

Report to the Administrative Conference of the United States

LISTING AGENCY OFFICIALS

Final Report: November 13, 2019

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This report was prepared for the consideration of the Administrative Conference of the United States. The opinions, views, and recommendations expressed are those of the author and do not necessarily reflect those of the members of the Conference or its committees, except where formal recommendations of the Conference are cited.

† I am indebted to Matthew L. Wiener, ACUS Vice Chairman and Executive Director, and Reeve T. Bull, ACUS Research Director, for their careful review and helpful insight during the drafting process. I am also grateful for the valuable insights that Professor Anne Joseph O’Connell, Adelbert H. Sweet Professor of Law at Stanford University and ACUS Public Member, offered throughout the process. Professor O’Connell’s report to the Conference for the companion project *Acting Agency Officials and Delegations of Authority* provided helpful insights into related issues. I also appreciate Professor O’Connell’s review of this draft report, as well as the review of Professor Aaron L. Nielson, Associate Professor of Law at Brigham Young University’s J. Reuben Clark Law School and ACUS Public Member; Professor Nielson also serves as the Committee Chair for the ACUS Committee on Administration and Management, which considered this project and the companion project. ACUS Legal Intern Darrell E. White II, a law student at Cornell Law School, provided valuable research assistance and other contributions to Part IV. Many government officials generously took time out of their busy schedules to speak with me about the existing government publications and other relevant topics, for which I am very grateful.

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I. INTRODUCTION

Presidential appointees and the members of the Senior Executive Service sit at the highest levels of federal departments and executive agencies and wield significant decision-making authority in the government. But who are they? The public often learns about the highest level of these positions, specifically the cabinet secretaries who lead departments, because the media covers these officials and the important decisions they make. But these are only a small fraction of the officials appointed directly by the President and those exercising significant authority. The public knows far less about the next layers of the executive branch, in part because information can be difficult to locate in a centralized, updated, and comprehensive format.

In December 2016, *United States Government Policy and Supporting Positions* (the so-called “*Plum Book*”) reported that the federal government included (in terms of positions, not actual appointees) 1,242 Senate-confirmed presidential appointee positions (PAS positions), 472 other presidential appointee positions (PA positions), and 4,521 relevant Senior Executive Service (SES) positions subject to noncompetitive appointment.¹ The Office of Personnel Management (OPM) reported that the Senior Executive Service included 8,156 total leaders in fiscal year 2016.² These important leaders directed federal departments and agencies and exercised significant governmental authority while overseeing a federal workforce of more than two million employees.

The Administrative Conference of the United States (ACUS) has commissioned this report to examine the extent to which the identities of certain high-level agency officials (including information about their names and appointment terms) is available from official government sources; to describe the processes currently in place to assemble this information in centralized resources; and to provide a recommendation about the optimal means of making this basic information available. The report focuses on ensuring the information is displayed publicly, that it is comprehensive, that it is updated in real time, and that it is published in a readily accessible format to facilitate stakeholder use of the information. Part II sets out the problem and background in more detail.

The broad research goals included answering the following questions:

- (1) Is this information adequately presented?
- (2) If not, is a central entity or agency (or a combination of both) better positioned to assemble and publish this information?

¹ SEN. COMM. ON HOMELAND SEC. & GOV'T AFFAIRS, 114TH CONG., UNITED STATES GOVERNMENT POLICY AND SUPPORTING POSITIONS (THE PLUM BOOK) (Comm. Print 2016), *available at* <https://www.govinfo.gov/content/pkg/GPO-PLUMBOOK-2016/pdf/GPO-PLUMBOOK-2016.pdf>.

² OFF. OF PERSONNEL MGMT., 2016 SENIOR EXECUTIVE SERVICE REPORT 3 (2017), *available at* <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/federal-employment-reports/reports-publications/ses-summary-2016.pdf>. This total includes career (7,321), noncareer (737), and limited term/emergency (96) positions, explained more fully in Part II.A.

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To answer these important questions, the author pursued several methodological approaches to assess the current state of publicly available information about high-level agency officials, both on agency websites and centralized sources. As described in Part III's description of the study methodology, the author (1) reviewed relevant research materials, (2) conducted phone interviews with government officials, and (3) systematically evaluated numerous agency websites.

After outlining the various methodologies, the discussion in Part IV transitions to summarizing and assessing the information gathered during the research phase. Part V briefly summarizes the main conclusions and findings. In so doing, the author proposes a path forward by synthesizing the research and summarizing these findings. Part VI proposes a draft recommendation for the Committee's consideration and to facilitate the Committee's work.

II. BACKGROUND

There is significant public interest in obtaining information about the occupants of high-level positions in federal agencies in the executive branch. Listing and publishing this information about the occupants of high-level positions in federal agencies is critical for transparency and effective monitoring and participation in the work of government. Congressional members and staff, White House officials, officials at other federal agencies, professionals who advocate before federal agencies, the media, and members of the public alike all have a strong interest in obtaining this information in a comprehensive and readily accessible manner.

One of this project's purposes is to advance the Conference's recent efforts to promote greater access to relevant agency information.³ Moreover, ACUS has addressed related issues in the past.⁴

The Government Accountability Office recently reported that “[a]s of March 2019, no agency in the federal government was required to publicly report comprehensive and timely data on political appointees serving in the executive branch.”⁵ When it comes to presidential appointees and SES members serving in the executive branch agencies and departments, providing data that is comprehensive, publicly available, and updated is important for purposes of promoting transparency, accountability, and public participation.⁶

Because “there is no single source of data on political appointees serving in the executive branch that is publicly available, comprehensive, and timely[.]”⁷ members of the public must undertake extensive efforts to unearth this information from scattered agency websites, existing outdated resources, or submit their own requests for specific data using the Freedom of Information Act (FOIA).⁸ Operating by FOIA request is very resource-intensive, time

³ See, e.g., Admin. Conf. of the U.S., Recommendation 2019-__, *Acting Agency Officials and Delegations of Authority*, __ Fed. Reg. ____ (____); Admin. Conf. of the U.S., Recommendation 2019-3, *Public Availability of Agency Guidance Documents*, 84 Fed. Reg. 38,931 (Aug. 8, 2019); Admin. Conf. of the U.S., Recommendation 2018-6, *Improving Access to Regulations.gov's Rulemaking Dockets*, 84 Fed. Reg. 2139 (Feb. 6, 2019); Admin. Conf. of the U.S., Recommendation 2018-5, *Public Availability of Adjudication Rules*, 84 Fed. Reg. 2142 (Feb. 6, 2019); Admin. Conf. of the U.S., Recommendation 2017-1, *Adjudication Materials on Agency Websites*, 82 Fed. Reg. 31,039 (July 5, 2017). Earlier Conference recommendations in accord include Admin. Conf. of the U.S., Recommendation 89-8, *Agency Practices and Procedures for the Indexing and Public Availability of Adjudicatory Decisions*, 54 Fed. Reg. 53,495 (Dec. 29, 1989).

⁴ See, e.g., Admin. Conf. of the U.S., Recommendation 68-2, *U.S. Government Organization Manual* (Dec. 11, 1968).

⁵ U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-19-249, GOVERNMENT-WIDE POLITICAL APPOINTEE DATA AND SOME ETHICS OVERSIGHT PROCEDURES AT INTERIOR AND SBA COULD BE IMPROVED 13 (2019), *available at* <https://www.gao.gov/assets/700/697593.pdf>.

⁶ See OFFICE OF MGMT. & BUDGET, EXEC. OFFICE OF THE PRESIDENT, OMB MEMO. M-10-06, OPEN GOVERNMENT DIRECTIVE (2009) (stating that “[t]he three principles of transparency, participation, and collaboration form the cornerstone of an open government[.]” and that “[t]ransparency promotes accountability by providing the public with information about what the Government is doing.”).

⁷ GAO, GOVERNMENT-WIDE POLITICAL APPOINTEE DATA, *supra* note 5 (Highlights).

⁸ 5 U.S.C. § 552.

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consuming, and inefficient, and ultimately produces outdated information. GAO has stated that “[t]he public has an interest in knowing who is serving in the government and making policy decisions[,]” and referenced 32 FOIA requests at OPM for data on agency political appointments between January 2017 and November 2018.⁹

Several government publications include information about political appointees serving in executive branch agencies. The *United States Government Policy and Supporting Positions* (the so-called “*Plum Book*”),¹⁰ the *Official Congressional Directory*,¹¹ and the *United States Government Manual*¹² are three of the most widely circulated government publications containing information about agency officials serving in the executive branch. But these publications largely provide snapshots in time and become quickly outdated, or they serve very different purposes and audiences.

Nongovernmental entities also give it their best shot, and there are numerous databases (both free and paid) of government officials available to the public. These nongovernmental databases often encounter similar issues, but their nongovernmental status also brings a host of additional obstacles to publishing real-time information about political appointees and other high-level agency officials. And these databases can be costly to create and to maintain.

Most agencies have websites that list some senior leaders at the agency or department, but practices can vary widely. Some agencies provide comprehensive organizational directories listing names, titles, and contact information for every employee at the agency; others list more limited information about a handful of the highest political appointees. GAO has recommended that “Congress should consider legislation requiring the publication of political appointees serving in the executive branch.”¹³ This project aims to identify the best path forward.

A. Definitions and Scope

In order to better define the universe of agency officials at issue in this report, some background information about the key features distinguishing and defining federal civilian employees will be helpful.

Congress has statutorily outlined the personnel system, which Presidents and federal agencies have “further defined and augmented” with executive orders and agency rules, respectively.¹⁴ The U.S. Code divides Title 5 civil service positions—all such positions in the government, excluding uniformed services but including judicial and legislative branch

⁹ GAO, GOVERNMENT-WIDE POLITICAL APPOINTEE DATA, *supra* note 5, at 12 (also noting White House officials within the Office of Presidential Personnel reported similar requests for data on political appointees). Moreover, GAO staff reported several inquiries about the report from nongovernmental individuals or entities interested in creating their own databases.

¹⁰ THE PLUM BOOK, *supra* note 1.

¹¹ UNITED STATES CONGRESS, JOINT COMMISSION ON PRINTING, OFFICIAL CONGRESSIONAL DIRECTORY: 115TH CONGRESS (2017).

¹² NAT’L ARCHIVES & REC. ADMIN., THE UNITED STATES GOVERNMENT MANUAL (2018).

¹³ GAO, GOVERNMENT-WIDE POLITICAL APPOINTEE DATA, *supra* note 5 (Highlights).

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positions—into three distinct categories: the competitive service, the excepted service, and the senior executive service.¹⁵

All civil service positions are in the competitive service by default,¹⁶ but the President (and the Office of Personnel Management (OPM) by delegation) is authorized “to place civil service positions in the excepted service.”¹⁷ “OPM may place a position in the excepted service if it has determined that appointment through competitive examination ‘is not practicable.’”¹⁸ After making such a determination, OPM assigns the position “within one of four ‘schedules’: Schedules A through D.”¹⁹ Certain agency heads also have “the authority to create hiring authorities entirely outside of Title 5.”²⁰

Using information from the *Plum Book* and the *ACUS Sourcebook of United States Executive Agencies*,²¹ the following paragraphs provide key descriptions of the major federal pay systems and the distinct appointment authorities.

Pay Systems

The *Sourcebook of United States Executive Agencies* describes five major pay systems that govern most of the federal civilian workforce:

- (1) The **Federal Wage System (FWS)**²² applies to blue-collar employees (trade, craft, skilled, and unskilled laborers) who are paid by the hour;
- (2) The **General Schedule (GS)**²³ applies to 1.5 million white-collar federal employees occupying professional, technical, administrative, and clerical jobs;

¹⁴ JENNIFER L. SELIN & DAVID E. LEWIS, ADMIN. CONF. OF THE U.S., SOURCEBOOK OF UNITED STATES EXECUTIVE AGENCIES 125–32 (2d ed. 2018), available at <https://www.acus.gov/publication/sourcebook-united-states-executive-agencies-second-edition>.

¹⁵ 5 U.S.C. §§ 2101–2103; see also Todd Rubin & Todd Phillips, Recruiting and Hiring Agency Attorneys 3 (October 7, 2019) (draft report to the Admin. Conf. of the U.S.), <https://www.acus.gov/report/attorney-hiring-draft-report>.

¹⁶ 5 U.S.C. § 2102; see also Rubin & Phillips, *supra* note 15, at 3.

¹⁷ Rubin & Phillips, *supra* note 15, at 3–4 (citing 5 U.S.C. § 3302).

¹⁸ *Id.* at 4 (citing 5 C.F.R. §§ 213.102, 213.3101 (2019)).

¹⁹ *Id.* (citing 5 C.F.R. § 213.102). A fifth category, Schedule E, applies to administrative law judges. Rubin & Phillips, *supra* note 15, at 4 (citing Exec. Order No. 13,843, 83 Fed. Reg. 32,755 (July 13, 2018)).

²⁰ Rubin & Phillips, *supra* note 15, at 4 (citing U.S. GOV’T ACCOUNTABILITY OFFICE, GAO-16-521, FEDERAL HIRING: OPM NEEDS TO IMPROVE MANAGEMENT AND OVERSIGHT OF HIRING AUTHORITIES (2016)).

²¹ SELIN & LEWIS, *supra* note 14, at 62.

²² 5 U.S.C. §§ 5341–49. See also SELIN & LEWIS, *supra* note 14, at 64; *Federal Wage System Overview*, OFF. OF PERSONNEL MGMT., <https://www.opm.gov/policy-data-oversight/pay-leave/pay-systems/federal-wage-system/> (last visited Nov. 13, 2019).

²³ 5 U.S.C. §§ 5331–38. See also SELIN & LEWIS, *supra* note 14, at 64; *General Schedule Overview*, OFF. OF PERSONNEL MGMT., <https://www.opm.gov/policy-data-oversight/pay-leave/pay-systems/general-schedule/> (last visited Nov. 13, 2019).

- (3) The **Senior Level and Scientific and Professional System (SL/ST)**²⁴ applies to “high level non-executive positions above the highest GS pay level;”²⁵
- (4) The **Senior Executive Service (ES in the *Plum Book*, generally abbreviated SES)** pay schedule²⁶ applies to senior management positions that do not require presidential nomination and Senate confirmation.²⁷ The SES is a government-wide personnel system covering senior management, supervisory, and top-level policy positions in most federal agencies, and these positions are not part of the General Schedule pay system.²⁸ These SES officials often direct and monitor the activities of agencies; supervise the work of federal employees; exercise “important policy-making, policy-determining, or other executive functions[;]” and are held accountable for the success of programs and projects.²⁹ Approximately half of SES positions are reserved for career employees, and the other half are classified as general SES positions, which may be filled by a career appointee, a political appointee, a limited-emergency appointee, or a limited-term appointee.³⁰ The Office of Personnel Management (OPM) allots and closely regulates the total number of SES positions for each agency.³¹ By law, the number of political appointees may not exceed ten percent of government-wide SES positions and may not exceed twenty-five percent of a single agency’s total SES positions.³² This pay plan includes positions filled using several appointment authorities (explained below), including Presidential Appointment (without Senate confirmation), Career, Noncareer, Limited Emergency, and Limited Term appointment authorities. In fiscal year 2016, the SES included 8,156 individuals (7,321 career SES, 737 noncareer SES, and 96 limited term/emergency SES).³³ Relevant to this report, about half of SES positions are reserved for career employees (who have some removal protections³⁴), and half are general positions,

²⁴ 5 U.S.C. § 3104. *See also* SELIN & LEWIS, *supra* note 14, at 64; *Scientific & Senior Level Positions*, OFF. OF PERSONNEL MGMT., <https://www.opm.gov/policy-data-oversight/senior-executive-service/scientific-senior-level-positions/> (last visited Nov. 13, 2019).

²⁵ SELIN & LEWIS, *supra* note 14, at 64.

²⁶ 5 U.S.C. §§ 3131–36; 5 C.F.R. pt. 317 (2019) (“Employment in the Senior Executive Service”).

²⁷ SELIN & LEWIS, *supra* note 14, at 64.

²⁸ THE PLUM BOOK, *supra* note 1, at 217–18; 5 U.S.C. §§ 3131 *et seq.*; SELIN & LEWIS, *supra* note 14, at 64, 67–68.

²⁹ 5 U.S.C. § 3132(a)(2).

³⁰ THE PLUM BOOK, *supra* note 1, at 217.

³¹ *Id.* at 217–18; 5 U.S.C. §§ 3132 *et seq.*; SELIN & LEWIS, *supra* note 14, at 67.

³² 5 U.S.C. § 3134.

³³ OPM, 2016 SENIOR EXECUTIVE SERVICE REPORT, *supra* note 2, at 3.

³⁴ *See* 5 U.S.C. § 7542–43. *See also* Free Enter. Fund v. Pub. Co. Accounting Oversight Bd., 561 U.S. 477, 541–42 (2010) (Breyer, J., dissenting).

which may be filled by Career, Noncareer,³⁵ or other limited appointing authorities.³⁶ According to the *Sourcebook of United States Executive Agencies*, approximately “[t]en percent of the SES are political appointees.”³⁷

- (5) The **Executive Schedule (EX)**³⁸ applies to positions requiring presidential nomination and Senate confirmation.³⁹ There are five pay levels in the EX pay system, and the controlling statutes include extensive lists of officials subject to each pay level.⁴⁰

Several other pay systems exist and apply to much smaller numbers of employees, but those are outside the scope of this report and they are not relevant to these issues.⁴¹

Appointment Authorities

The *Plum Book* identifies eight different categories of appointment authorities:

- (1) **Presidential Appointment with Senate Confirmation (PAS):** These positions at the top of federal agencies are the most visible political appointments and require the occupant to be nominated by the President and confirmed by the Senate. Of the 1,242 PAS positions listed in the 2016 Edition of the *Plum Book*, 1,237 were in the federal executive establishment (as opposed to legislative branch agencies). The EX pay system applies to these positions. PAS officials make or advocate policy for a presidential administration and serve at the pleasure of the President. These officials at the top of federal agencies are often the most visible political appointments and require the occupant to be nominated by the President and confirmed by the Senate. PAS positions are part of the Executive Schedule, which prescribes the basic pay schedule and salaries of most presidential appointees.⁴² These officials are among the highest-paid civilian government officials,⁴³ and a number of statutes and regulations establish special rules, obligations, and

³⁵ In the 1980s, President Reagan’s Office of Presidential Personnel expanded control over appointments to all non-career SES positions. James P. Pfiffner, *The Office of Presidential Personnel* 3 (Nov. 19, 2018). This is an additional reason to include these important officials within the scope of this report and recommendation.

³⁶ THE PLUM BOOK, *supra* note 1, at 217.

³⁷ SELIN & LEWIS, *supra* note 14, at 69 (“Figure 2”).

³⁸ 5 U.S.C. §§ 5311–18.

³⁹ SELIN & LEWIS, *supra* note 14, at 64.

⁴⁰ 5 U.S.C. §§ 5311 *et seq.*

⁴¹ See SELIN & LEWIS, *supra* note 14, at 64.

⁴² 5 U.S.C. §§ 5311 *et seq.*; see also OFF. OF PERSONNEL MGMT., PRESIDENTIAL TRANSITION GUIDE TO FEDERAL HUMAN RESOURCES MANAGEMENT MATTERS 19 (2016), available at <https://www.opm.gov/about-us/our-people-organization/office-of-the-director/executive-secretariat/presidential-transition-guide-2016.pdf>.

⁴³ See 2019 Executive & Senior Level Employee Pay Tables, OFF. OF PERSONNEL MGMT., <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2019/executive-senior-level/> (last visited Nov. 13, 2019) (Salary Table No. 2019-EX, listing salaries ranging from Level V at \$156,000 to Level I at \$213,600).

restrictions on their activities.⁴⁴ These officials may be asked to resign or be dismissed at any time, “[t]hey are not covered by standard civil service removal procedures[,]” and they “customarily resign at the request of the new incoming administration” during a presidential transition.⁴⁵

- (2) **Presidential Appointment (without Senate Confirmation) (PA):** The President directly appoints PA officials, who also serve at his or her pleasure. These 462 executive-branch positions do not require Senate confirmation. These positions are typically located within the Executive Office of the President and multi-member boards, commissions, and committees.⁴⁶ PA positions are not part of the General Schedule pay system, and they may fall within the scope of several other pay systems, including the Executive Schedule. Similar to Senate-confirmed officials, PA officials may also be subject to special rules, obligations, and restrictions on their activities, and they also typically resign during a presidential transition.⁴⁷ This report is mainly concerned with those PA positions within the SES and EX pay systems, but PA positions may fall under the EX, SES, SL/ST, and other miscellaneous pay systems.
- (3) **Career Appointments (CA):** The occupants of these career civil service positions originate from the competitive merit system. Approximately half of SES positions are career-reserved, and most of the SES general positions are filled by career appointees due to strict limits on the percentages of noncareer appointments government-wide and within agencies.⁴⁸
- (4) **Noncareer Appointments (NA):** These 475 positions are part of the SES, and specifically fill SES General positions (in other words, not the career-reserved positions). There are fewer NA positions than CA positions because there are strict limits: NA appointees may not account for more than 10% of SES positions in government (and typically no more than 25% of an agency’s SES positions).⁴⁹
- (5) **Limited Emergency Appointments (EA):** The first category of limited appointment authorities is the Limited Emergency Appointment, which provides a

⁴⁴ See, e.g., 18 U.S.C. § 207 (establishing various communications restrictions on former government officials, including additional restrictions on certain “very senior personnel” and certain restrictions relating to foreign entities); 5 U.S.C. §§ 7321 *et seq.* (The Hatch Act, prescribing rules regulating political activities of federal employees and establishing special provisions and exemptions applicable to PAS officials); 5 C.F.R. § 2634.202 (2019) (describing persons required to file public financial disclosure reports); 5 C.F.R. § 2636.303 (2019) (describing noncareer officials subject to fifteen-percent limitation on outside earned income); 5 C.F.R. § 2638.305 (2019) (describing additional ethics briefing required for PAS appointees within 15 days of appointment).

⁴⁵ OPM, PRESIDENTIAL TRANSITION GUIDE, *supra* note 42, at 7, 10.

⁴⁶ THE PLUM BOOK, *supra* note 1, at 213–16.

⁴⁷ OPM, PRESIDENTIAL TRANSITION GUIDE, *supra* note 42, at 7.

⁴⁸ See, e.g., 5 U.S.C. § 3134 (NA appointees may not account for more than 10% of SES positions in government (and typically no more than 25% of an agency’s SES positions)).

