

Report to the Administrative Conference of the United States

LISTING AGENCY OFFICIALS

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Bobby Ochoa
Attorney Advisor
Administrative Conference of the United States

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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 (2ND 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 Aug. 19, 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 Aug. 19, 2019).

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- (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)**²⁶ pay schedule applies to senior management positions that do not require presidential nomination and Senate confirmation.²⁷ 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).²⁸ Relevant to this report, about half of SES positions are reserved for career employees (who have some removal protections²⁹), and half are general positions, which may be filled by Career, Noncareer,³⁰ or other limited appointing authorities.³¹ According to the *Sourcebook of United States Executive Agencies*, approximately “[t]en percent of the SES are political appointees.”³²
- (5) The **Executive Schedule (EX)** applies to positions requiring presidential nomination and Senate confirmation.³³ There are five pay levels in the EX pay system, and the controlling statutes include extensive lists of officials subject to each pay level.³⁴

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.³⁵

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 Aug. 19, 2019).

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

²⁶ 5 U.S.C. §§ 5311–18.

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

²⁸ OPM, 2016 SENIOR EXECUTIVE SERVICE REPORT, *supra* note 2, at 3.

²⁹ 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).

³⁰ 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.

³¹ THE PLUM BOOK, *supra* note 1, at 217.

³² SELIN & LEWIS, *supra* note 14, at 69 (“Figure 2”).

³³ *Id.* at 64.

³⁴ 5 U.S.C. §§ 5311 *et seq.*

³⁵ See SELIN & LEWIS, *supra* note 14, at 64.

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.
- (2) **Presidential Appointment (without Senate Confirmation) (PA):** These 462 executive-branch positions do not require Senate confirmation. 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. PA positions do not fall under the GS system.
- (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.³⁶
- (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).³⁷
- (5) **Limited Emergency Appointments (EA):** The first category of limited appointment authorities is the Limited Emergency Appointment, which provides a nonrenewable and noncontinuing position "established to meet a bona fide, unanticipated, urgent need[.]"³⁸ These temporary SES appointments may not exceed 18 months. In fiscal year 2017, there was only one EA position in the SES.³⁹
- (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.⁴⁰ In fiscal year 2017, there were 80 TA positions in the SES.⁴¹

³⁶ 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)).

³⁷ *Id.*

³⁸ *Id.* § 3132(a)(6).

³⁹ OPM, 2016 SENIOR EXECUTIVE SERVICE REPORT, *supra* note 2, at 3.

⁴⁰ 5 U.S.C. § 3132(a)(5).

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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).⁴²

(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.⁴³ 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.⁴⁴ 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.⁴⁵ These positions are never vacant because OPM automatically revokes the authorization when the incumbent leaves the position.⁴⁶ In 2016, there were 1,538 Schedule C positions.⁴⁷

(8) **Appointments Excepted by Statute (XS):** The *Plum Book* identifies an additional 585 positions (in 2016) subject to "statutory excepted appointment."⁴⁸ Many different pay systems apply to these positions.

⁴¹ OPM, 2016 SENIOR EXECUTIVE SERVICE REPORT, *supra* note 2, at 3.

⁴² THE PLUM BOOK, *supra* note 1, at 218.

⁴³ SELIN & LEWIS, *supra* note 14, at 68.

⁴⁴ *Id.* at 68 n.269. *See also* THE PLUM BOOK, *supra* note 1, at 219.

