “(iv) *the Office of the Vice President;*

13 “(v) *the Office of Policy Development;*

14 “(vi) *the Office of Administration;*

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

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

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

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

23 “(xi) *the White House Office, including*
 24 *the White House Office of Presidential Per-*
 25 *sonnel.*

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

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

4 “(B) includes an individual serving in such
5 a position temporarily in an acting capacity in
6 accordance with—

7 “(i) sections 3345 through 3349d (com-
8 monly known as the ‘Federal Vacancies Re-
9 form Act of 1998’);

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

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

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

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

19 “(5) *POLICY AND SUPPORTING POSITION*.—The
20 term ‘policy and supporting position’—

21 “(A) means any position at an agency, as
22 determined by the Director, that, but for this sec-
23 tion and section 2(b)(3) of the PLUM Act of
24 2022, would be included in the publication enti-
25 tled ‘United States Government Policy and Sup-

1 *porting Positions’ (commonly referred to as the*
 2 *‘Plum Book’); and*

3 *“(B) may include—*

4 *“(i) a position on any level of the Ex-*
 5 *ecutive Schedule under subchapter II of*
 6 *chapter 53, or another position with an*
 7 *equivalent rate of pay;*

8 *“(ii) a general position (as defined in*
 9 *section 3132(a)(9)) in the Senior Executive*
 10 *service;*

11 *“(iii) a position in the Senior Foreign*
 12 *Service;*

13 *“(iv) a position of a confidential or*
 14 *policy-determining character under schedule*
 15 *C of subpart C of part 213 of title 5, Code*
 16 *of Federal Regulations, or any successor*
 17 *regulation; and*

18 *“(v) any other position classified at or*
 19 *above level GS–14 of the General Schedule*
 20 *(or equivalent) that is excepted from the*
 21 *competitive service by law because of the*
 22 *confidential or policy-determining nature of*
 23 *the position duties.*

24 *“(b) ESTABLISHMENT OF WEBSITE.—Not later than 1*

25 *year after the date of enactment of the PLUM Act of 2022,*

1 *the Director shall establish, and thereafter the Director shall*
 2 *maintain, a public website containing the following infor-*
 3 *mation for the President in office on the date of establish-*
 4 *ment and for each subsequent President:*

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

8 “(2) *The name of each individual who—*

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

11 “(B) *previously served in a position de-*
 12 *scribed in such paragraph under the applicable*
 13 *President.*

14 “(3) *Information on—*

15 “(A) *any Government-wide or agency-wide*
 16 *limitation on the total number of positions in*
 17 *the Senior Executive Service under section 3133*
 18 *or 3134 or the total number of positions under*
 19 *schedule C of subpart C of part 213 of title 5,*
 20 *Code of Federal Regulations; and*

21 “(B) *the total number of individuals occu-*
 22 *pying such positions.*

23 “(c) *CONTENTS.—With respect to any policy and sup-*
 24 *porting position listed on the covered website, the Director*
 25 *shall include—*

1 “(1) the agency, and agency component, (includ-
2 ing the agency and bureau code used by the Office of
3 Management and Budget) in which the position is lo-
4 cated;

5 “(2) the name of the position;

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

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

10 “(5) the pay system under which the position is
11 paid;

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

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

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

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

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

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

20 “(A) for a position for which appointment
21 is required to be made by the President, by and
22 with the advice and consent of the Senate, the
23 name of the acting official; and

1 “(B) for other positions, the name of the of-
 2 ficial performing the duties of the vacant posi-
 3 tion.

4 “(d) *CURRENT DATA*.—For each agency, the Director
 5 shall indicate in the information on the covered website the
 6 date that the agency last updated the data.

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

13 “(f) *AUTHORITY OF DIRECTOR*.—

14 “(1) *INFORMATION REQUIRED*.—Each agency
 15 shall provide to the Director any information that the
 16 Director determines necessary to establish and main-
 17 tain the covered website, including the information
 18 uploaded under paragraph (4).

19 “(2) *REQUIREMENTS FOR AGENCIES*.—Not later
 20 than 1 year after the date of enactment of the *PLUM*
 21 *Act of 2022*, the Director shall issue instructions to
 22 agencies with specific requirements for the provision
 23 or uploading of information required under para-
 24 graph (1), including—

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

4 “(B) *data quality assurance methods; and*

5 “(C) *the timeframe during which an agency*
 6 *shall provide or upload the information, includ-*
 7 *ing the timeframe described under paragraph*
 8 *(4).*

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

12 “(A) *the information required by the Direc-*
 13 *tor;*

14 “(B) *complete, accurate, and reliable infor-*
 15 *mation; or*

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

18 “(4) *ANNUAL UPDATES.—*

19 “(A) *IN GENERAL.—Not later than 90 days*
 20 *after the date on which the covered website is es-*
 21 *tablished, and not less than once during each*
 22 *year thereafter, the head of each agency shall*
 23 *upload to the covered website updated informa-*
 24 *tion (if any) on—*

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

3 “(ii) the appointees occupying such po-
4 sitions in the agency; and

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

8 “(B) SUPPLEMENT NOT SUPPLANT.—Infor-
9 mation provided under subparagraph (A) shall
10 supplement, not supplant, previously provided
11 information under that subparagraph.