⁴⁹ *Id.*

nonrenewable and noncontinuing position “established to meet a bona fide, unanticipated, urgent need[.]”⁵⁰ These temporary SES appointments may not exceed 18 months. In fiscal year 2017, there was only one EA position in the SES.⁵¹

- (6) **Limited Term Appointments (TA):** The second category of limited appointment authorities is the Limited Term Appointment, which provides a nonrenewable position not to exceed three years for a temporary special project based on the nature of the work.⁵² In fiscal year 2017, there were 80 TA positions in the SES.⁵³ These two categories of limited appointments (EA and TA) may not exceed 5% of total SES positions in government, and they may only occupy SES General positions (*i.e.*, not SES positions reserved for career employees).⁵⁴
- (7) **Schedule C Excepted Appointments (SC):** Due to their confidential relationship with a top agency official or their policy-determining character, these nonpermanent political appointees are excepted from the competitive service.⁵⁵ Agencies must specifically request and justify a Schedule C position, and the OPM Director must authorize these positions on a case-by-case basis after reviewing the agency’s request.⁵⁶ Most SC positions are part of the GS pay system, they are usually lower-level agency positions, they do not require Senate confirmation, and they are not part of the SES system.⁵⁷ These positions are never vacant because OPM automatically revokes the authorization when the incumbent leaves the position.⁵⁸ In 2016, there were 1,538 Schedule C positions.⁵⁹
- (8) **Appointments Excepted by Statute (XS):** The *Plum Book* identifies an additional 585 positions (in 2016) subject to “statutory excepted appointment.”⁶⁰ Many different pay systems apply to these positions.

⁵⁰ *Id.* § 3132(a)(6).

⁵¹ OPM, 2016 SENIOR EXECUTIVE SERVICE REPORT, *supra* note 2, at 3.

⁵² 5 U.S.C. § 3132(a)(5).

⁵³ OPM, 2016 SENIOR EXECUTIVE SERVICE REPORT, *supra* note 2, at 3.

⁵⁴ THE PLUM BOOK, *supra* note 1, at 218.

⁵⁵ SELIN & LEWIS, *supra* note 14, at 68.

⁵⁶ *Id.* at 68 n.269. *See also* THE PLUM BOOK, *supra* note 1, at 219.

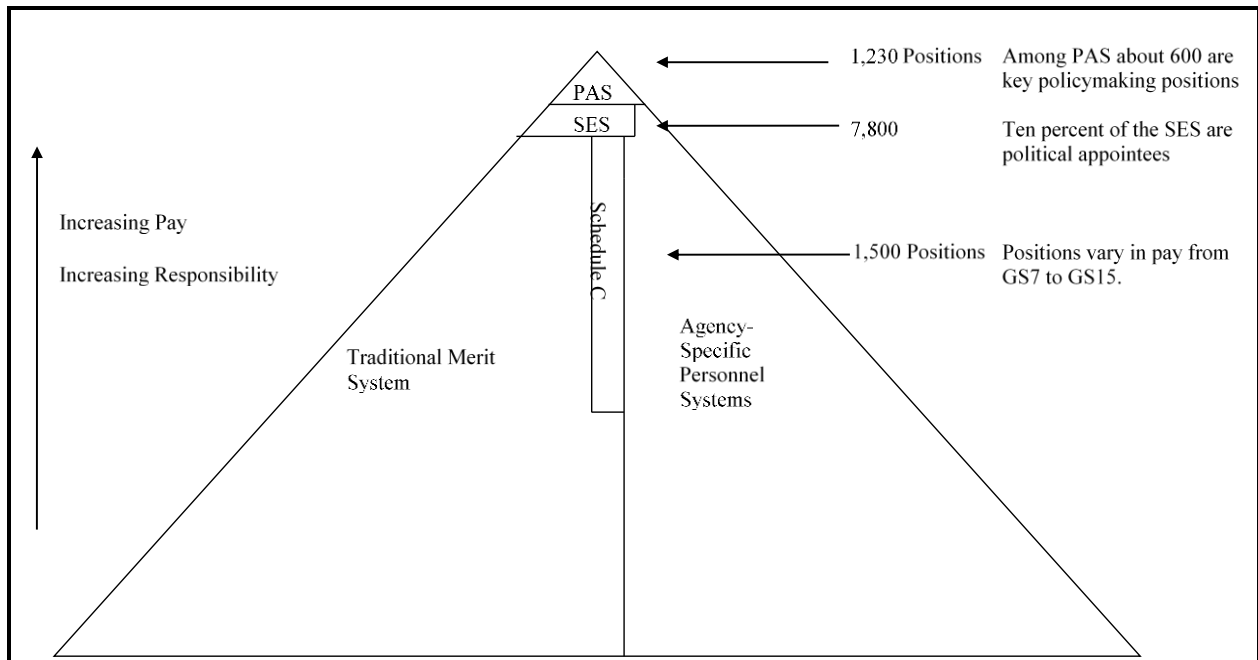
⁵⁷ THE PLUM BOOK, *supra* note 1, at 219.

⁵⁸ SELIN & LEWIS, *supra* note 14, at 68 n.269.

⁵⁹ THE PLUM BOOK, *supra* note 1, at 216.

⁶⁰ *Id.* at 213.

Figure 1: Simplified Depiction of Current Federal Civilian Personnel System⁶¹



⁶¹ SELIN & LEWIS, *supra* note 14, at 69 (“Figure 2”). Because this is a simplified depiction, it does not include several other important categories, such as other excepted service hiring authorities (aside from Schedule C).

Table 1: Examples of Positions (from The Plum Book)

	Pay Systems			
	GS	SL/ST	ES	EX
PAS	Some U.S. Marshals	Some U.S. Marshals		Cabinet Secretaries; Attorney General; Deputy AGs; Assistant AGs; FBI Director
PA		Treasurer of the U.S.; DOL Director of Women's Bureau; Chair/Members of FLRA Fed. Service Impasses Panel	GSA Executive Director; ODNI IC CIO; DHS CIO	FMSHRC Chairman; SEC Commissioners; Director of Nat'l Cancer Inst.
SES (CA)	DOD Director of Defense Suicide Prevention Office	FCC Chief Engineer, Chief Data Officer, Senior Economic Advisors, Deputy Associate General Counsel	Numerous: DOJ Some Associate Deputy AGs and Deputy Assistant AGs in OLC/OLP, Deputy SGs; OIRA Deputy Administrator; USDA Chief Economist	
SES (NA)	State Department, Senior Advisor to the Secretary of State		Numerous: DOJ Principal Deputy SG, some Deputy Assistant AGs; Chiefs of Staff to Cabinet Secretaries	
SES (EA)			Presumably all fall in this category, but none listed in 2016 Plum Book	
SES (TA)			Presumably all fall in this category: DOJ Chief of Staff and Counselor to Deputy AG; SSA Senior Advisor to Commissioner	
SC	Numerous: DOJ Special Assistants to AG and Deputy AG, OLP Senior Advisor, Counsel, and Researcher; Special and Confidential Assistants, Senior Policy Advisors, and Counselors to Cabinet Secretaries;	DOL Chief Economist; Export-Import Bank Sr. VPs		
XS	FEC Executive and Special Assistants; EOP Council on Environmental Quality Special Assistant Climate Preparedness	FCC Senior Advisors to Chairman and Commissioners; FEC Inspector General; FLRA Foreign Service Labor Relations Board Members, and Foreign Service Impasse Disputes Panel Members; PBGC Inspector General and Deputy IG	Harry S. Truman Scholarship Foundation Executive Secretary	GPO Deputy Director; some Commission on Civil Rights Commissioners; Fed. Retirement Thrift Investment Bd. Exec. Director; Inter-American Foundation President & CEO

Scope

This report studies and makes a recommendation about publishing real-time information about the identities of the most important government officials exercising significant decision-making authority within federal executive agencies. This section briefly describes some helpful guidance about the scope and definitions of both the government agencies and the categories of government officials involved with respect to the report, the research, and the subsequent recommendation.

In general, this report is focused on all agencies within the executive branch and the recommendation would apply broadly to all federal executive agencies (and their websites). When relevant and helpful, this report adopts the Administrative Procedure Act's broad definition of "agency."⁶² The author also consulted the ACUS *Sourcebook of United States Executive Agencies*⁶³ when compiling lists and information for portions of the research.

The research portions of this report examined agency practices and the websites of numerous departments and agencies. Specifically, the research covered the cabinet departments, a departmental subcomponent/bureau⁶⁴ from each cabinet department, and 59 other independent agencies. The first two categories are rather straightforward for the definition, and the author selected a subcomponent/bureau included in the ACUS *Sourcebook of United States Executive Agencies* with at least one PAS/PA official listed in the Plum Book.

As used here, other independent agency refers to those agencies included in the ACUS *Sourcebook of United States Executive Agencies*, listed as having a PAS/PA position in the Plum Book, and included in OPM's data submitted for the *Acting Agency Officials and Delegations of Authority* project.⁶⁵ The author applied this definition to maintain a manageable scope of the research process, but this does not limit the broad applicability of the findings and recommendation. When relevant, the report highlights these scoping decisions in the applicable discussion.

Regarding the scope of officials, this report focuses on three categories of government officials: PAS officials, PA officials, and the Senior Executive Service (which includes some PA

⁶² 5 U.S.C. § 551(1) ("agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency. . .").

⁶³ SELIN & LEWIS, *supra* note 14, at 125–32 (providing a nuanced definition of agency as "a federal executive instrumentality directed by one or more political appointees nominated by the President and confirmed by the Senate (the instrumentality itself rather than its bureaus, offices, or divisions).").

⁶⁴ Subcomponent refers to bureaus and other subunits within a larger executive department or agency. *See id.* at 13–15, 125–32 (describing definitional difficulties and providing an extensive list of agencies and subunits).

⁶⁵ For the companion ACUS project, *Acting Agency Officials and Delegations of Authority*, OPM provided a spreadsheet with the start and end dates of service of all Senate-confirmed and recess presidential appointees who worked in the federal bureaucracy between October 1, 2004 and June 30, 2018. *See* Anne Joseph O'Connell, *Acting Agency Officials and Delegations of Authority* 17 (Sept. 16, 2019) (draft report to the Admin. Conf. of the U.S.), <https://www.acus.gov/report/draft-report-acting-agency-officials> (describing significant data issues). The data elements included agency, last name, first name, middle name, title, position number, effective date, and vacate date. This information came from the Central Personnel Data File and the Enterprise Human Resource Integration–Statistical Data Mart.

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officials).⁶⁶ The author chose PAS and PA officials because they are key people exercising policymaking powers. Many SES officials also exercise significant authority and policymaking powers.⁶⁷

This scope references two categories of government officials by appointment authority (PAS and PA officials) and one category by pay system (SES officials), in order to cover the range of important government officials exercising significant decision-making authority within federal executive agencies. The PAS officials are the most visible appointees leading agencies, they are directly appointed by the President, and they are designated by a separate pay system. The President also directly appoints these prominent PA officials. Some PA positions are part of the SES pay system (filling SES General positions), so there is some overlap here in the categories. SES officials include a corps of management personnel across the government consisting of a mix of both career civil servants and political appointees. Some prominent examples of these non-career political appointees within the SES include the chiefs of staff to most cabinet secretaries.

The project seeks to cover those officers exercising significant decision-making authority in government. These definitions should capture the most important government officials in high-level agency positions who are directing major government functions and exercising significant decision-making authority in the executive branch. These groups are also easy to identify across different sources and systems.

The author chose not to use other classes, such as all officers of the United States, because that would require agencies to make legal judgments as to whether a particular official is an officer and this standard would be difficult, if not impossible, to implement. Under current Supreme Court precedent, officers are those appointees “exercising significant authority.”⁶⁸ In applying this vague standard, courts examine “(1) the significance of the matters resolved by the officials, (2) the discretion they exercise in reaching their decisions, and (3) the finality of those decisions.”⁶⁹ Given that these are frequently litigated issues and the problems that have arisen in assembling a test of “officer” status cast at a useful level of specificity,⁷⁰ the author decided to steer away from these murky waters. Even limiting the scope to principal officers, another possible option, would still be problematic for similar reasons.

Difficulties would also arise with a definition focused on all officials who hold statutorily established positions: difficult judgment calls would be required as to whether a position is or is not statutorily established. This standard would be difficult to implement because it would

⁶⁶ Some PA officials are included in the SES pay system, so there will be some definitional overlap here. This is relevant mainly for the recommendation and subsequent Committee process.

⁶⁷ THE PLUM BOOK, *supra* note 1, at 217.

⁶⁸ *Buckley v. Valeo*, 424 U.S. 1, 126 (1976) (*per curiam*).

⁶⁹ *Tucker v. Comm’r*, 676 F.3d 1129, 1133 (D.C. Cir. 2012). *See also Freytag v. Comm’r*, 501 U.S. 868, 881-82 (1991).

⁷⁰ *See generally* Jennifer L. Mascott, Who are “Officers of the United States”?, 70 STAN. L. REV. 443, 447-48 (2018) (providing helpful background and context and describing the vagueness and uncertainty with these definitions).

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require judgment calls about the required level of specificity in an organic statute to designate a specific position (or class of positions) as “statutorily established” under this standard.

Notably, this definition and report excludes three large categories of officials: adjudicators, Schedule C appointees, and presidential advisers within the Executive Office of the President. The category of adjudicators would cause several definitional problems. After *Lucia*,⁷¹ the category of adjudicators could be exceedingly broad and sweep in thousands of officials (whether they are administrative law judges or other adjudicators).⁷² This report will still include some adjudicators, including (1) PAS adjudicators who are members of various boards and commissions, and (2) adjudicators who are part of the SES and who exercise significant managerial authority over adjudication programs.

Schedule C appointments are not included in the SES pay system due to their confidential relationship with a top agency official. These appointees generally are not carrying out significant decision-making authority because they are carrying out the decisions and orders of another top agency official.

The agency definition will also exclude the Executive Office of the President.⁷³

⁷¹ See, e.g., *Lucia v. SEC*, 138 S.Ct. 2044 (2018) (holding that administrative law judges of the Securities and Exchange Commission qualify as Officers of the United States).

⁷² See Kent Barnett, Logan Cornett, Malia Reddick & Russell Wheeler, *Non-ALJ Adjudicators in Federal Agencies: Status, Selection, Oversight, and Removal* (Sept. 24, 2018) (report to the Admin. Conf. of the U.S.), <https://www.acus.gov/report/non-alj-adjudicators-federal-agencies-status-selection-oversight-and-removal-1>.

⁷³ See, e.g., *Detroit Int’l Bridge Co. v. Gov’t of Can.*, 883 F.3d 895, 903 (D.C. Cir. 2018) (“Presidential action is not subject to judicial review under the [APA]” because the President is not an agency within the meaning of that statute); *Mt. States Legal Found. v. Bush*, 306 F.3d 1132, 1135 (D.C. Cir. 2002) (“Judicial review was unavailable under the [APA] because the President is not an “agency” within the meaning of that statute.”). Moreover, the data OPM submitted for the *Acting Agency Officials and Delegations of Authority* project specifically excluded the White House Offices. See *supra* note 65.

III. STUDY METHODOLOGY

This report is the product of research, interviews, and a review of existing publications and agency websites. As mentioned above, the author used several approaches to create helpful information and data to address the multiple parts of this inquiry. First, the author reviewed the existing publications and investigated how the information was compiled by reviewing the public materials and websites and speaking with relevant government officials involved in producing these publications. Next, the author investigated whether agencies or some central entity would be best positioned to present this data. Additional information-gathering interviews with other government officials supplemented this research.

The final major piece of the study involved reviewing the agency side of the equation and the extent to which agencies already gather and publish information about high-level agency officials. To do this, the author designed a basic instrument and coding tool to capture basic information about whether (and how) agencies publish certain information about high-level agency officials. Using the coding tool, the author evaluated numerous agency websites across several relevant variables. Details about each research component are included in the sections that follow.

A. Research

This study included three major research components. First, the author reviewed the three existing government publications containing information about agency officials, including the *Plum Book*,⁷⁴ the *Official Congressional Directory*,⁷⁵ and the *United States Government Manual*.⁷⁶ The author reviewed the existing publications and their online websites to learn more about (1) the content of the publication; (2) the general legal authority for the publication (if any); (3) the relevant historical roots of the publication; (4) the coverage and scope of information included about government officials; (5) the scope of archival information maintained online; (6) information about the entity or staff responsible for assembling the publication and how they assemble it; and (7) any other relevant information the publication provides. This information often led to statutes, agency regulations, and other helpful and informative research material. During this phase of the research, the author also reviewed public resources provided by the nongovernmental entities that publish data about high-level government officials in databases.

Second, the author reviewed the publicly available information about three centralized entities that would seem to be best positioned to publish real-time information about high-level agency officials: the Office of Presidential Appointments at the Department of State, which is responsible for delivering commissions to all presidentially appointed civilian officials; the Office of Personnel Management, which maintains information on all federal officials, including those occupying presidentially appointed positions; and the White House Office of Presidential Personnel, which systematically identifies and tracks presidentially appointed offices for appointment purposes. For these three centralized entities, the author reviewed publicly available information about the office and its recordkeeping efforts relevant to this project, usually by reviewing the agency website, relevant webpages, agency publications about its databases, and other relevant online materials from government sources.

Third, the author supplemented these official government sources with a variety of other strategies, including a review of secondary literature about the office and its practices (particularly the White House Office of Presidential Personnel). These helpful publications filled in several missing pieces where various impediments limited the amount of information publicly available with respect to certain publications or government entities. Moreover, the author also utilized information received in connection with the ongoing companion project *Acting Agency Officials and Delegations of Authority*.⁷⁷

⁷⁴ THE PLUM BOOK, *supra* note 1.

⁷⁵ CONGRESS, OFFICIAL CONGRESSIONAL DIRECTORY: 115TH CONGRESS, *supra* note 11.

⁷⁶ NARA, GOVERNMENT MANUAL, *supra* note 12.

⁷⁷ See *supra* note 65.

B. Phone Interviews

To supplement the above research efforts, the author also interviewed several government officials knowledgeable about the centralized entities, the three existing publications, and relevant research reports touching on similar investigative efforts and issues.

The first group of government officials consisted of government employees associated with the three major existing resources for this information about executive branch officials. These interviews explored the process by which each entity assembles the information that will populate the resource; limitations of the data; any challenges that each entity encounters during the information-gathering process and production cycle; their interactions with agencies; how they obtain and store the data during each cycle; whether they maintain archival records of this information (both publicly and internally); potential issues with preserving archival data; best practices; and other relevant topics that came up during the conversation.

The second group of government officials included government employees in several of the major centralized entities. These interviews focused on obtaining information relevant to the second major research question: whether a centralized entity is best positioned to compile and to publish this information. Major interview topics included the process by which each centralized entity obtains and stores relevant data about statutory officials; any major problems each entity encounters when compiling this information; how these entities interact with other agencies; whether the entity maintains archival data; best practices generally; and other relevant topics.

C. Agency Websites Review

This report investigated the extent to which information about presidentially appointed agency officials is currently publicly available, including on agency websites. It quickly became apparent that there are significant differences among agencies with respect to the accuracy of available information, the level of detail about key officials, their roles, the terms of their appointment, and other basic information (as well as archival information about these high-level positions). In order to tease out measurements of how extensively or comprehensively this information is currently available, the author designed and implemented a simple investigatory instrument and coding tool to document more objectively the availability of this information on agency websites. This approach provided more reliable and verifiable information than a case-study method or other descriptive approach, which would inevitably inject significant subjectivity and uncertainty. A past ACUS researcher previously utilized a similar tool in preparing the report for Recommendation 2017-1, *Adjudication Materials on Agency Websites*.⁷⁸

In order to maintain a manageable scope, the author examined agency websites for the 15 cabinet departments, 15 departmental subcomponents (one significant subcomponent included in the ACUS *Sourcebook of United States Executive Agencies* from each department with at least one PAS/PA official listed in the Plum Book), and 59 other independent agencies.⁷⁹ After

⁷⁸ Daniel J. Sheffner, *Adjudication Materials on Agency Websites* 16 (April 10, 2017) (report to the Admin. Conf. of the U.S.), <https://www.acus.gov/report/adjudication-materials-agency-websites-final-report-0>.

⁷⁹ As used here, “59 other independent agencies” means those agencies included in OPM’s data submitted for the *Acting Agency Officials and Delegations of Authority* project and included in the ACUS *Sourcebook of United States Executive Agencies*.

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reviewing the *Plum Book* entry for each agency or department (to ascertain the number and identity of PAS and PA officials), the author navigated to the agency's homepage and then examined and coded the agency website across approximately 11 categories. The Appendix includes the list of specific questions used in the investigatory instrument and described in Part III.B, which covered a variety of basic subjects.

For most of the instrument questions, the author coded and grouped the agency websites into three broad but meaningfully distinct categories: (1) No, the webpage does not include the information expected in this category for any official; (2) Yes, but the webpage only includes limited information about this category; and (3) Yes, the webpage includes extensive information about this category (there was also a "not applicable" category for some of the questions). These three major distinctions are open to fair criticism, but the sole author coded all agency websites in order to ensure some degree of conformity and consistency and to minimize subjectivity. In grouping the agencies across these three categories, the author endeavored to capture meaningful differences among agency websites and distinguish those that did a much more thorough job at capturing or publishing certain information from other agency websites that did not.

For a handful of questions, the author applied a simple No/Yes binary code due to the nature of the question (such as question 2 about whether there is an organizational chart). These simple questions and coding criteria provided the data about the different agency websites cited in this report in Part III.B.

IV. RESEARCH SUMMARIES AND FINDINGS

A. Existing Government Publications

A recent GAO report bluntly concluded that “there is no single source of data on political appointees serving in the executive branch that is publicly available, comprehensive, and timely.”⁸⁰ When it comes to publishing the names and terms of high-level agency officials (which is not an easy task), focusing on the public as the end user would promote transparency in government.

Several government entities periodically collect and publish information about agency officials. The *Plum Book*, the *Congressional Directory*, and the *Government Manual* are three of the most widely circulated government publications in this space. Each publication serves a distinct purpose and objective that is different from the objective of this report and recommendation.

Several nongovernmental organizations also have created and published information about the occupants of high-level agency positions. These nongovernmental projects encounter additional challenges due to their nongovernmental status (on top of many of the same challenges the government projects encounter).

The following sections provide consolidated information about the general content of each publication; the general background and any relevant historical information about each publication; the coverage and scope of information included about agency officials; the scope of any archival information maintained online; information about the entity or staff in charge of assembling each publication and how they assemble and update the publication; and other relevant information. The subsection then briefly describes some of the nongovernmental organizations collecting data and some of the unique concerns in this space.

⁸⁰ GAO, GOVERNMENT-WIDE POLITICAL APPOINTEE DATA, *supra* note 5 (Highlights).

(i) **The Plum Book**

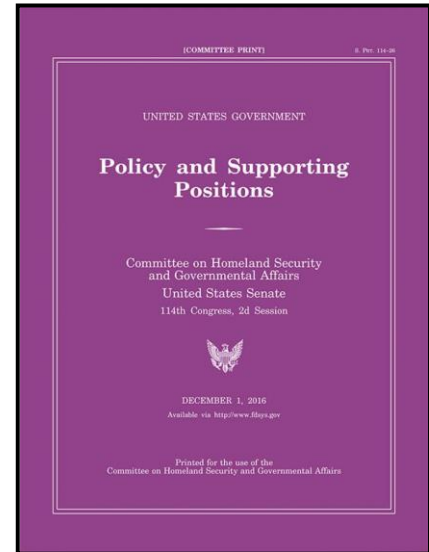
Background

In the weeks leading up to the presidential election every four years, a team of Capitol Hill staff members coordinates a major data request with the Office of Personnel Management. They are assembling *United States Government Policy and Supporting Positions*, a publication colloquially known as the *Plum Book*.⁸¹ During this transition period, the *Plum Book* identifies presidentially appointed positions within the federal government nationwide and it is published just after the presidential election.