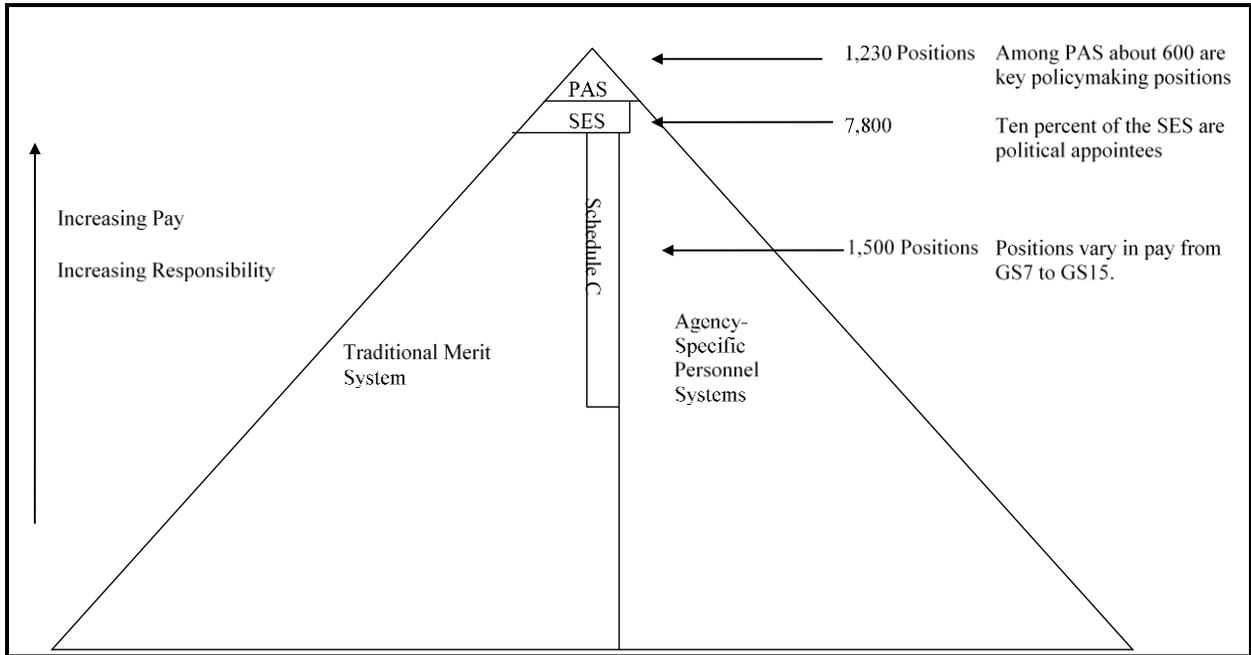
⁴⁵ THE PLUM BOOK, *supra* note 1, at 219.

⁴⁶ SELIN & LEWIS, *supra* note 14, at 68 n.269.

⁴⁷ THE PLUM BOOK, *supra* note 1, at 216.

⁴⁸ *Id.* at 213.

Figure 1: Simplified Depiction of Current Federal Civilian Personnel System⁴⁹



⁴⁹ 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).

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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

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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.”⁵⁰ The author also consulted the ACUS *Sourcebook of United States Executive Agencies*⁵¹ 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/bureau⁵² 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.⁵³ 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

⁵⁰ 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. . .”).

⁵¹ 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).”).

⁵² 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).

⁵³ 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 (September 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).⁵⁴ 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.⁵⁵

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.”⁵⁶ 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.”⁵⁷ 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,⁵⁸ 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

⁵⁴ 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.

⁵⁵ THE PLUM BOOK, *supra* note 1, at 217.

⁵⁶ *Buckley v. Valeo*, 424 U.S. 1, 126 (1976) (*per curiam*).

⁵⁷ *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).

⁵⁸ *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*,⁵⁹ the category of adjudicators could be exceedingly broad and sweep in thousands of officials (whether they are administrative law judges or other adjudicators).⁶⁰ 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.⁶¹

⁵⁹ *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).

⁶⁰ *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>.

⁶¹ *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 53.

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*,⁶² the *Official Congressional Directory*,⁶³ and the *United States Government Manual*.⁶⁴ 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*.⁶⁵

⁶² THE PLUM BOOK, *supra* note 1.

⁶³ CONGRESS, OFFICIAL CONGRESSIONAL DIRECTORY: 115TH CONGRESS, *supra* note 11.

⁶⁴ NARA, GOVERNMENT MANUAL, *supra* note 12.

⁶⁵ *See supra* note 53.

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*.⁶⁶

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.⁶⁷ After

⁶⁶ 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>.

⁶⁷ 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.”⁶⁸ 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.

⁶⁸ GAO, GOVERNMENT-WIDE POLITICAL APPOINTEE DATA, *supra* note 5 (Highlights).

(i) **The Plum Book**

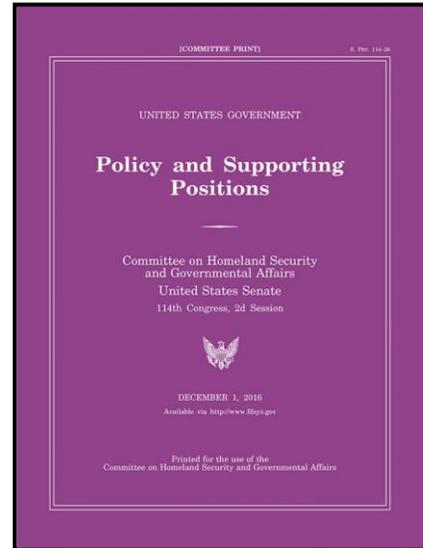
Background

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*.⁶⁹ 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, 2016.⁷⁰ 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.⁷¹ After 20 years of Democratic control of the presidency, the Republican Party “requested a list of government positions that President Eisenhower could fill.”⁷² Another edition appeared in 1960, and such a list has been published every four years since, just after the presidential election.⁷³

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.



