

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 7107  
OFFERED BY MRS. CAROLYN B. MALONEY OF  
NEW YORK**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; PURPOSES.**

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 such paragraph under the applicable  
19          President.

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

23           “(1) the agency, and agency component, (in-  
24          cluding the agency and bureau code used by the Of-

1        fice of Management and Budget) in which the posi-  
2        tion is located ;

3            “(2) the name of the position;

4            “(3) the name of the individual occupying such  
5        position (if any);

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

8            “(5) the pay system under which the position is  
9        paid;

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

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

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

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

17          “(10) whether the position is vacant.

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

24        “(e) **AUTHORITY OF DIRECTOR.**—

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

6           “(2) REQUIREMENTS FOR AGENCIES.—Not  
7 later than 1 year after the date of enactment of the  
8 PLUM Act, the Director shall issue instructions to  
9 agencies with specific requirements for the provision  
10 or uploading of information required under para-  
11 graph (1), including—

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

15                   “(B) data quality assurance methods; and

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

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

23                   “(A) the information required by the Di-  
24 rector;

1           “(B) complete, accurate, and reliable infor-  
2 mation; or

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

5           “(4) MONTHLY UPDATES.—

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

11           “(i) the policy and supporting posi-  
12 tions in the agency;

13           “(ii) the appointees occupying such  
14 positions in the agency; and

15           “(iii) the former appointees who  
16 served in the agency under the President  
17 then in office.

18           “(B) Information provided under subpara-  
19 graph (A) shall supplement, not supplant, pre-  
20 viously provided data under such subparagraph.

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



1           “(6) COORDINATION.—The Director may des-  
2           ignate one or more Federal agencies to participate  
3           in the development, establishment, operation, and  
4           support of the covered website. With respect to any  
5           such designation, the Director may specify the scope  
6           of the responsibilities of the Federal agency so des-  
7           ignated.

8           “(7) REGULATIONS.—The Director may pre-  
9           scribe regulations necessary for the administration  
10          of this section.

11          “(f) RESPONSIBILITY OF AGENCIES.—

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

20           “(2) ENSURING COMPLETENESS, ACCURACY,  
21          AND RELIABILITY.—With respect to any submission  
22          of information described in paragraph (1), the head  
23          of an agency shall include an explanation of how the  
24          agency ensured the information is complete, accu-

1 rate, and reliable, and a certification that such infor-  
2 mation is complete, accurate, and reliable.

3 “(g) INFORMATION VERIFICATION.—

4 “(1) IN GENERAL.—Not less frequently than  
5 semiannually, the Director, in coordination with the  
6 White House Office of Presidential Personnel, shall  
7 confirm that the information on the covered website  
8 is complete, accurate, reliable, and up-to-date. On  
9 the date of any such confirmation, the Director shall  
10 publish on the covered website a certification that  
11 such confirmation has been made.

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

14 “(A) request additional information from  
15 an agency; and

16 “(B) use any additional information pro-  
17 vided to the Director or the White House Office  
18 of Presidential Personnel for the purposes of  
19 verification.

20 “(3) PUBLIC COMMENT.—The Director shall es-  
21 tablish a process under which members of the public  
22 may provide feedback regarding the accuracy of the  
23 information on the covered website.

24 “(h) DATA ARCHIVING.—

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

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

15           “(i) REPORTS.—

16                   “(1) IN GENERAL.—Not less frequently than  
17 one year after the covered website is established and  
18 not less than annually thereafter, the Director, in  
19 coordination with the White House Office of Per-  
20 sonnel, shall publish a report on the covered website  
21 that contains summary level information on the de-  
22 mographics of appointees. Such report shall provide  
23 such information in a structured data format that is  
24 searchable, sortable, and downloadable, makes use of  
25 common identifiers wherever possible, and contains

1 current and historical data regarding such informa-  
2 tion.

3 “(2) CONTENTS.—

4 “(A) IN GENERAL.—Each report published  
5 under paragraph (1) shall include self-identified  
6 data on the race, religion, ethnicity, tribal affili-  
7 ation, gender, disability, sexual orientation, vet-  
8 eran status, and whether the appointee is over  
9 the age of 40 with respect to each type of ap-  
10 pointee. Such report shall allow for users of the  
11 covered website to view the type of appointee  
12 classified by types of such data to the greatest  
13 level of detail possible without allowing for the  
14 identification of individual appointees.

15 “(B) OPTION TO NOT SPECIFY.—When  
16 collecting each category of data described in  
17 subparagraph (A), each appointee shall be al-  
18 lowed an option to not specify with respect to  
19 any such category.

20 “(C) CONSULTATION.—The Director shall  
21 consult with the Committee on Oversight and  
22 Reform of the House of Representatives and  
23 the Committee on Homeland Security and Gov-  
24 ernmental Affairs regarding reports published  
25 under this subsection and the information in

1 such reports to determine whether the intent of  
2 this section is being fulfilled and if additional  
3 information or other changes are needed for  
4 such reports.”.

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

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

9 (b) OTHER MATTERS.—

10 (1) AUTHORIZATION OF APPROPRIATIONS.—  
11 There is authorized to be appropriated \$10,000,000,  
12 to remain available until expended, for developing  
13 the website under section 3330f(b) of title 5, United  
14 States Code, as added by subsection (a)(1).

15 (2) GAO REVIEW AND REPORT.—Not later than  
16 1 year after the date such website is established, the  
17 Comptroller General shall conduct a review, and  
18 issue a briefing or report, on the implementation of  
19 this Act and the amendments made by this Act. The  
20 review shall include—

21 (A) the quality of data required to be col-  
22 lected and whether such data is complete, accu-  
23 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, such website shall serve as the  
10 public directory for policy and supporting positions  
11 in the Government, and the publication entitled  
12 “United States Government Policy and Supporting  
13 Positions”, commonly referred to as the “Plum  
14 Book”, shall no longer be issued or published.

