

117TH CONGRESS
1ST SESSION

H. R. 4207

To amend title 5, United States Code, to direct the Director of the Office of Personnel Management to make publicly available demographic information regarding political appointees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2021

Ms. OCASIO-CORTEZ (for herself, Mr. CASTRO of Texas, and Mrs. CAROLYN B. MALONEY of New York) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To amend title 5, United States Code, to direct the Director of the Office of Personnel Management to make publicly available demographic information regarding political appointees, 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 “Political Appointments
5 Inclusion and Diversity Act”.

1 **SEC. 2. DEMOGRAPHIC DATA ON POLITICAL APPOINTEES.**

2 (a) IN GENERAL.—Subchapter I of chapter 33 of title
3 5, United States Code, is amended by adding at the end
4 the following:

5 **“§ 3330f. Availability of demographic data on political**
6 **appointees**

7 “(a) PUBLICATION.—

8 “(1) IN GENERAL.—Not less frequently than
9 one year after the date of enactment of this section
10 and not less than annually thereafter, the Director
11 of the Office of Personnel Management, in coordina-
12 tion with the White House Office of Presidential
13 Personnel, shall publish a report on the public
14 website of the Office that contains summary level in-
15 formation on the demographics of appointees.

16 “(2) DATA.—Any report published under para-
17 graph (1) shall provide such information in a struc-
18 tured data format that is searchable, sortable, and
19 downloadable, makes use of common identifiers
20 wherever possible, and contains current and histor-
21 ical data regarding such information.

22 “(b) CONTENTS.—

23 “(1) IN GENERAL.—Each report published
24 under subsection (a) shall include self-identified data
25 on race, ethnicity, tribal affiliation, gender, dis-
26 ability, sexual orientation, veteran status, and

1 whether the appointee is over the age of 40 with re-
2 spect to each type of appointee. Such a report shall
3 allow for users of the Office’s website to view the
4 type of appointee by agency or component, along
5 with these self-identified data, alone and in combina-
6 tion, to the greatest level detail possible without al-
7 lowing the identification of individual appointees.

8 “(2) OPTION TO NOT SPECIFY.—When col-
9 lecting each category of data described in paragraph
10 (1), each appointee shall be allowed an option to not
11 specify with respect to any such category.

12 “(3) CONSULTATION.—The Director of the Of-
13 fice of Personnel Management shall consult with the
14 Committee on Oversight and Reform of the House
15 of Representatives and the Committee on Homeland
16 Security and Governmental Affairs of the Senate re-
17 garding reports published under this section and the
18 information in such reports to determine whether
19 the intent of this section is being fulfilled and if ad-
20 ditional information or other changes are needed for
21 such reports.

22 “(c) DEFINITIONS.—In this section—

23 “(1) the term ‘agency’ means—

1 “(A) any Executive agency, the United
2 States Postal Service, and the Postal Regu-
3 latory Commission;

4 “(B) the Architect of the Capitol, the Gov-
5 ernment Accountability Office, the Government
6 Publishing Office, and the Library of Congress;
7 and

8 “(C) the Executive Office of the President
9 and any component within such Office (includ-
10 ing any successor component), including—

11 “(i) the Council of Economic Advi-
12 sors;

13 “(ii) the Council on Environmental
14 Quality;

15 “(iii) the National Security Council;

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

17 “(v) the Office of Policy Development;

18 “(vi) the Office of Administration;

19 “(vii) the Office of Management and
20 Budget;

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

23 “(ix) the Office of Science and Tech-
24 nology Policy;

1 “(x) the Office of National Drug Con-
2 trol Policy; and

3 “(xi) the White House Office, includ-
4 ing the White House Office of Presidential
5 Personnel;

6 “(2) the term ‘appointee’—

7 “(A) means an individual serving in a pol-
8 icy and supporting position at an agency; and

9 “(B) includes an individual serving in such
10 a position temporarily in an acting capacity in
11 accordance with—

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

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

17 “(iii) a Presidential appointment de-
18 scribed in section 3347(a)(2); and

19 “(3) the term ‘policy and supporting position’
20 means—

21 “(A) a position that requires appointment
22 by the President, by and with the advice and
23 consent of the Senate;

24 “(B) a position that requires or permits
25 appointment by the President or Vice Presi-

1 dent, without the advice and consent of the
2 Senate;

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

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

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

14 “(F) any other position classified at or
15 above level GS–14 of the General Schedule (or
16 equivalent) that is excepted from the competi-
17 tive service by law because of the confidential or
18 policy-determining nature of the position du-
19 ties.”.

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

“3330f. Availability of demographic data on political appointees.”.