⁶⁹ THE PLUM BOOK, *supra* note 1.

⁷⁰ *Id.* at v–vii.

⁷¹ *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 Aug. 19, 2019).

⁷² *Id.*

⁷³ *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[.]”⁷⁴ 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.⁷⁵

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.”⁷⁶

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 systems⁷⁷ and appointment categories.⁷⁸

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

⁷⁴ THE PLUM BOOK, *supra* note 1, at iii (Foreword).

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ 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). THE PLUM BOOK, *supra* note 1, at vi (Legend, Column 5).

⁷⁸ 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. THE PLUM BOOK, *supra* note 1, 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.⁷⁹ 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 2012.⁸⁰

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),⁸¹ 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.”⁸² 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.⁸³ 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).⁸⁴

⁷⁹ *Id.* at 213 (Appendix No. 1).

⁸⁰ See O’Connell, Acting Agency Officials, *supra* note 53, at 100 (citing Presidential Appointment Efficiency and Streamlining Act of 2011, Pub. L. No. 112-166, 126 Stat. 1283 (2012)).

⁸¹ 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.

⁸² *Id.* at iii (Foreword).

⁸³ Anne Joseph O’Connell, *Vacant Offices: Delays in Staffing Top Agency Positions*, 82 S. CAL. L. REV. 958–59, 962 (2008).

⁸⁴ 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.⁸⁵ The *Plum Book* is also available online for free on a dedicated website with robust accessibility tools and archival editions going back to 1996.⁸⁶ 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).⁸⁷ 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.⁸⁸

⁸⁵ 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 Aug. 19, 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 Aug. 19, 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).

⁸⁶ *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 Aug. 19, 2019).

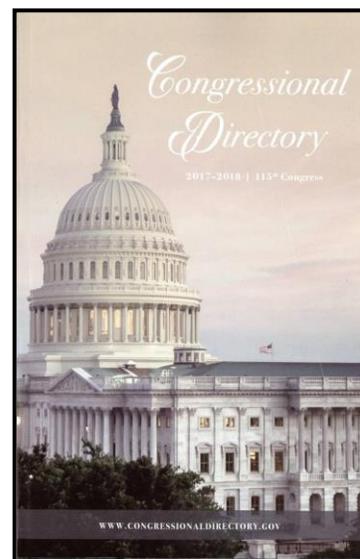
⁸⁷ This finding comports with other similar reports. See, e.g., GAO, GOVERNMENT-WIDE POLITICAL APPOINTEE DATA, *supra* note 5, at 10 (“While the data are comprehensive and publicly available, they are not timely.”).

⁸⁸ See O’Connell, *Vacant Offices*, *supra* note 83, 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.⁸⁹ 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[.]”⁹⁰ 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[.]”⁹¹

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.⁹²

Today, a small project team officially compiles the *Congressional Directory*.⁹³ The project team consists of approximately six Government Publishing Office employees detailed to

⁸⁹ CONGRESS, OFFICIAL CONGRESSIONAL DIRECTORY: 115TH CONGRESS, *supra* note 11 (“Foreword”).

⁹⁰ 44 U.S.C. § 721(a).

⁹¹ *Id.* § 721(b).

⁹² 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 Aug. 19, 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 Aug. 19, 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).

⁹³ CONGRESS, OFFICIAL CONGRESSIONAL DIRECTORY: 115TH CONGRESS, *supra* note 11 (“Foreword”).

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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.⁹⁴ 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.”⁹⁵ 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.”⁹⁶ 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.”⁹⁷

⁹⁴ *Id.*, available at <https://www.govinfo.gov/features/CDIR-115>.

⁹⁵ 44 U.S.C. § 721(a).

⁹⁶ *Congressional Directory, 104th Congress (1995–1996) to Present*, GOV’T PUBL’G OFF., <https://www.govinfo.gov/help/cdir> (last visited Aug. 19, 2019) (“About the Congressional Directory”).

⁹⁷ *Congressional Directory*, GOV’T PUBL’G OFF., <https://www.govinfo.gov/app/collection/CDIR> (last visited Aug. 19, 2019).