The *Plum Book* provides up to eight discrete pieces of information about several broad categories of government positions in the executive branch (and several in the legislative branch) across more than 200 pages of text in the most recent edition dated December 1, 2016.⁸² Although it identifies individuals in specific offices, its main focus is to identify positions for the new President to fill.

The *Plum Book* originates from a 1952 list of important government positions requested by the Republican Party after the election of President Eisenhower.⁸³ After 20 years of Democratic control of the presidency, the Republican Party “requested a list of government positions that President Eisenhower could fill.”⁸⁴ Another edition appeared in 1960, and such a list has been published every four years since, just after the presidential election.⁸⁵

Today, each edition is published alternately by either the Senate Committee on Homeland Security and Governmental Affairs or the House Committee on Government Reform. The Senate Committee on Homeland Security and Governmental Affairs assembled the 2016 Edition, so the House Committee on Government Reform is expected to continue the tradition in 2020. Unlike other government publications, there does not appear to be a legal requirement (statutory or otherwise) for its creation and publication. Instead, it appears that each Committee carries out this time-honored tradition voluntarily. Once the publication goes to the printer and goes live on the website, there are no periodic updates or supplements during the intervening four years.



⁸¹ THE PLUM BOOK, *supra* note 1.

⁸² *Id.* at v–vii.

⁸³ GPO Releases Plum Book, GOV'T PUBL'G OFF., <https://www.gpo.gov/who-we-are/news-media/news-and-press-releases/gpo-releases-plum-book> (last visited Nov. 13, 2019).

⁸⁴ *Id.*

⁸⁵ *Id.*

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Coverage

The 2016 *Plum Book* provides information about more than “9,000 Federal civil service leadership and support positions in the legislative and executive branches of the Federal Government that may be subject to noncompetitive appointment[.]”⁸⁶ Descriptions generally state that the publication covers important officials, agency heads and those reporting or closely associated to the agency head, officials considered policy executives, and other advisors and key personnel.⁸⁷

Specifically, the *Plum Book* describes five major categories of included positions in its Foreword: (1) those officials on the Executive Schedule or salary-equivalent positions; (2) Senior Executive Service “General” positions; (3) Senior Foreign Service positions; (4) Schedule C positions (those excepted from competitive service due to the confidential or policy-determining nature of the position); and (5) “[o]ther positions at the GS–14 and above level excepted from the competitive civil service by law because of the confidential or policy-determining nature of the position duties.”⁸⁸

In terms of content, the *Plum Book* lists each department and agency (and other government entities) and includes basic information about each relevant position within that entity (location, position title, name, type of appointment, pay plan, level/grade/pay, tenure, and expiration date). The *Plum Book* concludes with several appendices with detailed information about pay systems⁸⁹ and appointment categories.⁹⁰

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION							
Location	Position Title	Name of Incumbent	Type of Appt.	Pay Plan	Level, Grade, or Pay	Tenure	Expires
Washington, DC ... Do Do District of Columbia, DC.	OFFICE OF THE ADMINISTRATOR						
	Administrator	Charles F. Bolden Jr.	PAS	EX	II	.....
	Deputy Administrator	Dava Newman	PAS	EX	III	.....
	Chief of Staff	Michael French	NA	ES	.....	.....
	Deputy Chief of Staff	Jonathan Arthur Dale Herczeg.	NA	ES	.....	.....

⁸⁶ THE PLUM BOOK, *supra* note 1, at iii (Foreword).

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ The major pay plans include: AD = Administratively Determined Rates; ES = Senior Executive Service; EX = Executive Schedule; FA = Foreign Service Chiefs of Mission; FE = Senior Foreign Service; FP = Foreign Service Specialist; GS = General Schedule; PD = Daily Pay Rate (per diem); SL = Senior Level; TM = Federal Housing Finance Board Merit Pay; VH = Farm Credit Administration Pay Plan; WC = Without Compensation; OT = Other Pay Plan (all those not listed separately). *Id.* at vi (Legend, Column 5).

⁹⁰ The major pay plans include: PAS = Presidential Appointment with Senate Confirmation; PA = Presidential Appointment (without Senate Confirmation); CA = Career Appointment; NA = Noncareer Appointment; EA = Limited Emergency Appointment; TA = Limited Term Appointment; SC = Schedule C Excepted Appointment; XS = Appointment Excepted by Statute. *Id.* at v (Legend, Column 4).

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Relevant to this report, the *Plum Book* specifically identifies the total number of overall positions subject to presidential appointment (those requiring Senate confirmation and those that do not) within each agency in a substantive appendix.⁹¹ The publication also identifies PAS, PA, and SES officials throughout the specific agency listings when relevant to a specific position or individual in the “Type of Appointment” or “Pay Plan” columns. As Professor O’Connell has noted, the *Plum Book* mistakenly lists certain PAS positions when Congress eliminated the Senate’s role in 2012.⁹²

Many positions are not covered in the *Plum Book*. For example, competitive service positions are not included, Senior Executive Service “Career Reserved” positions are not covered (because they must be filled by a career appointee),⁹³ and certain competitive positions filled under agency merit systems established by statute are not included.

The Foreword to the 2016 Edition of the *Plum Book* includes a prominent disclaimer: “The information for this committee print was provided by the U.S. Office of Personnel Management [OPM] on October 31, 2016. Only grammatical and technical modifications have been made.”⁹⁴ As a result, by the time the information was published in December 2016, it was already outdated by at least 31 days (likely more) during a period of substantial vacancies and turnover in the executive establishment.⁹⁵ Because of the December publication date just after the presidential election, many offices will be vacant and not include names as the outgoing administration and its appointees depart government service in advance of the new incoming administration (and its appointees).⁹⁶

⁹¹ *Id.* at 213 (Appendix No. 1).

⁹² See O’Connell, Acting Agency Officials, *supra* note 65, at 100 (citing Presidential Appointment Efficiency and Streamlining Act of 2011, Pub. L. No. 112-166, 126 Stat. 1283 (2012)).

⁹³ To clarify, the *Plum Book* “lists only [SES] General positions since [SES] Career Reserved positions must be filled by a career appointee.” THE PLUM BOOK, *supra* note 1, at 227. Notwithstanding this general omission, SES General positions can be filled by career, noncareer, and limited appointees so there are still many *Plum Book* positions designated as both SES and filled by a career appointee.

⁹⁴ *Id.* at iii (Foreword).

⁹⁵ Anne Joseph O’Connell, *Vacant Offices: Delays in Staffing Top Agency Positions*, 82 S. CAL. L. REV. 958–59, 962 (2008).

⁹⁶ See *id.*

Availability

Once assembled, the Government Publishing Office issues a press release describing the numerous ways to access the *Plum Book*: for paperback print copies, the GPO provides links to an online bookstore where it is available for purchase.⁹⁷ The *Plum Book* is also available online for free on a dedicated website with robust accessibility tools and archival editions going back to 1996.⁹⁸ The electronic edition of the *Plum Book* is downloadable in its entirety in multiple formats, or users can download or view specific portions of the publication. Interestingly, there's (allegedly) an app for that: the most recent news release for the 2016 Edition indicated that there is (or was) a dedicated *Plum Book* app available on mobile devices. Unfortunately, the links were not functioning properly, and the author could not locate any such app on an app store.

Summary

Because the *Plum Book* reports data requested and gathered from OPM databases and identifies PAS, PA, and SES officials by agency and by position, it is a very helpful resource that is both publicly available in easy-to-access formats and very comprehensive. But the information is up-to-date for only a brief time because the *Plum Book* is only gathered and published once every four years (due to its origins, objectives, and lack of mandate).⁹⁹ The new president-elect can use the information in the *Plum Book* to make plans for his or her new administration, but the *Plum Book* becomes quickly outdated given the time delay and as new appointees begin to fill out the new administration. This gap is even more pronounced with the context that during this transition high-level officials are leaving numerous positions during this transition.¹⁰⁰

⁹⁷ The most recent 2016 Edition retails for \$41. See *Bookstore: United States Government Policy and Supporting Positions, December 1, 2016 (Plum Book)*, GOV'T PUBL'G OFF., <https://bookstore.gpo.gov/products/united-states-government-policy-and-supporting-positions-december-1-2016-plum-book-0> (last visited Nov. 13, 2019). A few older editions are available at a discount. See *Bookstore: United States Government Policy and Supporting Positions 2012 (Plum Book)*, GOV'T PUBL'G OFF., <https://bookstore.gpo.gov/products/united-states-government-policy-and-supporting-positions-2012-plum-book> (last visited Nov. 13, 2019); *Bookstore: United States Government Policy and Supporting Positions, 2008 (Plum Book)*, GOV'T PUBL'G OFF., <https://bookstore.gpo.gov/products/united-states-government-policy-and-supporting-positions-2008-plum-book> (last visited Aug. 19, 2019).

⁹⁸ *United States Government Policy and Supporting Positions (Plum Book)*, GOV'T PUBL'G OFF., <https://www.govinfo.gov/collection/plum-book?path=/GPO/United%20States%20Government%20Policy%20and%20Supporting%20Positions%20%2528Plum%20Book%2529> (last visited Nov. 13, 2019).

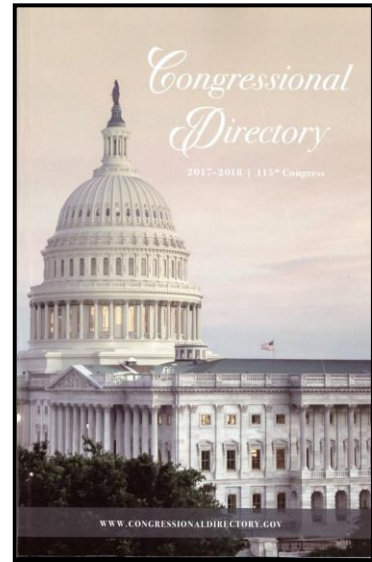
⁹⁹ This finding comports with other similar reports. See, e.g., GAO, GOVERNMENT-WIDE POLITICAL APPOINTEE DATA, *supra* note 5, at 10 (“While the data are comprehensive and publicly available, they are not timely.”).

¹⁰⁰ See O’Connell, *Vacant Offices*, *supra* note 95, at 958–59, 962 (describing turnover and general trends during this time).

(ii) Official Congressional Directory

Background

Described as “one of the oldest working handbooks within the United States Government,” the *Official Congressional Directory* is published by Congress in partnership with the Government Publishing Office.¹⁰¹ The *Congressional Directory* provides a great deal of information about Congress, the executive branch (the White House, departments, and independent agencies), the federal courts, the government of the District of Columbia, international organizations, and the press. This publication is not limited to executive branch positions, unlike the *Plum Book* (as explained more fully below).



The Joint Committee on Printing shall direct the preparation of the *Official Congressional Directory*, which “shall be printed and distributed as early as practicable during the first session of each Congress[.]”¹⁰² Although the Joint Committee controls the total number of copies and distribution, Section 721(b) requires the Joint Committee to prepare and deliver a cloth-bound copy to “Members of the Senate and the House of Representatives (including Delegates and the Resident Commissioner)” with the name of the member “imprinted on the cover[.]”¹⁰³

Not every Congress demanded such high standards. Unofficial directories date back to the First Congress in 1789, but scholars and historians consider the 30th Congress’ 1847 *Congressional Directory*—which Congress both ordered and funded—to be the first official edition.¹⁰⁴

Today, a small project team officially compiles the *Congressional Directory*.¹⁰⁵ The project team consists of approximately six Government Publishing Office employees detailed to

¹⁰¹ CONGRESS, OFFICIAL CONGRESSIONAL DIRECTORY: 115TH CONGRESS, *supra* note 11 (“Foreword”).

¹⁰² 44 U.S.C. § 721(a).

¹⁰³ *Id.* § 721(b).

¹⁰⁴ CONGRESS, OFFICIAL CONGRESSIONAL DIRECTORY: 115TH CONGRESS, *supra* note 11 (“Foreword”). Some of the oldest directories available in digitized archives appear to group Members by, among other things, their “boarding houses” or “place of abode.” See, e.g., S. A. ELLIOT, 1827–1828 CONGRESSIONAL DIRECTORY: 20TH CONGRESS, available at <https://babel.hathitrust.org/cgi/pt?id=uiug.30112120085391&view=1up&seq=7> (last visited Nov. 13, 2019) (grouping Members by, among other things, their places of abode); GEORGE WATERSTON, PICTURE OF WASHINGTON WITH DIRECTORY (1840), available at https://books.google.com/books?id=VtFC1aNc2VIC&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false (last visited Nov. 13, 2019) (26th Congress, which also included prose descriptions of public buildings in “A Picture of Washington Directory” along with descriptions of government officeholders and officials).

¹⁰⁵ CONGRESS, OFFICIAL CONGRESSIONAL DIRECTORY: 115TH CONGRESS, *supra* note 11 (“Foreword”).

the project who serve in various editing roles and are supervised by a project manager. The project team works with the Committee to obtain the legislative information. With respect to the executive branch information, staff members circulate each agency's listing from the most recent edition to an agency contact during the production cycle. The agency contacts furnish updated information by returning a Word or PDF document, which the staff members then convert to an internal file with coding necessary for final formatting and publication purposes. The entire process can take approximately 1½ to 2 years to produce, with varying staffing demands depending on the stage of the production cycle.

The July 2018 Edition of the *Congressional Directory* prepared for the 115th Congress is more than 1,200 pages of text.¹⁰⁶ It does not indicate the total number of officials or positions covered. The project team prepares a supplement to be printed and distributed "as early as practicable during the second regular session of each Congress."¹⁰⁷ The Joint Committee on Printing "established the practice of producing periodic online interim issues to ensure the public's economical access to current Congressional information."¹⁰⁸ Such interim issues are not printed and the volume of submitted changes determines the frequency of online revisions.

Coverage

Although Congress mandates and pays for the *Congressional Directory*, the authorizing statute does not provide much guidance about the required content. That appears to be largely left to the Committee and tradition.

The most recent edition of the *Congressional Directory* for the 115th Congress, which convened on January 3, 2017, notes that the "closing date" for its compilation was July 27, 2018.

As advertised, the *Congressional Directory* presents:

- (1) "Short biographies of each member of the Senate and House, listed by state or district[;]"
- (2) "Committee memberships, terms of service, administrative assistants and/or secretaries, and room and telephone numbers for Members of Congress[.]" including office listings identifying some staff members; and
- (3) "[O]fficials of the courts, military establishments, and other Federal departments and agencies, including D.C. government officials, governors of states and territories, foreign diplomats, and members of the press, radio, and television galleries."¹⁰⁹

¹⁰⁶ *Id.*, available at <https://www.govinfo.gov/features/CDIR-115>.

¹⁰⁷ 44 U.S.C. § 721(a).

¹⁰⁸ *Congressional Directory, 104th Congress (1995–1996) to Present*, GOV'T PUBL'G OFF., <https://www.govinfo.gov/help/cdir> (last visited Nov. 13, 2019) ("About the Congressional Directory").

¹⁰⁹ *Congressional Directory*, GOV'T PUBL'G OFF., <https://www.govinfo.gov/app/collection/CDIR> (last visited Nov. 13, 2019).

Listing Agency Officials

The member biographies (and information about their offices and staff) “are based on information furnished or authorized by the respective Senators and Representatives.”¹¹⁰ Numerous lists accompany the basic information about members, such as alphabetical lists; postal zip codes; terms of continuous service; numerous statistics; historical information; committee information; and information about various congressional boards, commissions, groups, legislative branch offices, and other offices. Prose descriptions about the Capitol buildings and grounds conclude the legislative portion of the *Congressional Directory*.

Next, the *Congressional Directory* delves into the executive branch, starting with the President and the Executive Office of the President, moving to the departments, and then to the independent agencies. The coverage includes names, job titles, phone numbers, and addresses for many high-level officials in many offices across each department and agency,

and even identifies vacant offices and certain acting officials. The *Congressional Directory* does not clearly indicate which positions are included or omitted in the listings of officials in the departments and independent agencies, so there is no easy way to tell if these listings include all PAS, PA, and SES positions. Generally, staff members circulate the agency’s listing from the most recent edition to an agency contact during the production cycle. The agency contacts furnish updated information by returning a Word or PDF document. Agency contacts are free to alter the included positions, but they generally stick with the list GPO staff members provide.

In the remaining sections, the *Congressional Directory* focuses on the judicial branch; the District of Columbia government; international organizations; foreign diplomatic offices; press galleries and the media; congressional district maps; and a comprehensive name index.

CONSUMER PRODUCT SAFETY COMMISSION
4330 East West Highway, Bethesda, MD 20814, phone (301) 504-7923
fax 504-0124, <http://www.cpsc.gov>
[Created by Public Law 92-573]

Chair.—Ann Marie Buerkle (acting), (301) 504-7878.
Commissioners:
Robert “Bob” Adler, 504-7731.
Marietta Robinson, 504-7253.
Elliot Kaye, 504-7900.
Joseph Mohorovic, 504-7738.
Executive Director.—Patricia Adkins, 504-7582.
Deputy Executive Director for—
Operations Support.—Monica Summit, 504-7691.
Safety Operations.—DeWane Ray, 504-7547.
Director, Office of:
The Secretary.—Todd A. Stevenson, 504-7923.
Legislative Affairs.—Aaron Hernandez (acting), 504-7853.
General Counsel.—Mary Boyle, 504-7859.

¹¹⁰ CONGRESS, OFFICIAL CONGRESSIONAL DIRECTORY: 115TH CONGRESS, *supra* note 11, at 1.

Listing Agency Officials

Availability

GPO prepares personalized copies of the *Congressional Directory* and delivers them to Members of Congress in accordance with the statutory authorization, but GPO is authorized to (and does) print copies for public sale in order to recoup printing costs.¹¹¹ GPO officially releases the *Congressional Directory* approximately one month later (August 24, 2018 for the most recent edition for the 115th Congress).

Alongside the printed copies, GPO also publicly releases the entire *Congressional Directory* online for free. The official website allows users to download the entire 1,267-page document in multiple formats. There is also a robust navigation tool on the website to download or review specific sections, and users can also search the entire document with basic search functions. Users can also access archival editions dating back to the 104th Congress (1995–96).

Summary

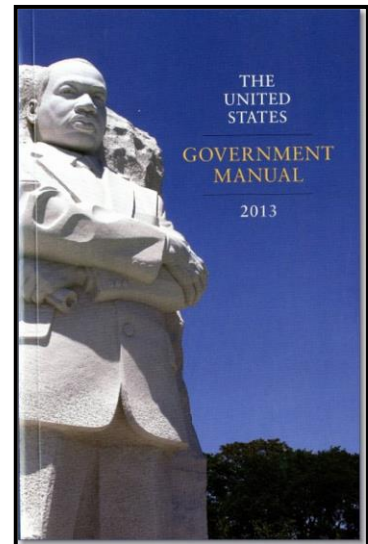
Like the *Plum Book*, the information in the *Congressional Directory* is up-to-date for only a brief time due to these statutory and historical roots. Significantly for this report, the published information does not specifically identify PAS, PA, and SES officials (or meaningfully distinguish them from the other submitted information) and the information provided for any individual position is limited because of the publication's objective and purpose.

¹¹¹ 44 U.S.C. § 722. The most recent edition for the 115th Congress costs \$45 on GPO's online bookstore. See *Bookstore: Official Congressional Directory: 115th Congress (Paperback)*, GOV'T PUBL'G OFF., <https://bookstore.gpo.gov/products/official-congressional-directory-115th-congress-paperback> (last visited Nov. 13, 2019).

(iii) U.S. Government Manual

Background

As part of its general transparency provisions, the Administrative Procedure Act directs each agency to “separately state and currently publish in the Federal Register for the guidance of the public—(A) descriptions of its central and field organization and the established places at which, the employees [...] from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions[.]”¹¹² For many decades, agencies have satisfied this obligation by submitting information to the Office of the Federal Register (OFR) at the National Archives and Records Administration to be published in the *United States Government Manual*, the “official handbook of the Federal Government.”¹¹³



The Federal Register Act¹¹⁴ charged the Administrative Committee of the Federal Register with the responsibility of issuing regulations governing Federal Register publications, including special editions.¹¹⁵ Beginning on August 4, 1949, the Federal Register produced the *United States Government Organization Manual* as an annual special edition (available for \$1 per copy in 1949).¹¹⁶

The *Government Manual* continued to be one of the Government Printing Office’s best-selling publications for many years. In 1968, the Administrative Conference of the United States offered a formal recommendation for improving the *Government Manual*.¹¹⁷ The advent of the Internet brought declining public demand for print editions.¹¹⁸ In 2011, the Administrative Committee of the Federal Register issued new rules with respect to publishing the *Government*

¹¹² 5 U.S.C. § 552(a)(1)(A).

¹¹³ Regulations Affecting Publication of the United States Government Manual, 76 Fed. Reg. 6,311 (Admin. Comm. of the Fed. Register Feb. 4, 2011) (codified as amended at 1 C.F.R. pt. 9, 11, 12). See also NARA, GOVERNMENT MANUAL, *supra* note 12, at 1; 1 C.F.R. §§ 9.1, 9.2 (2019).

¹¹⁴ 44 U.S.C. §§ 1501 *et seq.*

¹¹⁵ *Id.* § 1506. See also Regulations Affecting Publication of the United States Government Manual, *supra* note 113.

¹¹⁶ Regulations Affecting Publication of the United States Government Manual, *supra* note 113. Before this, the responsibility for the publication was in the Office of Government Reports within the Bureau of Budget until it was abolished on June 30, 1948.

¹¹⁷ See, e.g., Admin. Conf. of the U.S., Recommendation 68-2, *U.S. Government Organization Manual* (Dec. 11, 1968).

¹¹⁸ Regulations Affecting Publication of the United States Government Manual, *supra* note 113.

Manual as an updated online database.¹¹⁹ The digital version now serves as the main publication because “[p]rinted editions of the [the *Government Manual*] stopped after 2013.”¹²⁰

Today, the Office of the Federal Register’s Daily Issue Unit updates and produces the *Government Manual*. As of August 7, 2017, the Daily Issue Unit updates agency information “on a year-round basis” and production “is no longer tied to an annual cycle of updating agency information.”¹²¹ As part of their duties, the staff of nine employees and a supervisor carry out the responsibility of editing and updating the *Government Manual* by reaching out to agencies and conducting their own diligent research about relevant personnel changes using agency websites, news articles, and other methods. Changes are immediately pushed to the online database accessible using the *Government Manual* website, and those changes are later included in the published version when it is updated annually.

The *Government Manual* generally includes information about the legislative, judicial, and executive branches, as well as quasi-official agencies,¹²² international organizations with U.S. membership, and various federal boards, commissions, and committees.¹²³ The most recent 2018 Edition spans 976 PDF pages (but there are some odd formatting issues that seem to inflate this number when compared to the old print editions).¹²⁴ With a publication date of December 3, 2018, the Daily Issue Unit pulled a snapshot of the database and the information hosted on the *Government Manual* website on that date to create the downloadable documents.