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

16 “(6) COORDINATION.—The Director may des-
17 ignate 1 or more agencies to participate in the devel-
18 opment, establishment, operation, and support of the
19 covered website. With respect to any such designation,
20 the Director may specify the scope of the responsibil-
21 ities of the agency so designated.

22 “(7) DATA STANDARDS AND TIMING.—The Direc-
23 tor shall make available on the covered website infor-
24 mation regarding data collection standards, quality

1 *assurance methods, and time frames for reporting*
 2 *data to the Director.*

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

6 “(g) *RESPONSIBILITY OF AGENCIES.—*

7 “(1) *PROVISION OF INFORMATION.—Each agency*
 8 *shall comply with the instructions and guidance*
 9 *issued by the Director to carry out this section, and,*
 10 *upon request of the Director, shall provide appro-*
 11 *priate assistance to the Director to ensure the success-*
 12 *ful operation of the covered website in the manner*
 13 *and within the timeframe specified by the Director*
 14 *under subsection (f)(2).*

15 “(2) *ENSURING COMPLETENESS, ACCURACY, AND*
 16 *RELIABILITY.—With respect to any submission of in-*
 17 *formation described in paragraph (1), the head of an*
 18 *agency shall include—*

19 “(A) *an explanation of how the agency en-*
 20 *sured the information is complete, accurate, and*
 21 *reliable; and*

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

24 “(h) *INFORMATION VERIFICATION.—*

25 “(1) *CONFIRMATION.—*

1 “(A) *IN GENERAL.*—*On the date that is 90*
 2 *days after the date on which the covered website*
 3 *is established, the Director, in coordination with*
 4 *the White House Office of Presidential Personnel,*
 5 *shall confirm that the information on the covered*
 6 *website is complete, accurate, reliable, and up-to-*
 7 *date.*

8 “(B) *CERTIFICATION.*—*On the date on*
 9 *which the Director makes a confirmation under*
 10 *subparagraph (A), the Director shall publish on*
 11 *the covered website a certification that the con-*
 12 *firmation has been made.*

13 “(2) *AUTHORITY OF DIRECTOR.*—*In carrying out*
 14 *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 “(i) *DATA ARCHIVING.*—

1 “(1) *IN GENERAL.*—As soon as practicable after
 2 a transitional inauguration day (as defined in sec-
 3 tion 3349a), the Director, in consultation with the
 4 Archivist of the United States, shall archive the data
 5 that was compiled on the covered website for the pre-
 6 ceding presidential administration.

7 “(2) *PUBLIC AVAILABILITY.*—The Director shall
 8 make the data described in paragraph (1) publicly
 9 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, downloadable,
 14 and machine-readable format.”.

15 (2) *CLERICAL AMENDMENT.*—The table of sec-
 16 tions for subchapter I of chapter 33 of title 5, United
 17 States Code, is amended by adding at the end the fol-
 18 lowing:

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

19 (b) *OTHER MATTERS.*—

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

1 (2) *GAO REVIEW AND REPORT.*—*Not later than*
 2 *1 year after the date on which the Director establishes*
 3 *the covered website, the Comptroller General of the*
 4 *United States shall conduct a review of, and issue a*
 5 *briefing or report on, the implementation of this Act*
 6 *and the amendments made by this Act, which shall*
 7 *include—*

8 (A) *the quality of data required to be col-*
 9 *lected and whether the data is complete, accu-*
 10 *rate, timely, and reliable;*

11 (B) *any challenges experienced by agencies*
 12 *in implementing this Act and the amendments*
 13 *made by this Act; and*

14 (C) *any suggestions or modifications to en-*
 15 *hance compliance with this Act and the amend-*
 16 *ments made by this Act, including best practices*
 17 *for agencies to follow.*

18 (3) *SUNSET OF PLUM BOOK.*—*Beginning on*
 19 *January 1, 2026—*

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

23 (B) *the publication entitled “United States*
 24 *Government Policy and Supporting Positions”,*

1 *commonly referred to as the “Plum Book”, shall*
2 *no longer be issued or published.*

3 (4) *FUNDING.—*

4 (A) *IN GENERAL.—No additional amounts*
5 *are authorized to be appropriated to carry out*
6 *this Act or the amendments made by this Act.*

7 (B) *OTHER FUNDING.—The Director shall*
8 *carry out this Act and the amendments made by*
9 *this Act using amounts otherwise available to the*
10 *Director.*

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117TH CONGRESS
2D Session

S. 3650

[Report No. 117-218]

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.

DECEMBER 5, 2022

Reported with an amendment