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The member biographies (and information about their offices and staff) “are based on information furnished or authorized by the respective Senators and Representatives.”⁹⁸ 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,

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

⁹⁸ CONGRESS, OFFICIAL CONGRESSIONAL DIRECTORY: 115TH CONGRESS, *supra* note 11, at 1.

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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.⁹⁹ 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

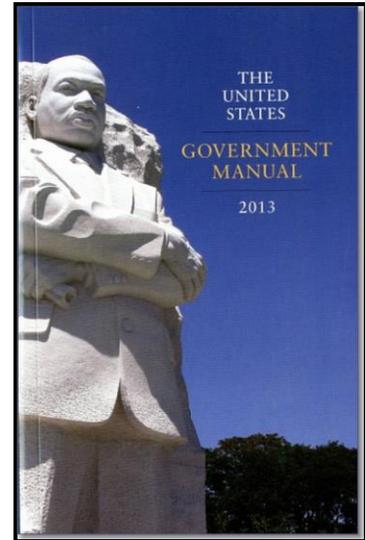
Like the *Plum Book*, the information in the *Congressional Directory* is up-to-date for only a brief time due to these statutory and historical roots. Significantly for this report, the published information does not specifically identify PAS, PA, and SES officials (or meaningfully distinguish them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

⁹⁹ 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 Aug. 19, 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[.]”¹⁰⁰ 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.”¹⁰¹



The Federal Register Act¹⁰² charged the Administrative Committee of the Federal Register with the responsibility of issuing regulations governing Federal Register publications, including special editions.¹⁰³ 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).¹⁰⁴

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*.¹⁰⁵ The advent of the Internet brought declining public demand for print editions.¹⁰⁶ In 2011, the Administrative Committee of the Federal Register issued new rules with respect to publishing the *Government*

¹⁰⁰ 5 U.S.C. § 552(a)(1)(A).

¹⁰¹ 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).

¹⁰² 44 U.S.C. §§ 1501 *et seq.*

¹⁰³ *Id.* § 1506. *See also* Regulations Affecting Publication of the United States Government Manual, *supra* note 101.

¹⁰⁴ Regulations Affecting Publication of the United States Government Manual, *supra* note 101. 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.

¹⁰⁵ *See, e.g.*, Admin. Conf. of the U.S., Recommendation 68-2, *U.S. Government Organization Manual* (Dec. 11, 1968).

¹⁰⁶ Regulations Affecting Publication of the United States Government Manual, *supra* note 101.

Listing Agency Officials

Manual as an updated online database.¹⁰⁷ The digital version now serves as the main publication because “[p]rinted editions of the [the *Government Manual*] stopped after 2013.”¹⁰⁸

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.”¹⁰⁹ 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,¹¹⁰ international organizations with U.S. membership, and various federal boards, commissions, and committees.¹¹¹ 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).¹¹² 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.¹¹³ 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.¹¹⁴

¹⁰⁷ *Id.*

¹⁰⁸ NARA, GOVERNMENT MANUAL, *supra* note 12, at 163 (“Contact Information and News”).

¹⁰⁹ *Id.*

¹¹⁰ For example, Legal Services Corporation, Smithsonian Institution, State Justice Institute, and United States Institute of Peace.

¹¹¹ NARA, GOVERNMENT MANUAL, *supra* note 12, at 1, 173–74. *See also* 1 C.F.R. § 9.2 (2019).

¹¹² NARA, GOVERNMENT MANUAL, *supra* note 12.

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

¹¹⁴ 1 C.F.R. §§ 9.1, 9.2 (2019).

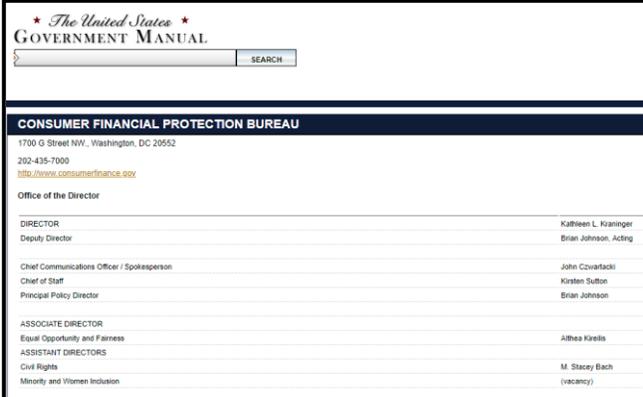
Listing Agency Officials

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.¹¹⁵

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.”¹¹⁶ 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.”¹¹⁷