Coverage

The APA, the Federal Register Act, and the Administrative Committee of the Federal Register’s regulations control the *Government Manual*’s working definition of agency and the scope of the publication’s content.¹²⁵ Together with historical practice, the *Government Manual* uses an expansive definition of agency and includes many entities not included in other publications (for example, international bilateral and multilateral organizations in which the United States participates). The OFR staff will make changes to the agencies covered (for the creation of new agencies, for example), and they are well positioned to do so within the OFR because they frequently interact with agencies. As long as they comply with the broad agency regulations, agencies appear to retain discretion over the scope of the content included in their *Government Manual* entries and they review their OFR entries periodically.¹²⁶

¹¹⁹ *Id.*

¹²⁰ NARA, GOVERNMENT MANUAL, *supra* note 12, at 163 (“Contact Information and News”).

¹²¹ *Id.*

¹²² For example, Legal Services Corporation, Smithsonian Institution, State Justice Institute, and United States Institute of Peace.

¹²³ NARA, GOVERNMENT MANUAL, *supra* note 12, at 1, 173–74. *See also* 1 C.F.R. § 9.2 (2019).

¹²⁴ NARA, GOVERNMENT MANUAL, *supra* note 12.

¹²⁵ 5 U.S.C. § 552(a)(1)(A); 44 U.S.C. §§ 1501 *et seq.*; 1 C.F.R. §§ 9.1, 9.2 (2019).

¹²⁶ 1 C.F.R. §§ 9.1, 9.2 (2019).

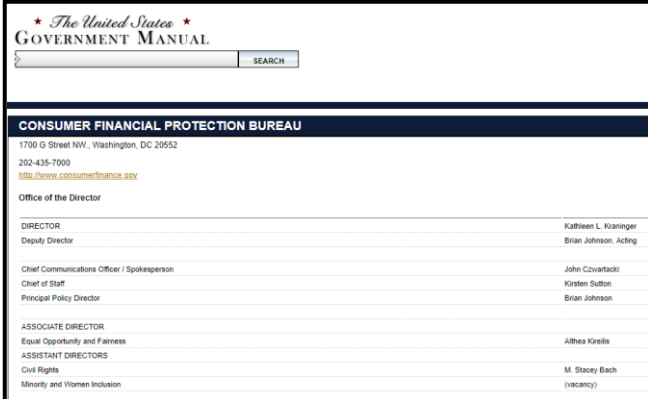
Listing Agency Officials

In terms of scope, the *Government Manual* is organized roughly as follows: introductory front matter (Declaration of Independence, the Constitution, and a general organizational chart of the federal government); sections covering the legislative branch, judicial branch, and executive branch, which include the listings of officials; other miscellaneous sections covering boards, commissions, and committees; commonly used agency acronyms; contact information and news; links to external resources; sections covering quasi-official agencies and international agencies; and finally a history of agency organizational changes.¹²⁷

Relevant to this project, each executive agency entry should include “(1) [d]escriptions of the agency’s legal authorities, public purposes, programs, and functions; (2) [e]stablished places and methods whereby the public may obtain information and make submittals or requests; and (3) [l]ists of officials heading major operating units.”¹²⁸ Other regulations also mention that the *Government Manual* should include “brief information about quasi-official agencies and supplemental information that, in the opinion of the Director, is of enough public interest to warrant.”¹²⁹

A typical agency entry includes: a list of officials heading major operating units; a summary of the agency’s mission and role; a brief agency history, including its legislative or executive authority; a description of agency programs and activities; and agency websites, street addresses, and phone numbers for services, benefits, and other public information.¹³⁰

Many entries include a basic organizational chart. However, other researchers have mentioned inconsistencies with the agency information.¹³¹ For example, not all agencies include the same details about agency characteristics and design details, and the *Government Manual* does not include details about fixed terms, term lengths, and the number of appointees.¹³² The website helpfully notes that its focus is on programs and activities, not “detailed organizational structure, the regulatory documents of an agency, or Presidential documents[.]”¹³³ Relevant here, the agency entries do not identify agency officials appointed by the President in any distinguishable way that is



The screenshot shows the website for the United States Government Manual. At the top, it says "The United States GOVERNMENT MANUAL" with a search bar. Below that, the entry for the "CONSUMER FINANCIAL PROTECTION BUREAU" is displayed. It includes the address "1700 G Street NW, Washington, DC 20552", phone number "202-435-7000", and website "http://www.consumerfinance.gov". Below this is a list of officials and their titles:

Office of the Director	
DIRECTOR	Kathleen L. Kraninger
Deputy Director	Brian Johnson, Acting
Chief Communications Officer / Spokesperson	John Covaracki
Chief of Staff	Kristen Sutton
Principal Policy Director	Brian Johnson
ASSOCIATE DIRECTOR	
Equal Opportunity and Fairness	Athene Kirelis
ASSISTANT DIRECTORS	
Civil Rights	M. Stacey Bach
Minority and Women Inclusion	(vacancy)

¹²⁷ NARA, GOVERNMENT MANUAL, *supra* note 12.

¹²⁸ 1 C.F.R. § 9.2(a) (2019).

¹²⁹ *Id.* § 9.2(b).

¹³⁰ NARA, GOVERNMENT MANUAL, *supra* note 12, at 173–74.

¹³¹ SELIN & LEWIS, *supra* note 14, at 5 n.18.

¹³² NARA, GOVERNMENT MANUAL, *supra* note 12.

¹³³ *United States Government Manual, 1995 to Present*, GOV'T PUBL'G OFF., <https://www.govinfo.gov/help/govman> (last visited Nov. 13, 2019) (“About the United States Government Manual”).

Listing Agency Officials

consistent across the publication (though some agencies may identify some helpful information in a general section about the agency).¹³⁴ Relevant to this project, it does not appear that the agency listings include all PAS, PA, and SES positions (though the lack of information set forth in the publication somewhat complicates this assessment). This is largely due to the publication's distinct objective and purpose.

Each covered agency must appoint a liaison officer to ensure the agency complies with all regulations related to the *Government Manual*.¹³⁵ OFR relies on information submitted by the agency liaison officers to keep the *Government Manual* updated, in addition to its own outreach, research, and editing efforts.¹³⁶ OFR staff editors “review and edit the submissions to produce organized and concise descriptions of Federal agency programs and activities.”¹³⁷ Agency liaison officers verify the accuracy of content at least annually, but OFR staff exercise “final editorial control over all editions of the *Government Manual*.”¹³⁸ In practice, staff members will actively reach out to agency contacts (or find new contacts if prior liaisons are no longer with the agency), review agency websites, review news articles, and conduct other research to determine whether updates are necessary.

Availability

As explained above, there is no longer a printed publication produced each year; the process today is focused on updating the online database, which is immediately published on the public-facing website.¹³⁹ The public website provides helpful links and navigational tools, as well as a search function that provides additional tools to help users find what they need. OFR staff indicated that the website most recently had 14 million annual views.

OFR continues to pull an annual edition from the online database they continuously update, but it is largely a static copy of screenshots from OFR's webpage/database (screenshots for each agency entry) page organized into a large PDF (or XML, MODS, PREMIS, and ZIP) file available for download (or available in sections). This static publication does not appear to be available to purchase in a print edition on GPO's bookstore given the recent electronic transition. Some older editions of the *Government Manual* are still available to purchase from GPO's online bookstore.¹⁴⁰

¹³⁴ NARA, GOVERNMENT MANUAL, *supra* note 12.

¹³⁵ 1 C.F.R. § 20.1 (2019).

¹³⁶ NARA, GOVERNMENT MANUAL, *supra* note 12, at 173–74. *See also United States Government Manual: About Us*, GOV'T PUBL'G OFF., <https://www.usgovernmentmanual.gov/AboutUs.aspx> (last visited Nov. 13, 2019).

¹³⁷ *United States Government Manual: About Us*, *supra* note 136.

¹³⁸ *Id.*

¹³⁹ *The United States Government Manual*, GOV'T PUBL'G OFF., <https://www.usgovernmentmanual.gov/> (last visited Nov. 13, 2019).

¹⁴⁰ U.S. Government Bookstore, GOV'T PUBL'G OFF., <https://bookstore.gpo.gov/search/products?keywords=government+manual> (last visited Nov. 13, 2019).

Listing Agency Officials

The *Government Manual* website contains all annual editions dating back to the 1995–96 Edition.¹⁴¹ These annual editions are available to download (in several different formats depending on how recent the edition).¹⁴²

Summary

The *Government Manual* focuses on providing the public with information about agency programs, locations, missions, and important officials. OFR staff members work with agency contacts and conduct their own research in order to keep the online database updated. Most relevant to this project, the agency pages do not specifically identify PAS, PA, and SES officials (or meaningfully distinguish them from the other submitted information), and they do not appear to cover all PAS, PA, and SES officials. Again, this is largely due to the unique purpose and objective of the publication. This would be a major hurdle to repurposing and centralizing information about presidentially appointed officials using this database.

¹⁴¹ *United States Government Manual*, GOV'T PUBL'G OFF., <https://www.govinfo.gov/app/collection/GOVMAN/> (last visited Nov. 13, 2019).

¹⁴² *Id.*

(iv) Other Nongovernmental Sources

There is significant public interest in obtaining information about the occupants of high-level positions in federal agencies, and publishing this information is critical for transparency and effective monitoring and participation in the work of government.

For example, the GAO has stated the obvious point that “[t]he public has an interest in knowing who is serving in the government and making policy decisions[,]” a proposition it supports by referencing 32 FOIA requests at OPM for data on agency political appointments between January 2017 and November 2018.¹⁴³ The author also notes that OFR staff (who assemble the *Government Manual*) indicated that the *Government Manual* website most recently had 14 million annual views. Moreover, the government issues at least three major publications containing similar information about agency officials serving different purpose and objectives.

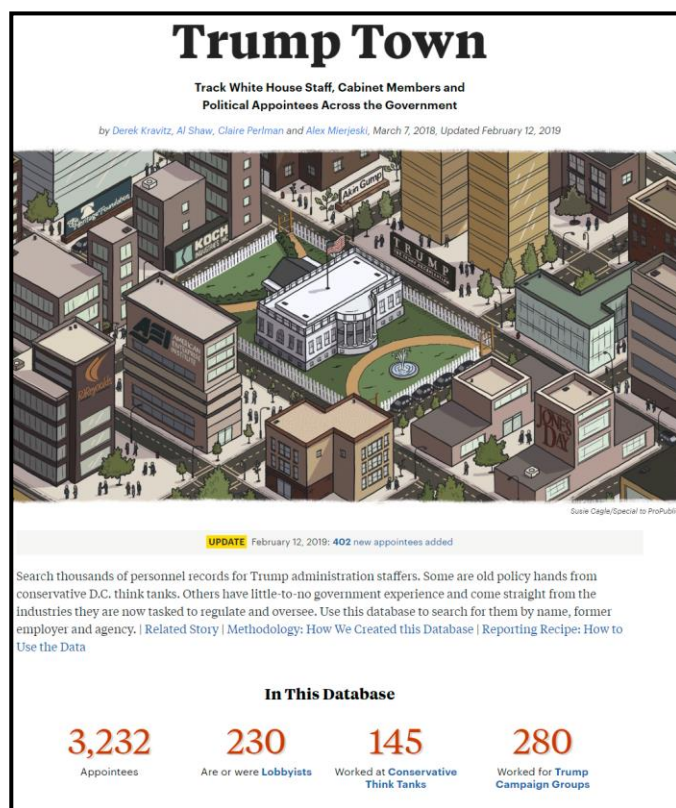
There is another proof point about the public demand for better data: several nongovernmental entities create, collect, and publish their own data about high-level agency officials. As explored below, these nongovernmental projects face some of the same issues as the government entities when it comes to collecting and publishing data, but they also face additional challenges highlighting the importance of a governmental solution. The following sections describe several examples.

¹⁴³ GAO, GOVERNMENT-WIDE POLITICAL APPOINTEE DATA, *supra* note 5, at 12 (also noting White House officials within the Office of Presidential Personnel reported similar requests for data on political appointees). Moreover, GAO staff reported several inquiries about the report from nongovernmental individuals or entities interested in creating their own databases.

ProPublica



ProPublica, “an independent, nonprofit newsroom that produces investigative journalism[.]”¹⁴⁴ was founded in 2007–2008 and has a team of more than 75 dedicated journalists. One of its missions is to explore whom the President was appointing to run the federal government; in service of this goal, ProPublica commissioned a project and published its first dataset of 400 agency officials in March 2017.¹⁴⁵ In August 2017, ProPublica expanded the database to include more than 1,000 agency officials¹⁴⁶ and continues to provide updates, most recently on February 12, 2019.¹⁴⁷



ProPublica’s database covers many categories of political appointees (not just PAS and PA officials) throughout the executive branch (including the White House) and includes information about names; department/agency; title; salary; start and end dates; biographical information about prior employment, compensation sources, and lobbying activity; and extensive financial disclosure information and government ethics documents.

To compile this data, ProPublica journalists submitted hundreds of FOIA requests to OPM, departments, and agencies; delivered administrative requests to agencies; partnered with other organizations (including the Associated Press and New York Times); sought the public’s help; used staff to supplement this data with publicly available information (by hand and using

¹⁴⁴ *ProPublica: About Us, The Mission*, PROPUBLICA, <https://www.propublica.org/about/> (last visited Nov. 13, 2019).

¹⁴⁵ *Trump Town: About the Project*, ONLINE JOURNALISM AWARDS, <https://awards.journalists.org/entries/trump-town/> (last visited Nov. 13, 2019). ProPublica published a similar database of appointees under the prior administration. See *The Obama Team’s Disclosure Documents*, PROPUBLICA, <https://www.propublica.org/article/the-obama-teams-disclosure-documents-407> (Apr. 7, 2009).

¹⁴⁶ *Trump Town: About the Project*, *supra* note 145.

¹⁴⁷ *Track White House Staff, Cabinet Members and Political Appointees Across the Government*, PROPUBLICA, <https://projects.propublica.org/trump-town/> (last updated Feb. 12, 2019).

Listing Agency Officials

specialized software); and even consulted other similar nongovernmental databases tracking political appointees.¹⁴⁸ As of August 2019, the ProPublica database included information about 3,232 appointees. GAO reported in March 2019 that “ProPublica said it has had more than 166,000 unique visitors to its database since it launched in March 2018.”¹⁴⁹

Find a staffer, agency or former employer

For example: Rebeckah Adcock, Agriculture, White House, Heritage Foundation, Trump Organization

Department of Homeland Security

Do you know something about one of the political appointees at **Homeland Security** or about the work they're doing? Send us an email at trump@propublica.org or send a Signal message to 347-244-2134.

Show All Task Force Members Former Lobbyists Received Ethics Waivers Jump to an agency...

Jason Abend
Homeland Security (joined: July 9, 2017)
Senior Policy Advisor, U.S. Customs and Border Protection | \$153,730 | [Financial Disclosure](#)
[SEE MORE DETAILS](#)

Kristine E. Adams
Homeland Security (joined: Dec. 11, 2017)
Confidential Assistant, Office of the Chief of Staff | \$54,972

Drew Bailey
Homeland Security (joined: Sept. 30, 2018)
Advisor to the Executive Secretary | \$68,036

Michael Joseph Bars
Homeland Security (joined: June 24, 2018)
Senior Advisor for Public Affairs, U.S. Citizenship and Immigration Services | \$134,789

John Barsa
Homeland Security (joined: Jan. 21, 2017)
Principal Deputy Assistant Secretary and Chief of Staff for Office of Partnership and Engagement | Advisor | \$179,700 | [Financial Disclosure](#)
[SEE MORE DETAILS](#)

Brian Batten DEPARTED OCT. 1, 2017
Homeland Security (joined: March 22, 2017)
Technical Mapping Advisory Council (FEMA) | Special-government employees are not required to submit publicly-available financial disclosures

SPECIAL GOVERNMENT EMPLOYEE

¹⁴⁸ *How We Compiled Trump Town*, PROPUBLICA, <https://www.propublica.org/article/how-we-compiled-trump-town> (Mar. 7, 2018).

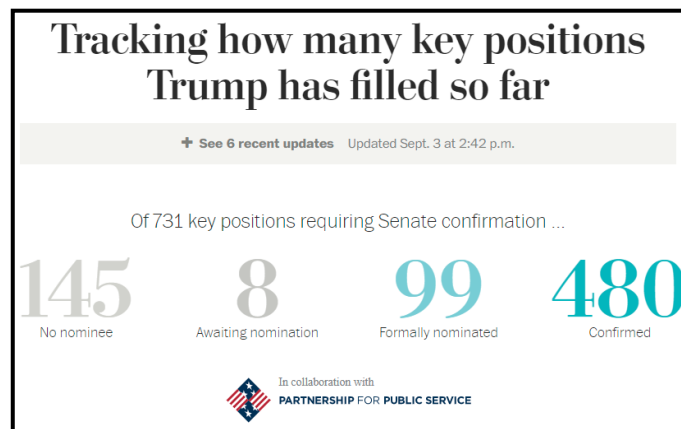
¹⁴⁹ GAO, GOVERNMENT-WIDE POLITICAL APPOINTEE DATA, *supra* note 5, at 13.

Partnership for Public Service and the Washington Post



The Partnership for Public Service, “a nonprofit, nonpartisan organization that seeks to improve government,”¹⁵⁰ created a Political Appointee Tracker in collaboration with the Washington Post.¹⁵¹ This database tracks over 700 “key” executive branch PAS positions.¹⁵²

For each position, the database includes the job title, the department or agency, a brief description of the position, a nomination timeline for each nominee, the name of the individual, and the current status of that individual (including when there is no nominee).¹⁵³



As of the September 2019, there were 145 positions with no nominee, 8 awaiting nomination, 99 formally nominated, and 480 confirmed individuals.¹⁵⁴ The database also includes information about confirmed officials who have resigned and withdrawn nominees.¹⁵⁵ To compile this information, the Partnership for Public Service staff monitors publicly available resources, such as agency websites and Congress.gov.¹⁵⁶ GAO reported that tracking information about lower-level PAS positions proves most difficult given that they are not covered as

¹⁵⁰ *Id.* at 12 n.21.

¹⁵¹ *Political Appointee Tracker*, PARTNERSHIP FOR PUBLIC SERVICE, <https://ourpublicservice.org/political-appointee-tracker/> (last visited Sept. 6, 2019).

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*


¹⁵⁵ *Id.*

¹⁵⁶ GAO, GOVERNMENT-WIDE POLITICAL APPOINTEE DATA, *supra* note 5, at 12.

Listing Agency Officials

thoroughly in the media, and collecting departure dates is reportedly the most difficult aspect of the Partnership for Public Service's data collection efforts.¹⁵⁷

DEPARTMENT OF STATE 213 positions			
CONFIRMED AND RESIGNED	Secretary	Rex Tillerson	DETAILS +
CONFIRMED	Secretary	Michael Pompeo	DETAILS +
CONFIRMED	Deputy secretary	John J. Sullivan (To Serve Concurrently as Deputy Secretary for Management and Resources)	DETAILS +
CONFIRMED	Deputy secretary for management and resources	John J. Sullivan (Confirmed as Deputy Secretary)	DETAILS +
CONFIRMED AND RESIGNED	Legal adviser	Jennifer Gillian Newstead	DETAILS +
NO NOMINEE	Legal adviser	—	DETAILS +
NO NOMINEE	Chief financial officer	—	
CONFIRMED	Undersecretary for arms control and international security affairs	Andrea L. Thompson	DETAILS +
NOMINATED	Undersecretary for civilian security, democracy and human rights	Marshall Billingslea	DETAILS +
CONFIRMED	Under Secretary for Economic Growth, Energy and the Environment	Keith Krach	DETAILS +
WITHDRAWN	Undersecretary for management	Eric Ueland	DETAILS +

Political Appointee Tracker			
 TRUMP TRANSITION Explore 731 key positions			
DEPARTMENT OF STATE 213 positions			
CONFIRMED AND RESIGNED	Secretary Serves as chief foreign policy adviser, foreign policy coordinator, senior negotiator and senior Cabinet officer, and leads the department, which had nearly \$26.5 billion in budget outlays in fiscal 2015, and 10,500 nonseasonal full time permanent employees in fiscal 2016	Rex Tillerson	DETAILS —
NOMINATION TIMELINE Dec. 13, 2016 Appointment announced * Jan. 11, 2017 Referred to Foreign Relations committee Jan. 23, 2017 Reported out favorably Feb. 1, 2017 Confirmed March 13, 2018 Resigned			
CONFIRMED	Secretary Serves as chief foreign policy adviser, foreign policy coordinator, senior negotiator and senior Cabinet officer, and leads the department, which had nearly \$26.5 billion in budget outlays in fiscal 2015, and 10,500 nonseasonal full time permanent employees in fiscal 2016	Michael Pompeo	DETAILS —
NOMINATION TIMELINE March 13, 2018 Appointment announced March 20, 2018 Referred to Foreign Relations committee April 23, 2018 Reported out favorably April 26, 2018 Confirmed			

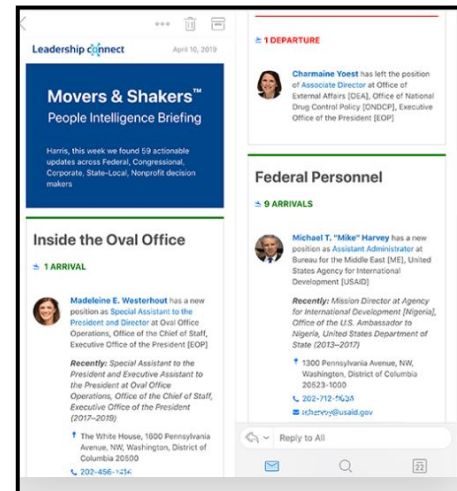
¹⁵⁷ *Id.*

Listing Agency Officials

Other Leadership Directories

Numerous paid services and products are also available to the public. Examples include GovPredict,¹⁵⁸ Leadership Connect (formerly Leadership Directories),¹⁵⁹ the Federal Yellow Book,¹⁶⁰ and Politico Pro,¹⁶¹ which provide paid products that include information about important agency and department officials.

For example, Leadership Connect provides contact information about federal department and agency leadership; SES appointees; advisors; program managers; policy-makers; deputies; directors; assistants; CIOs; IT, human resources, communications, operations, acquisitions, and financial officers “for every department, independent agency, and office, including the EOP and all military branches[:]” as well as interactive organizational charts covering 33,000 federal offices.¹⁶² Profiles include contact information, background about career and education, connections, list-building tools, search functions, and the ability to incorporate this information into other databases.¹⁶³



¹⁵⁸ GovPredict, GOVPREDICT, INC., <https://govpredict.com> (last visited Nov. 13, 2019).

¹⁵⁹ Leadership Connect, LEADERSHIP CONNECT, <https://www.leadershipconnect.io/> (last visited Nov. 13, 2019).

¹⁶⁰ Leadership Directories, LEADERSHIP CONNECT, <https://www.leadershipconnect.io/products/print-leadership-directories/> (last visited Nov. 13, 2019).

¹⁶¹ The New Politico Pro, POLITICO PRO, <https://www.politicopro.com> (last visited Nov. 13, 2019).

¹⁶² Leadership Connect: Products, LEADERSHIP CONNECT, <https://www.leadershipconnect.io/products/> (last visited Nov. 13, 2019).