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.¹¹⁸

Many entries include a basic organizational chart. However, other researchers have mentioned inconsistencies with the agency information.¹¹⁹ 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.¹²⁰ 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[.]”¹²¹ 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 Consumer Financial Protection Bureau. At the top, it says "The United States" with stars on either side, followed by "GOVERNMENT MANUAL" and a search bar. Below that, the agency name "CONSUMER FINANCIAL PROTECTION BUREAU" is displayed in a dark blue header. The main content area lists the following information:

- 1700 G Street NW, Washington, DC 20552
- 202-435-7000
- <http://www.consumerfinance.gov>
- Office of the Director
- DIRECTOR: Kathleen L. Kraninger
- Deputy Director: Brian Johnson, Acting
- Chief Communications Officer / Spokesperson: John Czwartacki
- Chief of Staff: Kristen Sutton
- Principal Policy Director: Brian Johnson
- ASSOCIATE DIRECTOR: Equal Opportunity and Fairness: Athoa Kirella
- ASSISTANT DIRECTORS: Civil Rights: M. Stacey Bach
- Minority and Women Inclusion: (vacancy)

¹¹⁵ NARA, GOVERNMENT MANUAL, *supra* note 12.

¹¹⁶ 1 C.F.R. § 9.2(a) (2019).

¹¹⁷ *Id.* § 9.2(b).

¹¹⁸ NARA, GOVERNMENT MANUAL, *supra* note 12, at 173–74.

¹¹⁹ SELIN & LEWIS, *supra* note 14, at 5 n.18.

¹²⁰ NARA, GOVERNMENT MANUAL, *supra* note 12.

¹²¹ *United States Government Manual, 1995 to Present*, GOV'T PUBL'G OFF., <https://www.govinfo.gov/help/govman> (last visited Aug. 19, 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).¹²² 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*.¹²³ 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.¹²⁴ OFR staff editors “review and edit the submissions to produce organized and concise descriptions of Federal agency programs and activities.”¹²⁵ 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*.”¹²⁶ 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.¹²⁷ 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.¹²⁸

¹²² NARA, GOVERNMENT MANUAL, *supra* note 12.

¹²³ 1 C.F.R. § 20.1 (2019).

¹²⁴ 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 Aug. 19, 2019).

¹²⁵ *United States Government Manual: About Us*, *supra* note 124.

¹²⁶ *Id.*

¹²⁷ *The United States Government Manual*, GOV'T PUBL'G OFF., <https://www.usgovernmentmanual.gov/> (last visited Aug. 19, 2019).

¹²⁸ U.S. Government Bookstore, GOV'T PUBL'G OFF., <https://bookstore.gpo.gov/search/products?keywords=government+manual> (last visited Aug. 19, 2019).

Listing Agency Officials

The *Government Manual* website contains all annual editions dating back to the 1995–96 Edition.¹²⁹ These annual editions are available to download (in several different formats depending on how recent the edition).¹³⁰

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.

¹²⁹ *United States Government Manual*, GOV'T PUBL'G OFF., <https://www.govinfo.gov/app/collection/GOVMAN/> (last visited Aug. 19, 2019).

¹³⁰ *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 2018.¹³¹ 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.

¹³¹ 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[.]”¹³² 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 2017.¹³³ In August 2017, ProPublica expanded the database to include more than 1,000 agency officials¹³⁴ and continues to provide updates, most recently on February 12, 2019.¹³⁵

Trump Town
Track White House Staff, Cabinet Members and Political Appointees Across the Government

by Derek Kravitz, Al Shaw, Claire Perlman and Alex Mierjeski, March 7, 2018, Updated February 12, 2019

UPDATE February 12, 2019: 402 new appointees added

Search thousands of personnel records for Trump administration staffers. Some are old policy hands from conservative D.C. think tanks. Others have little-to-no government experience and come straight from the industries they are now tasked to regulate and oversee. Use this database to search for them by name, former employer and agency. | Related Story | Methodology: How We Created this Database | Reporting Recipe: How to Use the Data

In This Database

3,232 Appointees	230 Are or were Lobbyists	145 Worked at Conservative Think Tanks	280 Worked for Trump Campaign Groups
----------------------------	-------------------------------------	--	--

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

¹³² *ProPublica: About Us, The Mission*, PROPUBLICA, <https://www.propublica.org/about/> (last visited Aug. 19, 2019).

¹³³ *Trump Town: About the Project*, ONLINE JOURNALISM AWARDS, <https://awards.journalists.org/entries/trump-town/> (last visited Aug. 19, 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).