¹⁶³ *Id.* Information about federal government officials is one of many product offerings focusing on different sectors or communities.

These tools provide helpful information to those who can afford to purchase them, but for this reason they are not publicly available to anyone. These tools generally provide contact and biographical information to help customers easily locate people and their contact information. Given the scope of this study, the author briefly mentions these paid resources to provide additional context.¹⁶⁴

Summary

Nongovernmental entities rely (in part) on a request-based approach, which requires time and resources for the staff to prepare the request and more time and resources for the agency to process the request, collect the data, and respond to the request. Then, the requester must convert and prepare the data for publication or inclusion in the database. This process must repeat itself across hundreds of departments, subcomponents, and agencies, and the database almost immediately becomes outdated upon delivery (requiring the process to begin anew). This process is highly inefficient and requires extraordinary time and effort on the part of both government staffers and staffers at the nongovernmental entity. The fact that these entities willingly pursue these avenues to create this data demonstrates how valuable and valued these datasets can be to the public at large (as does the fact that individuals and organizations are willing to pay money to access the data). More importantly, these facts show the important role government must play in any solution.

¹⁶⁴ The author examined publicly available information about these publications and databases because they are paid services.

B. Agency Websites

As described in Part II.C above about the study methodology, the author reviewed agency websites for the 15 cabinet departments, 15 departmental subcomponents (one selected subcomponent from each cabinet department), and 59 other independent agencies.¹⁶⁵ The author coded each agency website across approximately 11 different categories examining different aspects of how the website published information about the agency's PAS, PA, and SES officials in August 2019. The categories examined whether and how extensively the agencies published information about their PAS, PA, and SES officials, such as their names, titles, start dates, and the terms of their appointments; whether the agency published information about vacant positions or acting officials; and whether the agency published organizational charts and archival data about any PAS, PA, or SES positions. Additionally, the author recorded notes about the websites and any insights that would be relevant to the project and analyzing the data. Descriptions of some of the more significant findings as a result of this research and analysis follow.

For the companion project, Professor O'Connell specifically addresses the accessibility of acting leadership information on agency websites and similarly offers recommendations about disclosing acting agency officials on agency websites.¹⁶⁶

General

After carefully reviewing dozens of government websites, the main takeaway is that each website is unique and approaches the presentation of information in slightly different ways. This will pose one obstacle for prescribing specific solutions and will require each agency to exercise discretion in applying any recommendations. Despite this variance, several general trends emerged with respect to how extensively agencies publish information about their high-level officials.

- In general, this review focused mainly on PAS and PA officials identified in the *Plum Book*. This review showed different treatment of PAS officials and lower-level PA officials, with significantly less information available in general about the latter group of PA officials. There is even less information about the next layers of government officials (SES positions) available on these websites (though there were a handful of websites that provided comprehensive employee directories).

¹⁶⁵ As used here, "59 other independent agencies" means those agencies included in OPM's data submitted for the *Acting Agency Officials and Delegations of Authority* project, *see supra* note 65, and included in the *ACUS Sourcebook of United States Executive Agencies*. *See also supra* note 79.

¹⁶⁶ *See* O'Connell, *Acting Agency Officials*, *supra* note 65, at 44–46, 69–74 (encouraging greater disclosure by agencies).

Listing Agency Officials

- Nearly all departments, departmental subcomponents, and other independent agencies provided a prominent link on their website to thorough information about at least some PAS/PA/SES officials on a centralized webpage (typically phrased “About Us”). These pages typically included the name, title, and brief biography of each listed official.
- There was a wide range of practices when it came to providing information about the dates of service (appointment, nomination, confirmation, sworn). This made it difficult to find information easily and consistently.
- Most departments, departmental subcomponents, and other independent agencies did not provide clear and thorough information about vacancies among PAS/PA positions. A substantial number of departments (6 of 15, or 40%), departmental subcomponents (4 of 8, or 50%), and other independent agencies (13 of 33, or 39%) provided no information about vacant PAS/PA positions.
- Significant numbers of surveyed departments (6 of 15, or 40%), departmental subcomponents (5 of 15, or 33%), and other independent agencies (23 of 59, or 39%) did not provide an organizational chart on their website. Those departments that included an organizational chart provided only limited information in their organizational charts. Some organizational charts were difficult to locate. They were not prominently displayed, which required using the agency website’s search tool. Most commonly, organizational charts were posted as graphics or as PDF documents.
- Many other independent agencies (27 of 59, or 46%) and departmental subcomponents (8 of 15, or 53%) did not include archival information about any PAS/PA officials.
- Departments provided noticeably less information about the entire range of PAS/PA officials within the entire department (including subcomponents). Department websites typically covered only the highest positions most closely associated with the Secretary.
- Departmental subcomponents generally provided very thorough information about the entire range of PAS/PA officials within the entire subunit.

Departments

- Many department websites provided appointment dates only in the biography of the individual official, which resulted in inconsistencies among different officials. For example, some officials would provide an appointment date, nomination date, Senate confirmation date, swearing in date, or some combination, while other officials would provide different dates. This served as an obstacle to easily access and consolidate this information.

Listing Agency Officials

- Departments provided noticeably better information about high-level acting officials (if they identified vacancies).
- Departments provided noticeably better archival information than independent agencies and subcomponents, but this coverage was typically very limited (typically only the Secretary). Three departments did not provide any archival information about any PAS/PA official.
- Many departments did not include detailed information in their organizational charts (if they provided one at all).

Departmental Subcomponents

- Many departmental subcomponents provided appointment dates in the biography of the listed officials, which resulted in inconsistencies among different officials. For example, some officials would provide an appointment date, nomination date, Senate confirmation date, swearing in date, or some combination, while other officials would provide different dates.
- Some departmental subcomponents (7 of 15, or 47%) provided thorough archival information about PAS/PA officials.

C. Centralized Entities

This report considers whether any centralized government entity is best positioned to collect and publish real-time information about high-level agency officials. The project proposal identified three potential candidates: the Office of Presidential Appointments in the Department of State, the Office of Personnel Management, and the White House Office of Presidential Personnel. The following subsections summarize information about each entity after reviewing publicly available information (mainly on agency websites), researching primary sources and any secondary sources or other reports about the entity, and holding supplemental conversations with relevant government employees.

(i) Department of State: Office of Presidential Appointments

Upon the President's nomination and confirmation of an official to a PAS position (or the appointment of an official to a position not subject to Senate confirmation), the White House transmits a notification of the appointment and request for a formal commission to the Office of Presidential Appointments (OPA), a small office housed within the Department of State's Bureau of Human Resources. There is very little publicly available information about this office and its functions.¹⁶⁷ With approximately ten staff members (as of November 2019¹⁶⁸), the Office of Presidential Appointments prepares the requested Presidential commission and works with the agency to deliver the commission once it has been prepared (either to the agency or directly to

¹⁶⁷ The author spoke with a current staff member to learn more about the basic operation of this office.

¹⁶⁸ DEP'T OF STATE, TELEPHONE DIRECTORY (UNCLASSIFIED) OD-39 (Nov. 6, 2019), *available at* <https://www.state.gov/wp-content/uploads/2019/10/Org-Directory.pdf>.

the appointee). Staffers then transmit the commission along with a transmittal memo, copies of which the agency and OPA are responsible for maintaining for their respective records.

Relevant to this project, the White House transmits their requests electronically (typically by email), and OPA does not track or maintain other records (current or archival) of these commission requests and deliveries in an electronic database. While certain employees may have scattered email records concerning individual commissions and requests, the office does not currently maintain comprehensive electronic records of active or past commissions that have been requested or delivered.

(ii) White House Office of Presidential Personnel

The White House Office of Presidential Personnel helps the President “recruit and nominate highly qualified people to lead the executive branch.”¹⁶⁹ Presidents have appointed executive branch officials throughout history, but there have been dramatic changes to this practice over time. Throughout the nineteenth century, a change in the party occupying the presidency meant widespread turnover in the federal workforce.¹⁷⁰ The Pendleton Act of 1883 created the civil service system for many positions after the assassination of President James Garfield by a disgruntled political supporter who had not received a desired post.¹⁷¹ The White House lacked institutional capacity to recruit political appointees throughout most of the next century (aside from the highest Cabinet and top-level presidential appointees). Over time, however, control over the remaining appointments (outside the civil service merit system) grew more centralized.¹⁷²

President Nixon established the “White House Personnel Office” (WHPO). Led by Fred Malek and approximately thirty staff members, WHPO carried out a formal executive search function for all presidential appointments (but not lower-level appointments).¹⁷³ President Reagan also centralized this function by giving Pendleton James a West Wing office and the title of Assistant to the President (“the highest designation for a White House staffer”).¹⁷⁴ President Reagan and James’ office (numbering 100 staffers and volunteers immediately after the election) expanded control over appointments to **all** non-career SES positions and Schedule C appointments (even though they are technically made by the Cabinet secretaries and agency heads).¹⁷⁵

¹⁶⁹ Pfiffner, *supra* note 35, at 3.

¹⁷⁰ *Id.* at 2.

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.* See also James M. Naughton, *Nixon’s Talent Hunter Also Wields Executive Hatchet*, N.Y. TIMES, July 12, 1971, at 18.

¹⁷⁴ Pfiffner, *supra* note 35, at 3.

¹⁷⁵ *Id.*

Listing Agency Officials

Over time, the presidential personnel operations have become more professional and institutionalized, larger in size, and expanded to cover many more positions.¹⁷⁶ Today, the Office of Presidential Personnel directly supports the President's appointment efforts with 30 to 40 staff members and volunteers led by a trusted Assistant to the President.¹⁷⁷ During the transition and beginning of the administration, the transition personnel team can balloon to 100 staffers and volunteers in order to establish and to execute a successful transition.¹⁷⁸ After the initial rush, the office continues its efforts to manage the substantial volume of applicants, track vacant positions subject to presidential appointment, recruit and vet individuals for vacant positions (or upcoming vacancies), and provide recommendations to the President about thousands of executive branch positions subject to presidential appointment.

The office generally relies on the *Plum Book* to define the universe of available presidentially appointed positions and establish its internal tracking lists. As of October 2016, the Plum Book listed 1,242 PAS positions, 472 PA positions, 761 noncompetitive positions in the Senior Executive Service, and the 1,538 Schedule C appointments.¹⁷⁹ The White House Office of Presidential Personnel reportedly focuses on a subgroup of 600 PAS positions involved in policymaking at the highest levels of the executive branch.¹⁸⁰

The White House Office of Presidential Personnel does not publish these internal listings of officials, and the internal lists are not otherwise publicly available, even after an official is confirmed or appointed.¹⁸¹ Nevertheless, the White House issues press releases when the President announces his intent to nominate individuals to key positions.¹⁸²

Prior government efforts to learn more about Office of Presidential Personnel practices have not succeeded.¹⁸³ The limited information available about internal practices generally comes from former White House Office of Presidential Personnel officials.¹⁸⁴ Some historical

¹⁷⁶ *Id.* at 5.

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ THE PLUM BOOK, *supra* note 1, at 216 (Appendix No. 1, Summary of Positions Subject to Noncompetitive Appointment).

¹⁸⁰ Pfiffner, *supra* note 35, at 6.

¹⁸¹ Under President Obama, the White House website included a distinct Nominations & Appointments page. *Briefing Room: Nominations & Appointments*, WHITE HOUSE, <https://obamawhitehouse.archives.gov/briefing-room/nominations-and-appointments> (last visited Nov. 13, 2019).

¹⁸² *See Presidential Actions*, WHITE HOUSE, <https://www.whitehouse.gov/presidential-actions/> (last visited Nov. 13, 2019). These press releases are usually issued before an official appointment or nomination.

¹⁸³ GAO, GOVERNMENT-WIDE POLITICAL APPOINTEE DATA, *supra* note 5, at 2 (“We contacted the White House Office of Presidential Personnel (PPO) to discuss and request information on how it tracks, maintains, and uses data on political appointees. PPO redirected our request for information to the White House Counsel’s Office. As of March 2019, the White House Counsel’s Office had not responded to our requests for information. We interviewed two senior PPO officials from the two previous administrations to understand how they tracked and used data on political appointees.”).

¹⁸⁴ *Id.* *See also* Pfiffner, *supra* note 35, at 1 (describing an effort to preserve collective wisdom through interviews with former officials as part of the White House Transition Project directed by Martha Kumar).

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records are housed in Presidential Library collections, but the coverage and accessibility is limited due to privacy concerns about sensitive personal information contained in the office's files.¹⁸⁵ Similar concerns would likely arise with any current data the office maintains.

¹⁸⁵ See, e.g., COLLECTION OF PRESIDENTIAL PERSONNEL OFFICE FILES, (1953–73) 1974–77, in GERALD R. FORD PRESIDENTIAL LIBRARY & MUSEUM, *available at* <https://www.fordlibrarymuseum.gov/library/guides/findingaid/ppo.asp#Bio> (last visited Nov. 13, 2019) (“Working files of the White House office which handled administration personnel appointments. Included are files on the search for potential appointees, the screening process used to evaluate candidates and solicit opinions, and the Presidential decision process. The bulk of the collection concerns appointments to positions in Cabinet departments, independent regulatory agencies, the Federal judiciary, and the numerous Federal boards and commissions. Only occasional scattered folders concern appointments to the White House staff.”).

(iii) Office of Personnel Management

Background

Tasked in part with providing leadership and guidance to agencies about support systems to carry out human capital management and other personnel management responsibilities,¹⁸⁶ the Office of Personnel Management (OPM) implemented and maintains an extensive government-wide recordkeeping program.¹⁸⁷ OPM requires executive branch agencies to report information about their civilian employees in compliance with detailed data standards.¹⁸⁸

Today, the Enterprise Human Resources Integration Data Warehouse (EHRI DW) is OPM's primary data repository for human capital data to support its mission and strategic goals.¹⁸⁹ Prior to about fiscal year 2005, the Central Personnel Data File was OPM's main personnel database. Authorized to collect this personnel data by Executive Order 13,197,¹⁹⁰ OPM collects human resources, payroll, and training data from federal executive branch agencies.¹⁹¹ OPM established EHRI DW in order to:

(1) provide for comprehensive knowledge management and workforce analysis, forecasting, and reporting to further strategic management of human capital across the executive branch; (2) facilitate the electronic exchange of standardized human resources data within and across agencies and systems and the associated benefits and cost savings; and (3) provide unification and consistency in human capital data across the executive branch.¹⁹²

To achieve these goals, the system provides “storage, access, and exchange of standard, electronic human capital information” about each federal executive branch civilian employee and facilitates data-driven personnel management activities and decision making, oversight and accountability, and research activities.¹⁹³

¹⁸⁶ 5 U.S.C. § 1103. *See also Data Policy Guidance*, OFF. OF PERSONNEL MGMT., <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/data-policy-guidance/#url=Overview> (last visited Nov. 13, 2019).

¹⁸⁷ 5 C.F.R. §§ 293.101 *et seq.* (2019).

¹⁸⁸ U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-17-127, FEDERAL HUMAN RESOURCES DATA: OPM SHOULD IMPROVE THE AVAILABILITY AND RELIABILITY OF PAYROLL DATA TO SUPPORT ACCOUNTABILITY AND WORKFORCE ANALYTICS 6 n.9 (2016), *available at* <https://www.gao.gov/assets/690/680381.pdf>.

¹⁸⁹ *Id.* at 6.

¹⁹⁰ Executive Order No. 13,197, 66 Fed. Reg. 7,853 (Jan. 18, 2001).

¹⁹¹ *Enterprise Human Resources Integration Privacy Policy*, OFF. OF PERSONNEL MGMT., <https://www.opm.gov/information-management/privacy-policy/privacy-policy/enterprise-human-resources-integration/> (last updated Sept. 7, 2007).

¹⁹² GAO, FEDERAL HUMAN RESOURCES DATA, *supra* note 188, at 6.

¹⁹³ *Enterprise Human Resources Integration Privacy Policy*, *supra* note 191.

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OPM works with and approve human resources/payroll data providers to acquire the relevant employee information to populate EHRI DW. OPM directs data providers to transmit data securely into EHRI DW, which stores, integrates, and publishes data for two million employees on a bi-weekly basis (or possibly monthly).¹⁹⁴ In order to standardize the data collection process, OPM publishes detailed guidance materials about the proper format and method for submitting points to transmit their data each reporting period in the Guide to Human Resource Reporting. OPM even works with data providers to evaluate test data before fully and automatically integrating these data feeds into EHRI DW.

Significantly, “each agency is responsible for collecting the data, editing it for validity, accuracy, and completeness, and furnishing the data to EHRI.”¹⁹⁵ Most data elements have specific formatting requirements, but some do not. For example, there does not appear to be standardization with respect to job titles, even within an agency.¹⁹⁶

Although the informational materials state that EHRI DW imposes some minimum acceptability requirements and can detect (and reject) invalid data to prevent it from entering the system, these protocols are limited.¹⁹⁷ OPM’s standard procedure is to notify the agency and allow the agency to submit corrections. However, OPM “may change data element values that are missing or invalid by matching to older files or making the values consistent with statistical assumptions. Alteration of agency submitted values is limited to situations where agency correction is not possible or feasible and failure to act would seriously undermine the usability of the data.”¹⁹⁸ OPM states that agency submissions and corrections process quarterly (in March, June, September, and December).¹⁹⁹

Notably, OPM can track and pull data about PAS, PA, and SES officials based on the coding categories included in its internal database (as demonstrated by the *Plum Book* entries). OPM staff, however, clarified that pulling raw data results in many duplicate entries from agency data feeds that would need to be cleaned up in some way to be useful for this project.

¹⁹⁴ *Enterprise Human Resources Integration Data Warehouse*, OFF. OF PERSONNEL MGMT., <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/enterprise-human-resources-integration/#url=Data-Warehouse> (last visited Nov. 13, 2019).

¹⁹⁵ OFF. OF PERSONNEL MGMT., GUIDE TO HUMAN RESOURCES REPORTING 3-5 (last updated July 31, 2013), available at https://www.opm.gov/policy-data-oversight/data-analysis-documentation/data-policy-guidance/hr-reporting/ghrr07_ch3.pdf (Section 3.2, “Overview of HR Data Feeds”).

¹⁹⁶ See *supra* note 65 (describing the OPM data request and supplied information for that companion project).

¹⁹⁷ *FedScope: About EHRI-SDM*, OFF. OF PERSONNEL MGMT., https://www.fedscope.opm.gov/datadefn/aboutehri_sdm.asp#cpdf1 (last visited Nov. 13, 2019).

¹⁹⁸ *Id.*

¹⁹⁹ *Id.*

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Coverage

EHRI DW data feeds include most federal civilian employees of the executive branch (approximately two million), but EHRI DW does not include information about:

- Board of Governors of the Federal Reserve
- Central Intelligence Agency
- Defense Intelligence Agency
- Foreign Service personnel at the State Department (included until March 2006)
- National Geospatial-Intelligence Agency
- National Security Agency
- Office of the Director of National Intelligence
- Office of the Vice President
- Postal Regulatory Commission
- Tennessee Valley Authority
- U.S. Postal Service
- White House Offices
- Foreign Nationals holding jobs overseas (excepted by Executive Order)
- Public Health Service's Commissioned Officer Corps
- Non-appropriated fund employees

Some legislative branch entities are also included:

- Government Printing Office
- Dwight D. Eisenhower Memorial Commission
- Financial Crisis Inquiry Commission
- Ronald Reagan Centennial Commission
- Medicare Payment Advisory Commission
- U.S. – China Economic and Security Review Commission
- U.S. Commission on International Religious Freedom

The coverage has also changed over time. For example, the Consumer Financial Protection Bureau began reporting in March 2011; the Federal Bureau of Investigation did not report data on personnel actions until fiscal year 2007; and the Department of State stopped providing data about foreign service personnel in 2006.²⁰⁰

Availability

In addition to its own analyses and reports, OPM provides online public access to federal workforce data at www.fedscope.opm.gov/. This public database is distinct from the OPM-side of the database and updates less frequently than OPM's internal data. OPM provides the

²⁰⁰ *Id.*

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FedScope tool to allow agencies, researchers, the media, and the general public “to access and analyze the most popular data elements from OPM’s [EHRI] Data Warehouse.”²⁰¹ Through FedScope, users can review and manipulate the display of agency data using an online interface. OPM also provides downloadable raw data sets.²⁰²

In November 2018, OPM published a data release policy stating that it “endeavors to make a wide range of workforce information and reports readily available to the public.”²⁰³ Because OPM stores sensitive information it receives directly from agencies and human resources, there are privacy considerations with certain pieces of information about individual employees. OPM’s internal databases (not publicly accessible) contain a lot of protected personal information, so these published raw data sets do not include the same level of detail as the internal database. There are also delays in publishing updated data to the public. In accordance with its regulations,²⁰⁴ OPM commits to a general policy of releasing information “at the individual record level” for the following categories of information: name, job title, grade level, position description, duty station, and salary.²⁰⁵ As previously mentioned, GAO reports 32 recent FOIA requests directed to OPM for similar information about political appointments.²⁰⁶

Summary and Findings

OPM is a great candidate to publish information about PAS, PA, and SES agency officials because this fits squarely within OPM’s mission, this endeavor complements OPM’s stated transparency goals, and OPM already collects this information directly from agencies and departments. This data collection is automatic and frequent, but the data quality could be improved with a coordinated effort. Although some information is already available, the current tools are a bit difficult to understand and use efficiently. Moreover, the website does not provide the most up-to-date information available and does not offer the same detail for individual positions that OPM can access using their internal data tools. The current information OPM publishes also indicates that there will not be major obstacles (privacy issues or otherwise) with making this information available to the public. The frequency of FOIA requests to OPM also indicates that redirected efforts could be efficient over the long term.

²⁰¹ *Data, Analysis & Documentation*, OFF. OF PERSONNEL MGMT., <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/> (last visited Nov. 13, 2019).

²⁰² *Data, Analysis & Documentation: Raw Datasets*, OFF. OF PERSONNEL MGMT., <https://www.opm.gov/data/index.aspx> (last visited Nov. 13, 2019).

²⁰³ *Data Release Policy*, OFF. OF PERSONNEL MGMT., <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/data-policy-guidance/data-standards/data-release-policy-november-2018.pdf> (last updated Nov. 2018).

²⁰⁴ See 5 C.F.R. § 293.311 (2019).

²⁰⁵ *Data Release Policy*, *supra* note 203.

²⁰⁶ GAO, GOVERNMENT-WIDE POLITICAL APPOINTEE DATA, *supra* note 5, at 12 (also noting White House officials within the Office of Presidential Personnel reported similar requests for data on political appointees).

V. CONCLUSIONS

ACUS commissioned this report to address whether individual agencies²⁰⁷ and/or a centralized entity is best positioned to publish real-time information about high-level agency officials exercising significant decision-making authority in the executive branch. After carefully considering the research findings described in the first three parts of the report, this part describes the most noteworthy observations and the best path forward.

Existing Publications

As Table 2 summarizes, none of the existing publications publish comprehensive, real-time information about high level-officials within the scope of this report (PAS, PA, and SES positions). This is largely because they all have distinct purposes and objectives. The government publications make their data publicly available online (often using multiple methods), but most provide only a snapshot in time because of their objective and purpose, and they are not updated in real-time. The ability of these publications to provide real-time updates is often constrained by staff resources, the availability of media coverage, agency coordination and contacts, the lack of access to the best data sources, and similar concerns. Even when updated by dedicated staffers, the timeliness and quality of data can depend on the responding agency (whether a contact exists and whether he or she has access to the proper resources), the availability and thoroughness of media coverage, and other unpredictable factors. Regarding comprehensiveness, only the *Plum Book* thoroughly explains how positions are selected for inclusion in the publication and specifically identifies PAS/PA/SES officials.

Notably, the time and resource demands can be quite high, and there are significant government inefficiencies related to having several different offices conducting parallel, siloed activities while trying to accomplish similar goals for different mandates.

Another noteworthy observation here is that a **governmental** entity would be optimally positioned to carry out this function. Nongovernmental groups face many of the same obstacles that government staffers encounter, but the nongovernmental groups also must operate by FOIA request agency-by-agency. The existence of these private databases, notwithstanding the significant difficulty and substantial time and resources required to assemble them, shows just how valuable this information is to the public. Other prudential concerns suggest that government should play the key role in publishing this information.

²⁰⁷ In this part, agency collectively refers to departments, departmental subcomponents, and other independent agencies.

Table 2: Summary of Existing Publications

Publication Title	Comprehensive?	Timely?	Publicly Available?	Data Source?
<i>Plum Book</i>	Covers all PAS ²⁰⁸ and PA positions; also includes some SES positions (but not career-reserved SES positions)	Published every 4 years in Dec. (data from Oct.), no interim updates	Available for free in print and online in multiple formats; downloadable in entirety or specific sections; extensive archives	OPM
<i>Congressional Directory</i>	Unclear, covers many high-level officials, scope left to agency	Published twice each Congress; Oct. 2018 (data from July)	Available for free in print and online in multiple formats; downloadable in entirety or specific sections; extensive archives	Agencies
<i>Government Manual</i>	Unclear, covers officials heading major operating units, scope left to agency	Varies by agency; updated year-round, pulls snapshot of database	Available for free online in multiple formats; downloadable in entirety or specific sections; extensive archives	Many (mostly agency officials)
Other Nongovernmental Sources	Varies	Varies	Varies	Many (agency officials, FOIA, media)

²⁰⁸ Professor O’Connell has noted that the Plum Book mistakenly lists certain PAS slots when Congress eliminated the Senate’s role in 2012. See O’Connell, Acting Agency Officials, *supra* note 65, at 100 (citing Presidential Appointment Efficiency and Streamlining Act of 2011, Pub. L. No. 112-166, 126 Stat. 1283 (2012)).

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Centralized Entities

Briefly, the project proposal identified three centralized governmental entities as possible candidates for a role in collecting and publishing updated government-wide data about high-level agency officials. Based on the research findings above, OPM would be best positioned to collect and publish this information.

The Department of State's Office of Presidential Appointments focuses only on a subset of officials within the scope of this report; it does not have data about many of the SES positions within the scope of this report that are not subject to presidential appointment. Although OPA does not comprehensively or systematically maintain records or lists related to these appointees or the commissions the office delivers, it seems like they could easily do so. But even with such a list, it would not include the entire scope of officials this report contemplates (PAS, PA, and SES officials).

The Office of Presidential Personnel in the White House similarly focuses on a small portion of the officials within the scope of this project. The office relies on the *Plum Book* to identify relevant positions, but it does not publish internal documents or data about the status of these positions. The office is uniquely situated in the White House, which adds more complications (as past efforts at gathering information about these records and practices have shown). Furthermore, there are additional privacy concerns because historically the records have been stored alongside much more sensitive information, such as financial records and background investigation materials.

OPM is best positioned to publish comprehensive data about PAS, PA, and SES officials in government. OPM should create new database pages to host downloadable datasets for PAS, PA, and SES agency officials. This would fit in naturally with the current OPM website format and approach. And this approach would align well with OPM's mission, commitment to transparency, and general information-release policies.

OPM already maintains complex databases covering these high-level agency positions, and these databases automatically incorporate information from the agencies (specifically the HR servicer or department). Although there are certainly some data quality issues, these can be overcome with coordinated efforts. OPM already publishes a significant amount of data from its databases for the public to review, manipulate, and download, so there should be minimal unanticipated privacy or other legal issues with this approach. The OPM database relies on regular data submissions from the agencies, so there will be some lag time and there may be initial data quality issues (beyond the initial issues identified and addressed here). But relying on OPM data would require the least degree of government disruption.

Publishing this OPM data will be pivotal in providing a place to start, but it will not be sufficient on its own due to data quality issues with some of the categories. Agencies must also play a role because they are more knowledgeable than OPM about agency personnel, agency structure, and other relevant issues.

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Agency Role

Agencies are best positioned to publish real-time information about their own PAS, PA, and SES officials. Agencies should implement systems to ensure that staff departures, arrivals, vacancies, and acting officials are reflected in their published data and websites soon after these triggering events occur.

Agencies and OPM should work together to improve this data, particularly with respect to duplicate data, job titles, and end dates. Agencies may need to revisit their internal practices and examine how their data is fed into OPM's databases. After reviewing these processes, agencies should take steps to improve the data quality, particularly with job titles and end dates. Agencies should also take reasonable steps to address duplication issues with their data feeds as they transmit information to OPM. This will allow OPM to publish accurate and high-quality data about all PAS, PA, and SES officials in agencies.

Aside from these technical tasks, agencies should also review their own websites and consider how best to publish more comprehensive information about their high-level officials. For most agencies, this will focus on (1) whether and how to supplement existing information on the agency's website (usually about only the highest officials), and (2) whether to include any new website components to post and display information about PAS, PA, and SES officials in the agency (or some combination thereof). In order to accomplish these goals, agencies should review the new OPM data sets, the most recent edition of the *Plum Book*, and any information they have about recent changes to the agency's structure and new or eliminated PAS, PA, and SES positions. With this information, the agency can improve the data quality generally and then supplement the OPM data with agency-specific information in a way that respects the agency's current website practices.

VI. DRAFT RECOMMENDATION

Considering the foregoing, the author proposes the following recommendations for the Committee's consideration:

Recommendations Applicable to Agencies Generally

1. Agencies should prominently display on their webpages updated information about each current and acting PAS, PA, and SES official, including the term of each such individual's appointment (if applicable).²⁰⁹ Vacancies should also be prominently displayed.
2. If an agency does not list information about each current and acting PAS, PA, and SES official on its own webpage for all subcomponents, it should make this clear on its website and link to subcomponent websites where the information can be located.²¹⁰

Recommendations Applicable to the Office of Personnel Management (OPM)

3. OPM should publish comprehensive data about PAS, PA, and SES officials on a monthly basis on a public website and ensure the information is easily accessible.
4. OPM should include the following fields, if applicable, for each listed PAS, PA, and SES official: Agency; Name (first and last); Job Title; Start Date; End Date (if known or reasonably foreseeable); and Type of Appointment.
5. OPM should create separate lists of current and former officials.

²⁰⁹ For the companion project, *Acting Agency Officials and Delegations of Authority*, Professor O'Connell specifically addresses the accessibility of acting leadership information on agency websites and similarly offers recommendations about disclosing acting agency officials on agency websites. O'Connell, *Acting Agency Officials*, *supra* note 65, at 44–46, 69–74.

²¹⁰ Subcomponent refers to bureaus and other subunits within a larger executive department or agency. *See* SELIN & LEWIS, *supra* note 14, at 13–15, 125–32 (describing definitional difficulties and providing an extensive list of agencies and subunits).

Other Considerations for the Committee

This report and accompanying draft recommendation provide one approach to solving this issue. The Committee may wish to address, or alternatively to avoid, certain issues the author encountered during the research and drafting process.

Issue One: Scope

The project proposal and author focused on a scope that included all PAS, PA, and SES officials. The Committee may wish to narrow the scope of officials, but the Committee may not have the same flexibility to broaden the scope of official beyond PAS, PA, and SES officials (the Council-approved scope). Departments may need to be treated differently given their size. Short of redefining the scope, the final recommendation could simply provide ample agency discretion over what to include while maintaining a broad overall scope to encourage experimentation and encourage transparency to the broadest extent possible unless other countervailing concerns prevent such broad transparency.

Issue Two: Timeliness

The Committee may wish to recommend, or avoid recommending, timetables or other benchmarks for compliance. The author settled on monthly OPM publications of datasets based on some OPM information provided about the agency HR data streams. The Committee could increase or decrease these periods as it sees fit, but there will be some technical obstacles preventing quicker, real-time updates by OPM. Agencies are a different issue and the Committee may wish to consider whether to establish different goals or benchmarks for agencies to provide updates to their website.

Issue Three: Data Preservation and Archival Data

This recommendation does not delve into precisely how OPM and agencies should preserve historical data. The Committee may wish to consider whether OPM and agencies should maintain a single spreadsheet or other dataset and whether past versions of the spreadsheets should remain posted publicly. For example, would a single OPM list of all PAS, PA, and SES positions throughout time be acceptable? Should there be separate files for active officials and former officials?

OPM and agencies may need to be treated differently, as well as departments and how their data correlates with the data of departmental subcomponents. These interrelated issues may alter the complexity and burden on agencies and OPM, as well as the intricacy of the recommendation language. The Committee could work to avoid these issues by deferring some of these issues to agency discretion to avoid getting bogged down in these technical nuances.

Significantly, the creation, publication, and management of these federal records may implicate guidance and regulations under the purview of the National Archives and Records Administration.²¹¹ The Committee may wish to note this in the recommendation.

²¹¹ 36 C.F.R. §§ 1220.1 *et seq.* (2019).

Listing Agency Officials

Issue Four: Periodic Review and Coordination

The Committee may wish to provide more robust details about how OPM and agencies should coordinate their efforts and periodically review their practices. This recommendation does not provide detailed guidance about how (and how frequently) to review these efforts.

Issue Five: Agencies Outside the Scope of OPM Data

The report details a list of entities that do not submit data to OPM (for example: Central Intelligence Agency, National Security Agency, Postal Regulatory Commission, U.S. Postal Service, and White House Offices). These agencies are not included in OPM's database for a variety of reasons (for example, national security or a unique pay system), so they are not connected to the OPM EHRI data feed and they are not included in OPM's data sets. The Committee may wish to address these outlier entities in some way.

VII. APPENDIX A: AGENCY WEBSITE EVALUATION INSTRUMENT

This appendix contains the questions that the author used to review, evaluate, and code the agency websites. Following the questions, the author provides a list of all agency websites reviewed. The author has on file the spreadsheet used to code and analyze the data, as well as detailed charts of the results.

1. Whether the agency website lists any PAS/PA/SES officials on a centralized “About Us” (or similar) webpage?
 - a. If so, whether the webpage is accessible from the agency’s homepage in one click?
 - b. If so, whether the webpage includes current occupants’ names?
 - c. If so, whether the webpage includes current occupants’ titles?
 - d. If so, whether the webpage includes any dates of appointment?
 - e. If so, whether the webpage includes information about terms of the appointment?
 - f. If no current occupant, whether the webpage lists any position as vacant?
 - g. Whether the webpage identifies any acting officials?
2. Whether the agency website includes an organizational chart?
 - a. If so, whether the organizational chart includes both titles and names of current occupants?
3. Whether the agency website includes archival information about any PAS/PA officials?
4. Whether the agency website presents any odd functionality or barriers that could interfere with an automated tool pulling data from the agency’s website? [or any other miscellaneous notes]

Listing Agency Officials

List of Agency Websites Reviewed

Departments:

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of Housing and Urban Development
Department of Justice
Department of Labor
Department of State
Department of the Interior
Department of the Treasury
Department of Transportation
Department of Veterans Affairs

Departmental Subcomponents:

Department of Agriculture: National Institute of Food and Agriculture
Department of Commerce: U.S. Census Bureau
Department of Defense: Air Force
Department of Education: Office of Elementary and Secondary Education
Department of Energy: Office of Energy Efficiency and Renewable Energy
Department of Health and Human Services: National Institutes of Health
Department of Homeland Security: Federal Emergency Management Agency
Department of Housing and Urban Development: Government National Mortgage Association
Department of Justice: Federal Bureau of Investigation
Department of Labor: Pension Benefit Guaranty Corporation
Department of State: United States Agency for International Development
Department of the Interior: National Park Service
Department of the Treasury: Internal Revenue Service
Department of Transportation: Federal Aviation Administration
Department of Veterans Affairs: Veterans Benefits Administration

Other Independent Agencies: ²¹²

Administrative Conference of the United States
Appalachian Regional Commission
Board of Governors of the Federal Reserve System: Consumer Financial Protection Bureau
Board of Governors of the Federal Reserve System
U.S. Agency for Global Media (formerly Broadcasting Board of Governors)
Central Intelligence Agency
Chemical Safety and Hazard Investigation Board
Commodity Futures Trading Commission
Consumer Product Safety Commission
Corporation for National and Community Service
Defense Nuclear Facilities Safety Board
Election Assistance Commission

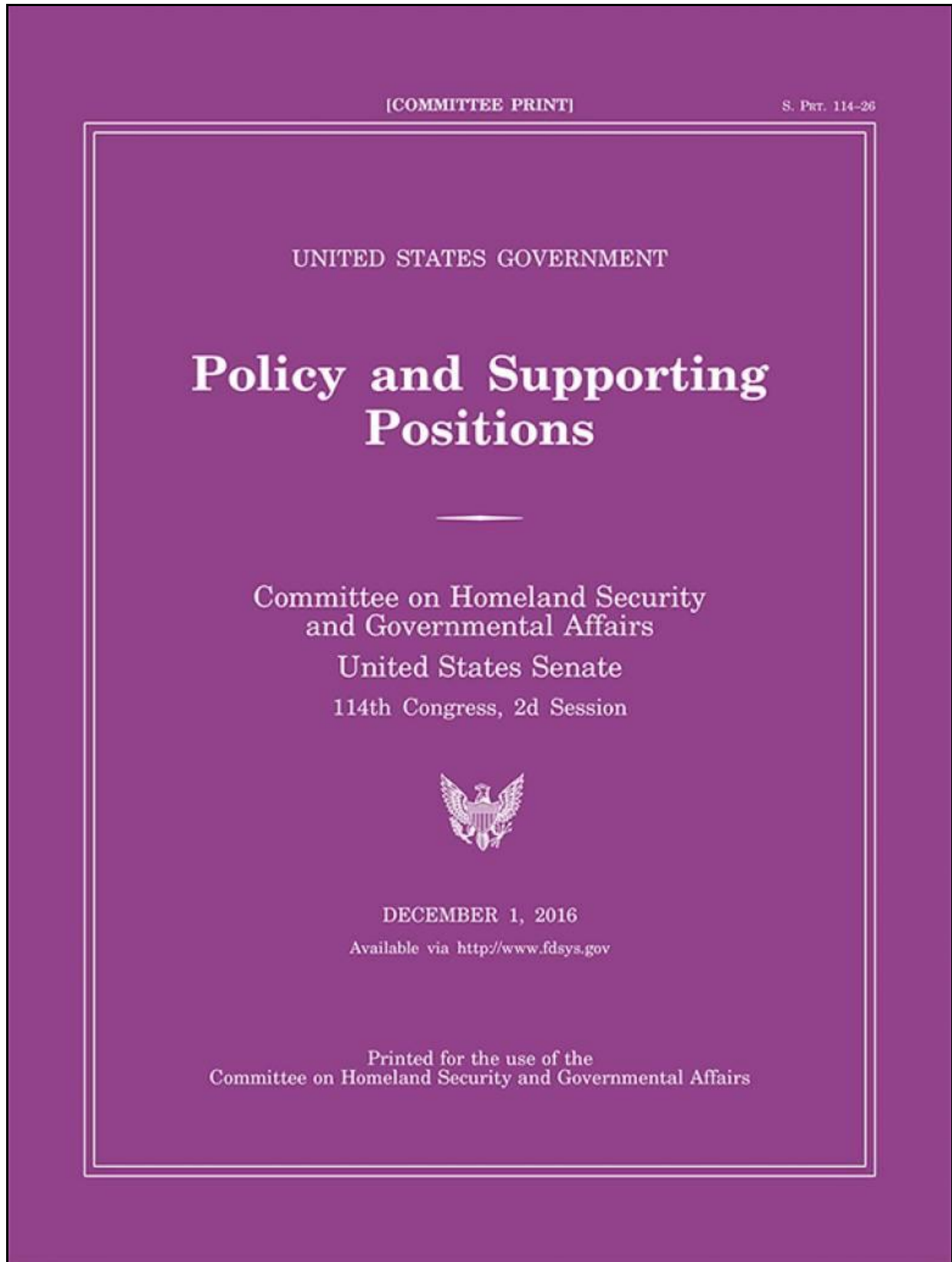
²¹² As mentioned previously, “other independent agencies” and similar variations refers to those agencies included in OPM’s data submitted for the *Acting Agency Officials and Delegations of Authority* project, see *supra* note 65, and included in the *ACUS Sourcebook of United States Executive Agencies*. See also *supra* note 79.

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Environmental Protection Agency
Equal Employment Opportunity Commission
Export-Import Bank of the United States
Farm Credit Administration
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Housing Finance Agency
Federal Labor Relations Authority
Federal Maritime Commission
Federal Mediation and Conciliation Service
Federal Mine Safety and Health Review Commission
Federal Retirement Thrift Investment Board
Federal Trade Commission
General Services Administration
International Joint Commission: U.S. & Canada
Marine Mammal Commission
Merit Systems Protection Board
Millennium Challenge Corporation
National Aeronautics and Space Administration
National Archives and Records Administration
National Council on Disability
National Credit Union Administration
National Foundation on the Arts and the Humanities: Institute of Museum and Library Services
National Foundation on the Arts and the Humanities: National Endowment for the Arts
National Foundation on the Arts and the Humanities: National Endowment for the Humanities
National Labor Relations Board
National Mediation Board
National Science Foundation
National Transportation Safety Board
Northern Border Regional Commission
Nuclear Regulatory Commission
Occupational Safety and Health Review Commission
Office of Government Ethics
Office of Personnel Management
Office of Special Counsel
Overseas Private Investment Corporation
Peace Corps
Postal Regulatory Commission
Privacy and Civil Liberties Oversight Board
Railroad Retirement Board
Securities and Exchange Commission
Selective Service System
Small Business Administration
Social Security Administration
Trade and Development Agency
United States International Trade Commission
United States Postal Service

VIII. APPENDIX B: GOVERNMENT PUBLICATIONS EXCERPTS

This appendix contains excerpts of the *Plum Book*, the *Congressional Directory*, and the *Government Manual*, three of the most widely circulated government publications in this space. For comparison, each excerpt contains the first five pages of the section covering the Department of State.



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DEPARTMENTS

DEPARTMENT OF STATE

Location	Position Title	Name of Incumbent	Type of Appt.	Pay Plan	Level, Grade, or Pay	Tenure	Expires
OFFICE OF THE SECRETARY							
Washington, DC	Secretary of State	John Forbes Kerry	PAS	EX	I		
Do	Chief of Staff to the Secretary and Director of the Policy Planning Staff.	Jonathan Joseph Finer	NA	ES			
Do	Deputy Chief of Staff (Policy)	Thomas D Sullivan	NA	ES			
Do	Deputy Chief of Staff (Operations/Management).	Jennifer Stout	NA	ES			
Do	Senior Advisor	David H. Thorne	NA	ES			
Do	Special Envoy for Guantanamo Closure	Lee Wolosky	NA	OT			
Do	Special Presidential Envoy to the Global Coalition to Counter ISIL.	Brett H McGurk	NA	OT			
Do	Special Presidential Envoy for Hostage Affairs.	James Coad O'Brien	PA	OT			
Do	Senior Advisor	Cindy Chang	SC	GS	15		
Do	.....do	Julie Ann Wirkkala	SC	GS	15		
Do	Senior Adviser	Elizabeth F Bagley	NA	GS	15		
Do	Special Assistant	James X Loftus	SC	GS	14		
Do	.....do	Nicholas Todd Christiansen.	SC	GS	13		
Do	.....do	Matthew Richard Summers	SC	GS	13		
Do	Staff Assistant	Christopher Richard Flanagan.	SC	GS	12		
Do	.....do	Jason David Meininger	SC	GS	12		
Do	.....do	Joshua Ari Rubin	SC	GS	11		
<i>Office of the Counselor</i>							
Do	Special Assistant	Alexandra Kahan	SC	GS	14		
New York, NY	Counselor	Career Incumbent	CA	ES			
<i>Office of Policy Planning</i>							
Washington, DC	Deputy Director	.....do	CA	ES			
Do	Principal Deputy Director	Siddharth Mohandas	NA	ES			
Do	Senior Advisor	Lauren Elizabeth Baer	SC	GS	15		
Do	.....do	Tamara Klajn	SC	GS	15		
Do	.....do	Max A. Bergmann	SC	GS	15		
Do	.....do	Robert Ian Klaus	SC	GS	15		
Do	Foreign Affairs Officer	Arslan Malik	SC	GS	15		
Do	Special Assistant	Michael J. Camilleri	SC	GS	14		
Do	Special Assistant (Speechwriter)	Jonathan Meir Powell	SC	GS	14		
Do	Writer-Editor (Speechwriter)	Stephanie C. Epner	SC	GS	14		
Do	.....do	William Andrew Imbrie	SC	GS	13		
Do	Staff Assistant	Nila Roshan	SC	GS	12		
Do	.....do	Shana Gabrielle Mansbach	SC	GS	7		
<i>Office of the Chief of Protocol</i>							
Do	Chief of Protocol with the rank of Ambassador.	Peter A. Selfridge	PAS	EX	IV		
Do	Deputy Chief of Protocol	Mark Edward Walsh	NA	ES			
Do	.....do	Natalie Rita Jones	SC	GS	15		
Do	Assistant Chief of Protocol (Ceremonials)	Jessica D Zielke	SC	GS	15		
Do	Assistant Chief of Protocol (Diplomatic Partnerships).	Nicholas M Schmit	SC	GS	15		
Do	Assistant Chief of Protocol (Visits)	Samantha J. Tubman	SC	GS	15		
Do	Senior Protocol Officer	Katherine L Garland	SC	GS	15		
Do	Special Advisor	Lindsey Katherine Jack	SC	GS	14		
Do	Protocol Officer	Katherine Forest Michaels Harger.	SC	GS	13		
Do	.....do	Lauren Bernstein	SC	GS	13		
Do	Protocol Officer (Visits)	Araz Pourmorad	SC	GS	13		
Do	Protocol Officer (Ceremonials)	Amy Sarah Rosenfield	SC	GS	12		
Do	Protocol Officer (Visits)	Claudia McNamara Lawder.	SC	GS	12		
Do	.....do	Caitlin Gaughan McGarry	SC	GS	11		
Do	Protocol Officer	Katrina Dai-Kwong Chan	SC	GS	11		
Do	Public Affairs Specialist	Jessica Joan Andrews	SC	GS	11		
Do	Protocol Officer (Visits)	Gary Stephen Lee	SC	GS	9		
<i>Office of Civil Rights</i>							
Do	Director	Career Incumbent	CA	ES			
Do	Deputy Director	.....do	CA	ES			
<i>U.S. Mission to the United Nations</i>							
New York, NY	Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.	Samantha J. Power	PAS	EX	II		