¹³⁴ *Trump Town: About the Project*, *supra* note 133.

¹³⁵ *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.¹³⁶ 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.”¹³⁷

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

¹³⁶ *How We Compiled Trump Town*, PROPUBLICA, <https://www.propublica.org/article/how-we-compiled-trump-town> (Mar. 7, 2018).

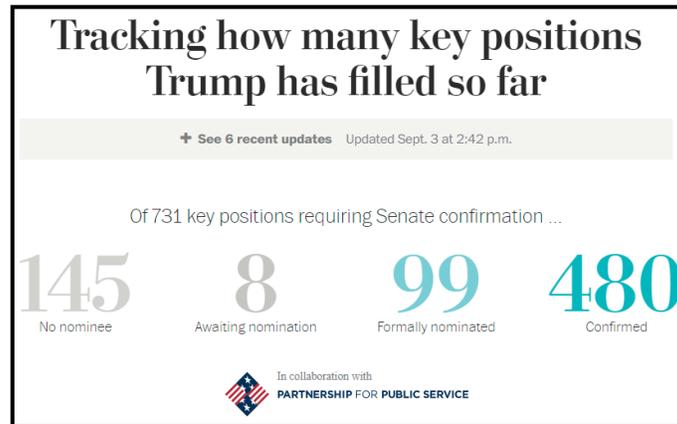
¹³⁷ GAO, GOVERNMENT-WIDE POLITICAL APPOINTEE DATA, *supra* note 5, at 13.

Partnership for Public Service and the Washington Post



The Partnership for Public Service, “a nonprofit, nonpartisan organization that seeks to improve government,”¹³⁸ created a Political Appointee Tracker in collaboration with the Washington Post.¹³⁹ This database tracks 731 “key” executive branch PAS positions.¹⁴⁰

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).¹⁴¹



As of the most recent update in September 2019, there were 145 positions with no nominee, 8 awaiting nomination, 99 formally nominated, and 480 confirmed individuals.¹⁴² The database also includes information about confirmed officials who have resigned and withdrawn nominees.¹⁴³ To compile this information, the Partnership for Public Service staff monitors publicly available resources, such as agency websites and Congress.gov.¹⁴⁴ GAO reported that tracking information about lower-level PAS positions proves most difficult given that they are

¹³⁸ *Id.* at 12 n.21.

¹³⁹ *Political Appointee Tracker*, PARTNERSHIP FOR PUBLIC SERVICE, <https://ourpublicservice.org/political-appointee-tracker/> (last visited Sept. 6, 2019).

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ GAO, GOVERNMENT-WIDE POLITICAL APPOINTEE DATA, *supra* note 5, at 12.

Listing Agency Officials

not covered as thoroughly in the media, and collecting departure dates is reportedly the most difficult aspect of the Partnership for Public Service’s data collection efforts.¹⁴⁵

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	—	DETAILS +
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	Rex Tillerson	DETAILS —
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			
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	Michael Pompeo	DETAILS —
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			
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			

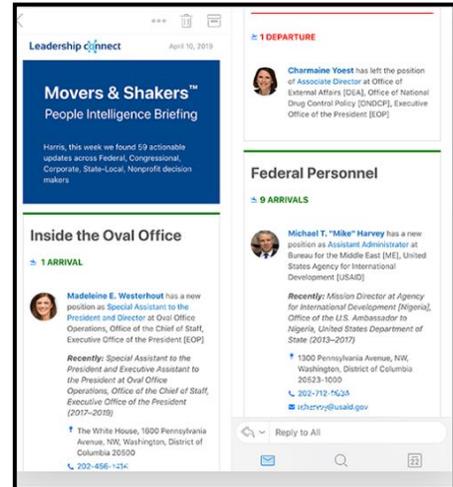
¹⁴⁵ *Id.*

Listing Agency Officials

Other Leadership Directories

Numerous paid services and products are also available to the public. Examples include GovPredict,¹⁴⁶ Leadership Connect (formerly Leadership Directories),¹⁴⁷ the Federal Yellow Book,¹⁴⁸ and Politico Pro,¹⁴⁹ 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.¹⁵⁰ 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.¹⁵¹



¹⁴⁶ GovPredict, GOVPREDICT, INC., <https://govpredict.com> (last visited Aug. 30, 2019).

¹⁴⁷ Leadership Connect, LEADERSHIP CONNECT, <https://www.leadershipconnect.io/> (last visited Aug. 30, 2019).