DEPARTMENT OF STATE—Continued

Location	Position Title	Name of Incumbent	Type of Appt.	Pay Plan	Level, Grade, or Pay	Tenure	Expires
New York, NY	Deputy Representative of United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary and the Deputy Representative of the U.S. in the Security Council of the United Nations.	Michele J. Sison	PAS	OT	.....	.....
Do	Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.	Isobel D. Coleman	PAS	AD	.....	.....
Do	Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.	Sarah E. Mendelson	PAS	AD	.....	.....
Do	Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.	David J. Pressman	PAS	AD	.....	.....
Do	Deputy Chief of Staff, Operations	Stina Skewes-Cox Trainor	XS	AD	.....	.....
Do	Director of Scheduling and Advance	Mary-Katherine Barry	XS	AD	.....	.....
Do	Senior Policy Advisor	Lauren Baer	XS	AD	.....	.....
Do	Director of Communications	Aoife Eileen McCarthy	XS	AD	.....	.....
Do	Senior Policy Advisor	Nicholas Fajans Zimmerman	XS	AD	.....	.....
Do	Policy Advisor	Julia Spiegel	XS	AD	.....	.....
Do	Deputy Chief of Staff for Policy	Gideon D. Maltz	XS	AD	.....	.....
Do	Director of Digital Media	Caroline Weissner	XS	AD	.....	.....
Do	Chief of Staff	Sergio Lanier Aguirre	XS	AD	.....	.....
Do	Special Assistant	Rebecca Kate Wexler	XS	AD	.....	.....
Washington, DC	Senior Policy Advisor (D.C.)	Halie Soifer	XS	AD	.....	.....
Do	Senior Policy Advisor (Middle East) (D.C.)	Wa'el Nabil Alzayat	XS	AD	.....	.....
New York, NY	Speechwriter	Nikolaus Strock Steinberg	XS	AD	.....	.....
Do	Chief of Staff	Salman Shaikh Ahmed	XS	AD	.....	.....
Do	Policy Advisor	Eric Pelofsky	XS	AD	.....	.....
<i>Office of the Deputy Secretary</i>							
Washington, DC	Deputy Secretary of State	Antony J. Blinken	PAS	EX	II	.....
Do	Special Assistant	William Michael Russo	SC	GS	13	.....
<i>Office of the Deputy Secretary for Management and Resources</i>							
Do	Deputy Secretary of State for Management and Resources.	Heather A. Higginbottom ..	PAS	EX	II	.....
Do	Senior Advisor	Daniella Ballou-Aares	NA	ES	.....	.....
Do .....	.....do	Tyrik B. McKeiver	SC	GS	15	.....
<i>Office of U.S. Foreign Assistance Resources</i>							
Do	Director	Career Incumbent	CA	ES	.....	.....
Do	Deputy Director	Vacant .....	.....	ES	.....	.....
Do	Managing Director	Career Incumbent	CA	ES	.....	.....
Do .....	.....do	Vacant .....	.....	ES	.....	.....
<i>Office of the U.S. Global Aids Coordinator</i>							
Do	Ambassador at Large and Coordinator of United States Government Activities to Combat HIV/AIDS Globally.	Deborah Leah Birx	PAS	EX	IV	.....
Do	Principal Deputy Coordinator	Vacant .....	.....	ES	.....	.....
Do	Deputy Coordinator, Financial Sustainability and Development.	.....do .....	.....	ES	.....	.....
Do	Deputy Coordinator, Budget and Operations .....	.....do .....	.....	ES	.....	.....
Do	Director of Public Affairs and Communications.	Edna Z. Ruano	SC	GS	15	.....
Do	Senior Advisor	Caya B. Lewis	NA	ES	.....	.....
Do .....	.....do	Emily Gibbons	SC	GS	15	.....
Do .....	.....do	Thomas Anthony Lasalvia	SC	GS	15	.....
Do	Foreign Affairs Officer	Maheisha L Adams	SC	GS	12	.....
<i>Office of Global Women's Issues</i>							
Do	Ambassador at Large for Global Women's Issues.	Catherine M. Russell	PAS	EX	IV	.....
Do	Special Assistant	Grace Ann Choi	SC	GS	13	.....
Do	Staff Assistant	Ashley Nicole Williams	SC	GS	12	.....
Do .....	.....do	Allison Grace Wylie	SC	GS	12	.....
Do .....	.....do	Rachel Lillian Wallace	SC	GS	12	.....
<i>Office of Global Partnerships</i>							
Do	Special Representative for Global Partnerships.	Vacant	ES	

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DEPARTMENT OF STATE—Continued

Location	Position Title	Name of Incumbent	Type of Appt.	Pay Plan	Level, Grade, or Pay	Tenure	Expires
Washington, DC	Senior Advisor	Laura Winthrop Abbot	SC	GS	15		
Do	Program Analyst	Alice Elizabeth Cosgrove	SC	GS	11		
	<i>Office of Religion and Global Affairs</i>						
Do	Special Representative to Muslim Communities.	Shaarik H. Zafar	SC	GS	15		
Do	Staff Assistant	Priscilla Valeria Flores	SC	GS	11		
Do	Special Representative for Religion and Global Affairs.	Shaun Casey	NA	OT			
	<i>Office of the Special Envoy for Climate Change</i>						
Do	Special Envoy for Climate Change	Jonathan C Pershing	NA	OT			
Do	Deputy Special Envoy for Climate Change	Karen Lee Florini	SC	GS	15		
	<i>Office of Global Food Security</i>						
Do	Special Envoy	Nancy H Stetson	NA	OT			
Do	Staff Assistant	Julia Lee Duncan	SC	GS	12		
	<i>Office of Global Criminal Justice</i>						
Do	Ambassador at Large for War Crimes Issues	Vacant	PAS	EX	IV		
	<i>Special Envoy for Middle East Peace</i>						
Do	Deputy Special Envoy	Frank G Lowenstein	NA	ES			
	<i>Office of the Lead Coordinator for Iran Nuclear Implementation</i>						
Do	Deputy Lead Coordinator	Jarrett Nathaniel Blanc	NA	ES			
Do	Staff Assistant	Mark C. Appleton	SC	GS	12		
	<i>Bureau of Legislative Affairs</i>						
Do	Assistant Secretary of State (Legislative Affairs).	Julia Frifield	PAS	EX	IV		
Do	Principal Deputy Assistant Secretary	Ann M. Norris	SC	GS	15		
Do	Deputy Assistant Secretary	Laura Isabel Rodriguez	SC	GS	15		
Do	.....do	Rori A. Kramer	SC	GS	15		
Do	.....do	Anthony D. Wier	SC	GS	15		
Do	Legislative Management Officer	Nuku K. Ofori	SC	GS	14		
Do	.....do	Ariana Elizabeth Reks	SC	GS	14		
Do	.....do	Hera A. Abbasi	SC	GS	13		
Do	.....do	Helen R Brocato	SC	GS	12		
	<i>Office of the Legal Adviser</i>						
Do	Legal Adviser of the Department of State	Brian J. Egan	PAS	EX	IV		
Do	Principal Deputy Legal Adviser	Career Incumbent	CA	ES			
Do	Deputy Legal Adviser	.....do	CA	ES			
Do	.....do	.....do	CA	ES			
Do	.....do	.....do	CA	ES			
Do	.....do	.....do	CA	ES			
Do	Deputy Assistant Legal Adviser	.....do	CA	ES			
Do	Executive Director	.....do	CA	ES			
Do	Assistant Legal Adviser	Vacant	.....	ES			
Do	.....do	Career Incumbent	CA	ES			
Do	.....do	.....do	CA	ES			
Do	.....do	.....do	CA	ES			
Dododo	CA	ES			
Dododo	CA	ES			
Dodo	Vacant	ES			
Dodo	Career Incumbent	CA	ES			
Dododo	CA	ES			
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Dododo	CA	ES			
Dododo	CA	ES			
Dodo	Ona Hahs	TA	ES			01/20/17
	<i>Bureau of Intelligence and Research</i>						
Do	Assistant Secretary of State (Intelligence and Research).	Daniel Bennett Smith	PAS	EX	IV		
Do	Deputy Assistant Secretary	Career Incumbent	CA	ES			

DEPARTMENT OF STATE—Continued

Location	Position Title	Name of Incumbent	Type of Appt.	Pay Plan	Level, Grade, or Pay	Tenure	Expires
Washington, DC	Deputy Assistant Secretary	Career Incumbent	CA	ES			
Do	Executive Director	.....do	CA	ES			
Do	Office Director	.....do	CA	ES			
Do	.....do	.....do	CA	ES			
Do	.....do	.....do	CA	ES			
Do	.....do	.....do	CA	ES			
Do	.....do	.....do	CA	ES			
Do	.....do	.....do	CA	ES			
Do	.....do	Vacant	.....	ES			
Do	.....do	.....do	.....	ES			
Do	Geographer	Career Incumbent	CA	ES			
	<i>Office of the Under Secretary for Public Diplomacy and Public Affairs</i>						
Do	Under Secretary of State for Public Diplomacy.	Richard A. Stengel	PAS	EX	III		
Do	Special Envoy and Coordinator of the Global Engagement Center.	Michael Lumpkin	NA	OT			
Do	Senior Advisor	Meagen M. Lagraffe	SC	GS	15		
Do	Writer-Editor (Speechwriter)	Joshua Solomon Lipsky	SC	GS	12		
Do	Staff Assistant	Mary Elizabeth Nagel	SC	GS	7		
Do	Member, U.S. Advisory Commission On Public Diplomacy.	William J. Hybl	PAS	OT			
Do	.....do	Sim Farar	PAS	OT			
Do	.....do	Lyndon B. Olson Jr.	PAS	OT			
Do	.....do	Penne K. Peacock	PAS	OT			
Do	.....do	Lezlee Westine	PAS	OT			
Do	.....do	Anne T. Wedner	PAS	OT			
Do	.....do	Vacant	PAS	OT			
	<i>Bureau of Educational and Cultural Affairs</i>						
Do	Assistant Secretary of State (Educational and Cultural Affairs).	Evan M Ryan	PAS	EX	IV		
Do	Deputy Assistant Secretary	Robin J. Lerner	NA	ES			
Do	.....do	Mala Adiga	SC	GS	15		
Do	Executive Director	Vacant	.....	ES			
Do	Senior Advisor	Career Incumbent	CA	ES			
Do	.....do	Nicole L. Elkon	SC	GS	15		
Do	Supervisory Public Affairs Specialist	Melanie N Roe	SC	GS	15		
Do	Special Assistant	Kathryn P Balcerzak	SC	GS	14		
	<i>Bureau of International Information Programs</i>						
Do	Coordinator	Robert M Phillips III	NA	ES			
Do	Deputy Coordinator	Thomas E Cochran	NA	ES			
Do	Senior Advisor	Stephanie C Sutton	SC	GS	15		
Do	Information Technology Specialist	Rusty D Pickens	SC	GS	15		
	<i>Bureau of Public Affairs</i>						
Do	Assistant Secretary of State (Public Affairs) and Spokesperson.	John F Kirby	PA	EX	IV		
Do	Director, Office of the Historian	Career Incumbent	CA	ES			
Do	Deputy Assistant Secretary	Glen D Johnson	SC	GS	15		
Do	.....do	Karen E Richardson	SC	GS	15		
Do	.....do	Maira Whelan	SC	GS	15		
Do	Deputy Spokesperson	Marie Harf	SC	GS	15		
Do	Supervisory Public Affairs Specialist	Benjamin L Edwards	SC	GS	15		
Do	Public Affairs Specialist	Lauren A Hickey	SC	GS	13		
Do	Staff Assistant	Rebecca Rosen	SC	GS	12		
Do	.....do	Stephanie A Beechem	SC	GS	12		
	<i>Office of the Under Secretary for Civilian Security, Democracy, and Human Rights</i>						
Do	Under Secretary of State (Civilian Security, Democracy, and Human Rights).	Sarah B. Sewall	PAS	EX	III		
Do	Senior Advisor	Elizabeth Anne Field	NA	ES			
Do	Staff Assistant	Vivek Ram Chilukuri	SC	GS	11		
	<i>Bureau of Conflict and Stabilization Operations</i>						
Do	Assistant Secretary of State (Conflict and Stabilization Operations) and Coordinator for Reconstruction and Stabilization.	David M. Robinson	PAS	EX	IV		
Do	Deputy Assistant Secretary	Sharon Leigh Morris	NA	ES			
Do	.....do	Kimberly Cochrane Field	NA	ES			
Do	Director of Overseas Operations	Jason Lewis-Berry	SC	GS	15		
	<i>Bureau of Counterterrorism</i>						
Do	Coordinator for Counterterrorism with the rank and status of Ambassador at Large.	Vacant	PAS	EX	IV		

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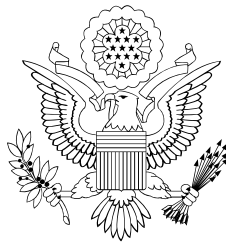
DEPARTMENT OF STATE—Continued

Location	Position Title	Name of Incumbent	Type of Appt.	Pay Plan	Level, Grade, or Pay	Tenure	Expires
Washington, DC	Deputy Coordinator	Career Incumbent	CA	ES	.....	.....	.....
Do .....	.....do	Michael Rian Ortiz	SC	GS	15	.....	.....
Do	Office Director	Career Incumbent	CA	ES	.....	.....	.....
	<i>Bureau of Democracy, Human Rights, and Labor</i>						
Do	Assistant Secretary of State for Democracy, Human Rights, and Labor.	Tomasz P. Malinowski	PAS	EX	IV	.....	.....
Do	Ambassador at Large for International Religious Freedom.	David N Saperstein	PAS	EX	IV	.....	.....
Do	Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia with the rank of Ambassador.	Vacant	PAS	EX	.....	.....	.....
Do	Deputy Assistant Secretary	Steven J Feldstein	SC	GS	15	.....	.....
Do .....	.....do	Robert Gardner Berschinski.	SC	GS	15	.....	.....
Do .....	.....do	Dafna Varda Hochman Rand.	SC	GS	15	.....	.....
Do	Special Envoy to Combat Anti-Semitism	Vacant .....	.....	ES	.....	.....	.....
Do	Special Representative for International Labor Affairs.	Sarah M Fox	NA	ES	.....	.....	.....
Do	Senior Advisor	Career Incumbent	CA	ES	.....	.....	.....
Do .....	.....do .....	.....do	CA	ES	.....	.....	.....
Do .....	.....do	Camille Giuliana Eiss	SC	GS	15	.....	.....
Do	Special Advisor International Disability Rights.	Judith E Heumann	NA	ES	.....	.....	.....
Do	Foreign Affairs Officer	Mohammad Arslan Suleman.	SC	GS	15	.....	.....
Do	Special Assistant	Katherine Guernsey	SC	GS	14	.....	.....
	<i>Bureau of International Narcotics and Law Enforcement Affairs</i>						
Do	Assistant Secretary of State (International Narcotics and Law Enforcement Affairs).	William R. Brownfield	PAS	EX	IV	.....	.....
Do	Deputy Assistant Secretary	Career Incumbent	CA	ES	.....	.....	.....
Do	Controller/Executive Director .....	.....do	CA	ES	.....	.....	.....
Do	Office Director .....	.....do	CA	ES	.....	.....	.....
Patrick Air Force Base, FL.	.....do .....	.....do	CA	ES	.....	.....	.....
Washington, DC ....	.....do .....	.....do	CA	ES	.....	.....	.....
Do	Senior Advisor	Alexandra N. Costello	SC	GS	15	.....	.....
	<i>Office to Monitor and Combat Trafficking in Persons</i>						
Do	Director of the Office to Monitor and Combat Trafficking with the rank of Ambassador at Large.	Susan Coppedge Amato	PAS	EX	IV	.....	.....
Do	Principal Deputy Director	Career Incumbent	CA	ES	.....	.....	.....
Do	Staff Assistant	Thomas Macaulay Babington.	SC	GS	11	.....	.....
	<i>Bureau of Population, Refugees, and Migration</i>						
Do	Assistant Secretary of State (Population, Refugees, and Migration).	Anne C. Richard	PAS	EX	IV	.....	.....
Do	Deputy Assistant Secretary	Career Incumbent	CA	ES	.....	.....	.....
Do .....	.....do	Catherine A. Wiesner	SC	GS	15	.....	.....
Do	Comptroller	Career Incumbent	CA	ES	.....	.....	.....
Do	Office Director .....	.....do	CA	ES	.....	.....	.....
Do .....	.....do .....	.....do	CA	ES	.....	.....	.....
Do .....	.....do .....	.....do	CA	ES	.....	.....	.....
Do .....	.....do .....	.....do	CA	ES	.....	.....	.....
Do .....	.....do .....	.....do	CA	ES	.....	.....	.....
	<i>Office of the Under Secretary for Political Affairs</i>						
Do	Under Secretary of State (Political Affairs)	Thomas A. Shannon Jr.	PAS	EX	III	.....	.....
Do	Senior Advisor	William Woodward	NA	ES	.....	.....	.....
Kabul, Afghanistan	Ambassador, Islamic Republic of Afghanistan	Peter Michael McKinley	PAS	FA	.....	.....	.....
Tirane, Albania	Ambassador, Republic of Albania	Donald Lu	PAS	FA	.....	.....	.....
Algiers, Algeria	Ambassador, People's Democratic Republic of Algeria.	Joan A Polaschik	PAS	FA	.....	.....	.....
Madrid, Spain	Ambassador, Principality of Andorra	James Costos	PAS	FA	.....	.....	.....
Luanda, Angola	Ambassador, Republic of Angola	Helen Meagher La Lime	PAS	FA	.....	.....	.....
Bridgetown, Barbados.	Ambassador, Antigua and Barbuda	Linda Swartz Taglialatela	PAS	FA	.....	.....	.....
Buenos Aires, Argentina.	Ambassador, Argentine Republic	Noah B Mamet	PAS	FA	.....	.....	.....
Yerevan, Armenia	Ambassador, Republic of Armenia	Richard M Mills Jr.	PAS	FA	.....	.....	.....

S. Pub. 115-7

2017-2018

OFFICIAL
CONGRESSIONAL DIRECTORY
115TH CONGRESS



CONVENED JANUARY 3, 2017

JOINT COMMITTEE ON PRINTING
UNITED STATES CONGRESS



UNITED STATES GOVERNMENT PUBLISHING OFFICE
WASHINGTON, DC

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DEPARTMENT OF STATE

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MIKE POMPEO, Secretary of State; born in Orange, CA, December 30, 1963; education: B.S., mechanical engineering, United States Military Academy at West Point, NY, 1986, graduated first in his class; J.D., Harvard Law School, Cambridge, MA, 1994; editor of *Harvard Law Review*; professional: owner/founder, Thayer Aerospace; president, Sentry International; religion: Presbyterian; married: Susan Pompeo of Wichita, KS; children: Nick; elected to the 112th Congress, from the 4th District of Kansas, on November 2, 2010, and reelected to the three succeeding Congresses; Director, Central Intelligence Agency (CIA), January, 2017 to April, 2018; nominated by President Donald Trump to become the 70th Secretary of State on March 13, 2018, and was sworn in on April 26, 2018.

OFFICE OF THE SECRETARY

Secretary of State.—Mike Pompeo, Room 7226 (202) 647-9572.
Deputy Secretary.—John Sullivan, Room 7220, 647-8636.

DEPUTY SECRETARY FOR MANAGEMENT AND RESOURCES

Deputy Secretary.—John Sullivan, Room 7220, 647-8636.

AMBASSADOR-AT-LARGE FOR GLOBAL CRIMINAL JUSTICE

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Deputy.—Bertram Braun, 647-8172.

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Deputy Chief of Protocol.—Katherine C. Henderson, 647-1144.

OFFICE OF CIVIL RIGHTS

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Deputy Director.—Audrey Huon-Dumentat.

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Coordinator.—Nathan Sales, Room 2509, 647-9892.
Principal Deputy Coordinator.—Alina Romanowski, 647-9892.

BUREAU OF CONFLICT AND STABILIZATION OPERATIONS

Assistant Secretary.—Thomas Hushek (acting), Room 7100 SA-3 (202) 663-0807.

EXECUTIVE SECRETARIAT

Special Assistant and Executive Secretary.—Lisa Kenna, Room 7224, 647-8448.
Deputy Executive Secretaries: Elizabeth Fitzsimmons, 647-5528; Derek Hogan, 647-5287; Eva Weigold Schultz, 647-8449.

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2121 Virginia Avenue, NW., 20037

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Deputy Inspector General.—Emilia DiSanto, 663–0365.

BUREAU OF INTELLIGENCE AND RESEARCH

Assistant Secretary.—Daniel B. Smith, Room 6468, 647–9177.
Principal Deputy Assistant Secretary.—Kathleen Fitzpatrick, 647–7826.
Deputy Assistant Secretaries: Catherine Brown, 647–7754; Victor Raphael, 647–9633.

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Legal Adviser.—Jennifer Gillian Newstead, Room 6421, 647–5036.
Principal Deputy Legal Adviser.—Vacant, 647–5036.
Deputy Legal Advisers: Joshua Dorosin, 647–7942; Kathleen Hooke, 647–2187; Katherine McManus, 647–7976.

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Deputy Assistant Secretary (Global, Regional, and Functional).—Charles Faulkner, 647–1656.
Deputy Assistant Secretary (Senate).—Vacant, 647–8733.
Deputy Assistant Secretary (House).—Vacant, 647–1656.

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Principal Deputy Director.—Vacant.

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Principal Deputy U.S. Global AIDS Coordinator.—Mark Brown, 663–2464.

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Principal Deputy Assistant Secretary.—Vacant, 647–6600.
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Deputy Assistant Secretaries: John Creamer, 647–6755; Michael Fitzpatrick, 647–8563; Kenneth Merten, 647–3903; Mara Tekach, 647–9921.

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Principal Deputy Assistant Secretary.—Vacant, 647–6642.
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Principal Deputy Assistant Secretary.—Molly Phee, 647–9602.
Deputy Assistant Secretaries: Eric M. Barclay, 647–9431; Nerissa J. Cook, 647–5798; Eric Gaudiosi (acting), 647–9604.

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AND THE ENVIRONMENT**

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Executive Assistant.—Michael Dodman, 647–7674.

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Principal Deputy Assistant Secretary.—Brian McFeeters, 647–9496.
Deputy Assistant Secretaries: Robert L. Strayer, 647–5968; Roland de Marcellus (acting); David Meale (acting); Peter Haas (acting); Hugo Yon (acting).

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Chief of Staff.—Maureen Tucker, 647–0302.

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Principal Deputy Assistant Secretary.—Elliott Kang, Room 3932, 647–5999.
Deputy Assistant Secretary for Non-Nuclear Encounter for Proliferation.—Ann Ganzer (acting), Room 3932, 647–5122.
Deputy Assistant Secretary for Nonproliferation Programs.—Phillip Dolliff (acting), 647–5999.

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Principal Deputy Assistant Secretary.—Vacant, 647–9023.
Deputy Assistant Secretaries: Brian Nilsson (acting), 663–3704; Kevin O’Keefe, 663–3450; Vacant, 647–9023.