¹⁴⁸ Leadership Directories, LEADERSHIP CONNECT, <https://www.leadershipconnect.io/products/print-leadership-directories/> (last visited Aug. 30, 2019).

¹⁴⁹ The New Politico Pro, POLITICO PRO, <https://www.politicopro.com> (last visited Aug. 30, 2019).

¹⁵⁰ Leadership Connect: Products, LEADERSHIP CONNECT, <https://www.leadershipconnect.io/products/> (last visited Sept. 5, 2019).

¹⁵¹ *Id.* Information about federal government officials is one of many product offerings focusing on different sectors or communities.

Listing Agency Officials

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.¹⁵²

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.

¹⁵² 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.¹⁵³ 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.¹⁵⁴

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).

¹⁵³ 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 53, and included in the ACUS *Sourcebook of United States Executive Agencies*. *See also supra* note 67.

¹⁵⁴ *See* O'Connell, *Acting Agency Officials*, *supra* note 53, 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.

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- 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.¹⁵⁵ With approximately ten staff members (as of August 2019¹⁵⁶), 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

¹⁵⁵ The author spoke with a current staff member to learn more about the basic operation of this office.

¹⁵⁶ DEP'T OF STATE, TELEPHONE DIRECTORY (UNCLASSIFIED) OD-39 (Aug. 16, 2019), *available at* <https://www.state.gov/wp-content/uploads/2019/05/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.”¹⁵⁷ 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.¹⁵⁸ 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.¹⁵⁹ 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.¹⁶⁰

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).¹⁶¹ 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”).¹⁶² 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).¹⁶³

¹⁵⁷ Pfiffner, *supra* note 30, at 3.

¹⁵⁸ *Id.* at 2.

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ *Id.* See also James M. Naughton, *Nixon's Talent Hunter Also Wields Executive Hatchet*, N.Y. TIMES, July 12, 1971, at 18.

¹⁶² Pfiffner, *supra* note 30, at 3.

¹⁶³ *Id.*

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Over time, the presidential personnel operations have become more professional and institutionalized, larger in size, and expanded to cover many more positions.¹⁶⁴ 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.¹⁶⁵ 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.¹⁶⁶ 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.¹⁶⁷ 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.¹⁶⁸

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.¹⁶⁹ Nevertheless, the White House issues press releases when the President announces his intent to nominate individuals to key positions.¹⁷⁰

Prior government efforts to learn more about Office of Presidential Personnel practices have not succeeded.¹⁷¹ The limited information available about internal practices generally comes from former White House Office of Presidential Personnel officials.¹⁷² Some historical

¹⁶⁴ *Id.* at 5.

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ THE PLUM BOOK, *supra* note 1, at 216 (Appendix No. 1, Summary of Positions Subject to Noncompetitive Appointment).

¹⁶⁸ Pfiffner, *supra* note 30, at 6.

¹⁶⁹ 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 Sept. 4, 2019).

¹⁷⁰ See *Presidential Actions*, WHITE HOUSE, <https://www.whitehouse.gov/presidential-actions/> (last visited Sept. 4, 2019). These press releases are usually issued before an official appointment or nomination.

¹⁷¹ 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.”).

¹⁷² *Id.* See also Pfiffner, *supra* note 30, 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.¹⁷³ Similar concerns would likely arise with any current data the office maintains.

¹⁷³ 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 Aug. 19, 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,¹⁷⁴ the Office of Personnel Management (OPM) implemented and maintains an extensive government-wide recordkeeping program.¹⁷⁵ OPM requires executive branch agencies to report information about their civilian employees in compliance with detailed data standards.¹⁷⁶

Today, the Enterprise Human Resources Integration system (EHRI) is OPM's primary data repository for human capital data to support its mission and strategic goals.¹⁷⁷ 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 13,197,¹⁷⁸ OPM collects human resources, payroll, and training data from federal executive branch agencies.¹⁷⁹ OPM established EHRI 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.¹⁸⁰

To achieve these goals, the system provides “storage, access, and exchange of standard, electronic human capital information” about each federal civilian employee and facilitates data-driven personnel management activities and decision making, oversight and accountability, and research activities.¹⁸¹

¹⁷⁴ 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 Aug. 19, 2019).

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

¹⁷⁶ 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>.

¹⁷⁷ *Id.* at 6.

¹⁷⁸ Executive Order No. 13,197, 66 Fed. Reg. 7,853 (Jan. 18, 2001).

¹⁷⁹ *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).