ARMS CONTROL, VERIFICATION AND COMPLIANCE

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Principal Deputy Assistant Secretary.—Anita Friedt, 647–6830.
Deputy Assistant Secretaries: Bruce Turner, 647–9399; Vacant, 647–5315.

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Deputy Assistant Secretary.—Alyson L. Grunder.
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Assistant Secretary/Principal Deputy Assistant Secretary.—Susan Stevenson (acting), 647–6088.
Spokesperson.—Heather Nauert, 647–6608.
Deputy Assistant Secretaries: Vacant.

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Principal Deputy Assistant Secretary.—Karen Christensen (acting), 647–7736.
Deputy Assistant Secretaries: Karen Christensen, 647–9003; Edward Ramotowski, 647–6947; Brenda Sprague, 647–7149.

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Principal Deputy Assistant Secretary.—Vacant (571) 345–3815.

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Deputy Assistant Secretaries: Wayne Ashbery (571) 345–3836; Scott Moretti (571) 226–9760; Tim Riley (571) 345–3492; Christian Schurman (571) 345–3815; Vacant (571) 345–3785; Vacant (571) 345–3809.

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DIRECTOR OF HUMAN RESOURCES

Director General.—William Todd (acting), Room 6218, 647–5942.
Principal Deputy Assistant Secretary.—William Todd, 647–5942.
Deputy Assistant Secretaries: Constance Dierman, 647–9442; Philippe Lussier, 647–5152; Bruce Williamson, 647–5188.

FOREIGN SERVICE INSTITUTE

Director.—Marc Oestfield (acting), Room F2101 (703) 302–6703.
Deputy Director.—Amb. Wanda Nesbitt (acting), 302–6707.

INFORMATION RESOURCE MANAGEMENT

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Deputy CIO for Business Management and Planning.—Karen Mummaw, 634–3083.
Chief Information Security Officer of Information Assurance.—Alford Bowden, 634–3690.

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Executive Assistant.—Vacant, 647–7818.

DEMOCRACY, HUMAN RIGHTS, AND LABOR

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Principal Deputy Assistant Secretary.—Virginia Bennett, 647–3273.

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Assistant Secretary.—Amb. Judith Garber (acting), Room 3880, 647–6950.
Principal Deputy Assistant Secretary.—Vacant, 647–1554.
Deputy Assistant Secretaries: David A. Balton, 647–2396; Jonathan Margolis, 647–3584; Daniel Reifsnnyder, 647–2232.

POPULATION, REFUGEES, AND MIGRATION

Assistant Secretary.—Simon Henshaw (acting), Room 6825, 647–7360.
Principal Deputy Assistant Secretary.—Simon Henshaw, 647–5982.
Deputy Assistant Secretaries: Nancy I. Jackson, 647–7360; Mark Storella, 647–5822.

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Assistant Secretary for International Security and Nonproliferation	Christopher Ford
Assistant Secretary for Political-Military Affairs	Vacancy
Assistant Secretary for Arms Control, Verification and Compliance	Yleem D.S. Poblete
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Ambassador-at-Large for the Office to Monitor and Combat Trafficking in Persons	Kari Johnstone, Acting
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Assistant Secretary for Democracy, Human Rights, and Labor	Virginia Bennett, Acting
Assistant Secretary for International Narcotics and Law Enforcement Affairs	Kirsten D. Madison
Assistant Secretary for Population, Refugees, and Migration	Carol O'Connell, Acting
Coordinator for Counterterrorism	Nathan A. Sales
Special Coordinator for the Office of Global Criminal Justice	Bertram Braum

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Assistant Secretary for Energy Resources	Francis R. Fannon
Assistant Secretary for Oceans and International Environmental and Scientific Affairs	Vacancy
Office of the Chief Economist	Keith Maskus
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Assistant Secretary for Consular Affairs	Carl C. Risch
Assistant Secretary for Diplomatic Security	Michael Evanoff
Assistant Secretary for Information Resource Management / Chief Information Officer	Vacant
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Director, Human Resources / Director General of the Foreign Service	William Todd, Acting
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Assistant Secretary for Legislative Affairs	Mary Elizabeth Taylor
Ambassador-at-Large of the Office of Global Women's Issues	Vacancy
Chief of Protocol	Sean P. Lawler
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Director, Office of Civil Rights	Gregory B. Smith
Director, Office of Policy Planning	Kiron Skinner
Inspector General	Steve A. Unick
Legal Adviser	Jennifer Newstead
"Office of the Special Presidential Envoy for the Global Coalition to Counter ISIS (S/SECI)"	Brett McGurk
Special Presidential Envoy for Hostage Affairs	Robert C. O'Brien
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U.S. Deputy Permanent Representative to the United Nations	Jonathan R. Cohen
"United States Alternate Representative for Special Political Affairs in the United Nations"	Amy Tachco, Acting
United States Representative to the Economic and Social Council	Kelley E. Currie
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The above lists of key personnel were updated 11–2018.

[For the Department of State statement of organization, see the U.S. Code of Federal Regulations, Title 22, Part 5.]

The Department of State advises the President on issues of foreign policy; supports democracy, freedom, and prosperity for all people; and fosters conditions that favor stability and progress worldwide.

The Department of State was established by act of July 27, 1789, as the Department of Foreign Affairs and was renamed Department of State by act of September 15, 1789 (22 U.S.C. 2651 note).

Secretary of State

The Secretary of State is responsible for the overall direction, coordination, and supervision of U.S. foreign relations and for the interdepartmental activities of the U.S. Government abroad. The Secretary is the first-ranking member of the Cabinet, is a member of the National Security Council, and is in charge of the operations of the Department, including the Foreign Service.

<http://www.state.gov/secretary>

Regional Bureaus

Foreign affairs activities worldwide are handled by the geographic bureaus, which include the Bureaus of African Affairs, European and Eurasian Affairs, East Asian and Pacific Affairs, Near Eastern Affairs, South and Central Asian Affairs, and Western Hemisphere Affairs.

<http://www.state.gov/p>

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The Bureau of Administration provides support programs and services to Department of State operations worldwide, as well as programs and services to other U.S. Government agencies represented at U.S. Embassies and consulates. These functions include administrative policy; domestic emergency management; management of owned or leased facilities in the United States; procurement, supply, travel, and transportation support; classified pouch, unclassified pouch, and domestic mail distribution; official records, publishing, library, and foreign language interpreting and translating services; and support to the schools abroad that educate dependents of U.S. Government employees assigned to diplomatic and consular missions. Direct services to the public include authenticating documents used abroad for legal and

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<http://www.state.gov/m/a>

For further information, contact the Bureau of Administration. Phone, 202-485-7000.

Arms Control, Verification and Compliance

The Bureau of Arms Control, Verification and Compliance is responsible for ensuring and verifying compliance with international arms control, nonproliferation, and disarmament agreements and commitments. The Bureau also leads negotiation and implementation efforts with respect to strategic arms control, most recently the new START Treaty and conventional forces in Europe. The Bureau is the principal policy representative to the intelligence community with regard to verification and compliance matters and uses this role to promote, preserve, and enhance key collection and analytic capabilities and to ensure that intelligence verification, compliance, and implementation requirements are met. The Bureau staffs and manages treaty implementation commissions, creates negotiation and implementation policy for agreements and commitments, and develops policy for future arms control, nonproliferation, and disarmament arrangements. It also provides secure government-to-government communication linkages with foreign treaty partners. The Bureau is also responsible for preparing verifiability assessments on proposals and agreements, and reporting these to Congress as required. The Bureau also prepares the "President's Annual Report to Congress on Adherence to and Compliance With Arms Control, Nonproliferation, and Disarmament Agreements and Commitments," as well as the reports required by the Iran, North Korea, and Syria Nonproliferation Act.

<http://www.state.gov/t/avc>

For further information, contact the Bureau of Arms Control, Verification and Compliance. Phone, 202-647-6830. Fax, 202-647-1321.

Budget and Planning

The Bureau of Budget and Planning manages budgeting and resource management for operation accounts.

<http://www.state.gov/s/d/rm>

For further information, contact the Bureau of Budget and Planning. Phone, 202-647-8517.

Comptroller and Global Financial Services

The Bureau of the Comptroller and Global Financial Services, led by the Chief Financial Officer, integrates strategic planning, budgeting, and performance to secure departmental resources. The Bureau manages all departmental strategic and performance planning; global financial services, including accounting, disbursing, and payroll; issuance of financial statements and oversight of the Department's management control program; coordination of national security resources and remediation of vulnerabilities within the Department's global critical infrastructure; and management of the International Cooperative Administrative Support Services Program.

<http://www.state.gov/m/cgfs>


For further information, contact the Bureau of the Comptroller and Global Financial Services. Phone, 703-875-4364.

Conflict and Stabilization Operations

IX. APPENDIX C: AGENCY WEBSITE EXEMPLARS

This appendix contains screenshots of several agency websites: the U.S. Commodity Futures Trading Commission (Current Commissioners, Terms of Office, and Former Commissioners pages); the Federal Trade Commission (About the Commissioners and Former Commissioners pages, and Timeline of Commissioners document); and the U.S. Nuclear Regulatory Commission (About the Commissioner and Former Commissioners pages, and Organization Chart).

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Commissioners

The Commission consists of five commissioners appointed by the President, with the advice and consent of the Senate, to serve staggered five-year terms. The President, with the consent of the Senate, designates one of the commissioners to serve as Chairman. No more than three commissioners at any one time may be from the same political party.


Current CFTC Commissioners




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[Commissioner Brian D. Quintenz](#)
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[Commissioner Rostin Behnam](#)
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 Sworn in September 6, 2017



[Commissioner Dawn DeBerry Stump](#)
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Terms of Office

Each CFTC commissioner is appointed specifically to one of the CFTC's five terms. When the CFTC was established in 1975, the five-year terms were staggered to ensure that one term ended each year. Because of this, certain CFTC commissioners have been appointed to and have held more than one term.

The Commissioner Terms of Office contains each five-year term and lists each commissioner who has served in that term and his or her specific dates of service. An asterisk indicates those commissioners who have held more than one of the five terms.


Commissioner	Term Available	Dates of Service
William T. Bagley (Chairman 04/15/75 – 11/15/78)	04/15/75 – 04/15/80	04/15/75 – 11/15/78
Read P. Dunn, Jr.	04/15/80 – 04/15/85	04/15/80 – 11/13/81*
Susan M. Phillips (Acting Chairman 05/28/83 – 11/16/83) (Chairman 11/17/83 – 07/24/87)	04/15/80 – 04/15/85 04/15/85 – 04/15/90	11/16/81 – 07/24/87
Wendy L. Gramm (Chairman 02/22/88 – 01/22/93)	04/15/85 – 04/15/90 04/15/90 – 04/15/95	02/22/88 – 01/22/93
Sheila C. Bair	04/15/90 – 04/15/95	10/05/94 – 06/16/95*
David D. Spears (Acting Chairman 06/02/99 – 08/10/99)	04/15/95 – 04/15/00	09/03/96 – 12/20/01
Walter L. Lukken (Acting Chairman 6/27/07- 01/20/09)	04/15/00 – 04/15/05 04/15/05 – 04/15/10	08/07/02 – 07/10/09
Scott D. O'Malia	04/15/05 – 04/15/10 04/15/10 – 04/15/15	10/19/09 – 08/08/14
Brian D. Quintenz	04/15/15 – 04/15/20	08/15/17

Commissioner	Term Available	Dates of Service
Gary L. SeEVERS (Acting Chairman 12/06/78 – 05/03/79)	04/15/75 – 04/15/79	04/15/75 – 06/01/79
Phillip McB. Johnson (Chairman 06/08/81 – 05/01/83)	04/15/79 – 04/15/84	06/06/81 – 05/01/83
Robert R. Davis	04/15/84 – 04/15/89	10/03/84 – 04/30/90
Sheila C. Bair (Acting Chairman 08/21/93 – 12/21/93)	04/15/89 – 04/15/94	05/02/91 – 10/04/94*
Mary L. Schapiro (Chairman 10/13/94 – 01/26/96)	04/15/94 – 04/15/99	10/13/94 – 01/26/96
Brooksley E. Born (Chairperson 08/26/96 – 06/01/99)	04/15/94 – 04/15/99	08/26/96 – 06/01/99
William J. Rainer (Chairman 08/11/99 – 01/19/01)	04/15/99 – 04/13/04	08/11/99 – 01/19/01
Sharon Brown-Hruska (Acting Chairman 08/24/04 – 07/10/05)	04/13/99 – 04/13/04 04/13/04 – 04/13/09	08/07/02 – 07/28/06
Jill E. Sommers	04/13/04 – 04/13/09 04/13/09 – 04/13/14	08/08/07 – 07/08/13
J. Christopher Giancarlo (Acting Chairman 01/20/17 – 08/10/17) (Chairman 08/10/17 - 07/15/19)	04/13/14 – 04/13/19	06/16/14 - 07/15/19
Dr. Heath Tarbert (Chairman 07/15/19 –)	04/13/19 – 04/13/24	07/15/19 -

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Chairman Christopher J. Giancarlo
(Chairman 08/10/17 – 07/15/19)
(Acting Chairman 01/20/17 – 08/10/17)
(Term of Service 06/16/14 – 07/15/19)

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Sharon Y. Bowen
(Terms of Service 06/09/14 - 09/29/17)

Biography

Speeches, Testimony & Statements

Timothy G. Massad
(Chairman 06/05/14 – 01/20/17)
Term of Service 06/05/14 - 02/17/17

Biography

Speeches, Testimony & Statements

Mark P. Wetjen
(Acting Chairman 01/03/14 – 06/05/14)
Term of Service 10/25/11 – 08/28/15

Biography

Speeches, Testimony & Statements

Scott D. O'Malia
(Term of Service 10/19/09 – 08/08/14)

Biography

Speeches, Testimony & Statements

Bart Chilton
(Term of Service 08/08/07 - 03/21/14)

Biography

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Gary Gensler
(Chairman 05/26/09 – 01/3/14)
(Term of Service 05/26/09 – 01/3/14)

Biography

Speeches, Testimony & Statements

Jill E. Sommers
(Term of Service 08/08/07 – 07/08/13)

Biography

Speeches, Testimony & Statements

Michael V. Dunn
(Acting Chairman 1/20/09 – 5/25/09)
(Term of Service 11/21/04 – 10/24/11)

Biography

Speeches, Testimony & Statements

Walter L. Lukken
(Acting Chairman 6/27/07- 01/20/09)
(Term of Service 08/07/02 – 07/10/09)

Biography

Speeches, Testimony & Statements

Reuben Jeffery, III
(Chairman 07/11/05 – 6/27/07)
(Term of Service 07/11/05 – 06/27/07)

Biography

Speeches, Testimony & Statements

Frederick W. Hatfield
(Term of Service 12/06/04 – 12/31/06)

Biography

Speeches, Testimony & Statements

Sharon Brown-Hruska
(Acting Chairman 08/24/04 – 07/10/05)
(Term of Service 08/07/02 – 07/28/06)

Biography

Speeches, Testimony & Statements

James E. Newsome
(Acting Chairman 01/20/01 – 12/27/01)
(Chairman 12/27/01 – 07/23/04)
(Term of Service 08/10/98 – 07/23/04)

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Thomas J. Erickson
(Term of Service 06/21/99 – 12/01/02)


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BIOGRAPHIES
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Commissioners


The Commission is headed by five Commissioners, nominated by the President and confirmed by the Senate, each serving a seven-year term. No more than three Commissioners can be of the same political party. The President chooses one Commissioner to act as Chairman.




Joseph J. Simons
Chairman
Sworn in: May 1, 2018
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Noah Joshua Phillips
Commissioner
Sworn in: May 2, 2018
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Rohit Chopra
Commissioner
Sworn in: May 2, 2018
[Biography](#) | [Speeches, Articles, & Testimony](#) | [Twitter](#)





Rebecca Kelly Slaughter
Commissioner
Sworn in: May 2, 2018
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Christine S. Wilson
Commissioner
Sworn in: September 26, 2018
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Former Chairmen, Chairwomen and Commissioners

 Timeline of Commissioners, Chairwomen, and Chairmen of the Federal Trade Commission: 1915-2018 (136.81 KB)



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Former Commissioners

- [Maureen K. Ohlhausen](#), Commissioner (April 4, 2012 to September 25, 2018); Acting Chairman (January 25, 2017 to May 1, 2018)
- [Terrell McSweeney](#), Commissioner (April 28, 2014 to April 27, 2018)
- [Edith Ramirez](#), Chairwoman (April 5, 2010 to February 9, 2017)
- [Julie Brill](#), Commissioner (April 6, 2010 to March 31, 2016)
- [Joshua D. Wright](#), Commissioner (January 11, 2013 to August 24, 2015)
- [Jon Leibowitz](#), Chairman (September 3, 2004 to March 8, 2013)
- [J. Thomas Rosch](#), Commissioner (January 5, 2006 - January 11, 2013)
- [William E. Kovacic](#), Chairman (January 4, 2006 - October 3, 2011)
- [Pamela Jones Harbour](#), Commissioner (August 4, 2003 - April 6, 2010)
- [Deborah Platt Majoras](#), Chairman (August 16, 2004 - March 29, 2008)
- [Thomas B. Leary](#), Commissioner (November 17, 1999 - December 31, 2005)
- [Orson Swindle](#), Commissioner (December 18, 1997 - June 30, 2005)
- [Mozelle W. Thompson](#), Commissioner (December 17, 1997 - August 31, 2004)
- [Timothy J. Muris](#), Chairman (June 4, 2001 - August 15, 2004)
- [Sheila F. Anthony](#), Commissioner (September 30, 1997 - August 1, 2003)
- [Robert Pitofsky](#), Chairman (April 11, 1995 - May 31, 2001)
- [Mary L. Azcuenaga](#), Commissioner (November 27, 1984 - June 3, 1998)
- [Roscoe B. Starek, III](#), Commissioner (November 19, 1990 - December 18, 1997)
- [Christine A. Varney](#), Commissioner (October 17, 1994 - August 5, 1997)
- [Janet D. Steiger](#), Chairman (August 11, 1989 - September 28, 1997)

COMMISSIONERS, CHAIRWOMEN AND CHAIRMEN OF THE FEDERAL TRADE COMMISSION
NOVEMBER 2018

CHAIRWOMEN AND CHAIRMEN OF THE FTC AND
THE DATES SERVED

AND CHAIRMAN OF THE DATES SERVED

- [illegible]

Chairwomen and Chairmen Designated by the President

- | Chairman and Chairlady | Designated by President |
|------------------------|-------------------------------|
| James M. Mead | (1) May 24, 1959 to Jan. 1961 |
| John W. Gwynne | (2) Jan. 1961 to May 1961 |
| Earl W. Kellner | (3) May 1961 to May 1962 |
| William E. Kellner | (4) May 1962 to May 1963 |
| Claude W. Weinberger | (5) May 1963 to May 1964 |
| William W. Weinberger | (6) May 1964 to May 1965 |
| William W. Knappe | (7) May 1965 to May 1966 |
| William W. Knappe | (8) May 1966 to May 1967 |
| William W. Knappe | (9) May 1967 to May 1968 |
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| William W. Knappe | (96) May 2054 to May 2055 |
| William W. Knappe | (97) May 2055 to May 2056 |
| William W. Knappe | (98) May 2056 to May 2057 |
| William W. Knappe | (99) May 2057 to May 2058 |

THE LEGEND FOR THE CHART

The Federal Trade Commission is composed of five Commissioners, and their terms extend for seven years. The Commissioners are appointed by the President with the advice and consent of the Senate. At any given time, not more than three Commissioners may be members of the same political party. The President designates one Commissioner as Chairman, and the Chairman is given the responsibility for the administration of the Commission.



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Protecting People and the Environment

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The Commission

The NRC is headed by five Commissioners appointed by the President and confirmed by the Senate for five-year terms. One of them is designated by the President to be the Chairman and official spokesperson of the Commission.



Chairman
Kristine L. Svinicki



Commissioner
Jeff Baran



Commissioner
Annie Caputo



Commissioner
David A. Wright



VACANT
Commissioner

[Former NRC Commissioners](#)

Functions

The Chairman is the principal executive officer of and the official spokesman for the NRC. As principal executive officer, the Chairman is responsible for conducting the administrative, organizational, long-range planning, budgetary, and certain personnel functions of the agency. The Chairman has ultimate authority for all NRC functions pertaining to an emergency involving an NRC license. The Chairman's actions are governed by the general policies of the Commission.

The Commission as a collegial body formulates policies, develops regulations governing nuclear reactor and nuclear material safety, issues orders to licensees, and adjudicates legal matters.


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<h2>Former NRC Commissioners</h2> <p>The biographies for each of the Commissioners listed below are the official ones used during the Commissioners' terms.</p>						
NAME	TENURE FROM	TENURE TO	REMARKS	NOMINATED	OATH ADMINISTERED BY / DATE	LOCATION
William A. Anders, Chairman (Republican)	01/19/75	04/20/76	Resigned ⁽¹⁾		Justice Blackmun 01/23/75	at the Capitol; Vice President Nelson Rockefeller attended
Marcus A. Rowden, Commissioner (Independent)	01/19/75	4/20/76			Justice Blackmun 01/23/75	at the Capitol; Vice President Nelson Rockefeller attended
Marcus A. Rowden, Chairman (Independent)	04/21/76 ⁽²⁾	06/30/77	Term Expired			
Edward A. Mason (Independent)	01/19/75	01/15/77	Resigned ⁽³⁾		Justice Blackmun 01/23/75	at the Capitol; Vice President Nelson Rockefeller attended
Victor Gilinsky (Democrat)	01/19/75	06/30/79	Term Expired		Justice Blackmun 01/23/75	at the Capitol; Vice President Nelson Rockefeller attended
Victor Gilinsky (Democrat)	07/01/79	06/30/84	Term Expired	05/15/79	Justice Blackmun 07/2/79	(2 nd term) at Supreme Court
Richard T. Kennedy (Republican)	01/19/75	06/30/80	Term Expired		Justice Blackmun 01/23/75	at the Capitol; Vice President Nelson Rockefeller attended
Joseph M. Hendrie, Chairman (Republican)	08/09/77	12/07/79	⁽⁴⁾	06/29/77	D. Donoghue 08/09/77	Chairman's office
Joseph M. Hendrie, Commissioner (Republican)	12/08/79	03/02/81	⁽⁵⁾			
Joseph M. Hendrie, Chairman (Republican)	03/03/81	06/30/81	Term Expired			
Peter A. Bradford (Democrat)	08/15/77	03/12/82	Resigned ⁽⁶⁾	07/12/77	Chairman Hendrie 08/15/77	Chairman's office
John F. Ahearne, Commissioner (Independent)	07/31/78	12/07/79	⁽⁷⁾	5/19/78	Chairman Hendrie 07/31/78	Commission Conference Room
John F. Ahearne, Chairman (Independent)	12/07/79	03/02/81	⁽⁸⁾			
John F. Ahearne, Commissioner (Independent)	03/03/81	06/30/83	Term Expired			
Nunzio J. Palladino, Chairman (Republican)	07/1/81	06/30/86	Term Expired	05/15/81	Chairman Hendrie 06/24/81	Chairman's office