¹⁸⁰ GAO, FEDERAL HUMAN RESOURCES DATA, *supra* note 176, at 6.

¹⁸¹ *Enterprise Human Resources Integration Privacy Policy*, *supra* note 179.

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OPM works with agencies (referred to as “submitting points” because some agencies provide HR processing services for multiple agencies) to acquire the relevant employee information to populate EHRI. OPM directs submitting points to transmit data securely into EHRI’s Data Warehouse, which stores, integrates, and publishes data for two million employees on a bi-weekly basis (or possibly monthly).¹⁸² 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. OPM even works with submitting points to evaluate test data before fully and automatically integrating these data feeds into the EHRI Data Warehouse.

Significantly, “each agency is responsible for collecting the data, editing it for validity, accuracy, and completeness, and furnishing the data to EHRI.”¹⁸³ 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.¹⁸⁴

Although the informational materials state that EHRI imposes some minimum acceptability requirements and can detect (and reject) invalid data to prevent it from entering the system, these protocols are limited.¹⁸⁵ OPM “may change [missing or invalid] data element values” by matching to older files or data, and the standard procedure is to notify the agency and allow the agency to submit corrections.¹⁸⁶ OPM states that agency submissions and corrections process quarterly (in March, June, September, and December).¹⁸⁷

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.

¹⁸² *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 Aug. 19, 2019).

¹⁸³ 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”).

¹⁸⁴ See *supra* note 53 (describing the OPM data request and supplied information for that companion project).

¹⁸⁵ *FedScope: About EHRI-SDM*, OFF. OF PERSONNEL MGMT., https://www.fedscope.opm.gov/datadefn/aboutehri_sdm.asp#cpdf1 (last visited Aug. 19, 2019).

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

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Coverage

EHRI data feeds include most federal civilian employees of the executive branch (approximately two million), but EHRI 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 2006.¹⁸⁸

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

¹⁸⁸ *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.”¹⁸⁹ Through FedScope, users can review and manipulate the display of agency data using an online interface. OPM also provides downloadable raw data sets.¹⁹⁰

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.”¹⁹¹ 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,¹⁹² 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.¹⁹³ As previously mentioned, GAO reports 32 recent FOIA requests directed to OPM for similar information about political appointments.¹⁹⁴

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.

¹⁸⁹ *Data, Analysis & Documentation*, OFF. OF PERSONNEL MGMT., <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/> (last visited Aug. 19, 2019).

¹⁹⁰ *Data, Analysis & Documentation: Raw Datasets*, OFF. OF PERSONNEL MGMT., <https://www.opm.gov/data/index.aspx> (last visited Aug. 19, 2019).

¹⁹¹ *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).

¹⁹² See 5 C.F.R. § 293.311 (2019).

¹⁹³ *Data Release Policy*, *supra* note 191.

¹⁹⁴ 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 agencies¹⁹⁵ 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.

¹⁹⁵ 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 ¹⁹⁶ 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)

¹⁹⁶ 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 53, 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 draft Recommendation:

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).¹⁹⁷ 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.¹⁹⁸

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.

¹⁹⁷ 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 53, at 44–46, 69–74.

¹⁹⁸ 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.¹⁹⁹ The Committee may wish to note this in the recommendation.

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

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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: ²⁰⁰

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

²⁰⁰ 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 53, and included in the ACUS *Sourcebook of United States Executive Agencies*. *See also supra* note 67.

Listing Agency Officials

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 Justice.

[COMMITTEE PRINT]

S. Prt. 114-26

UNITED STATES GOVERNMENT

Policy and Supporting Positions

Committee on Homeland Security
and Governmental Affairs
United States Senate
114th Congress, 2d Session



DECEMBER 1, 2016

Available via <http://www.fdsys.gov>

Printed for the use of the
Committee on Homeland Security and Governmental Affairs



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DEPARTMENT OF JUSTICE

Location	Position Title	Name of Incumbent	Type of Appt.	Pay Plan	Level, Grade, or Pay	Tenure	Expires
	OFFICE OF THE ATTORNEY GENERAL						
Washington, DC	Attorney General	Loretta Lynch	PAS	EX	I		
Do	Chief of Staff and Counselor	Sharon Werner	NA	ES			
Do	Deputy Chief of Staff and Counselor to the Attorney General.	Shirlethia Franklin	NA	ES			
Do	.....do	Carolyn Pokorny	NA	ES			
Do	Counselor to the Attorney General	James Cox	NA	ES			
Do	.....do	James Cadogan	NA	ES			
Do	.....do	Paige Herwig	NA	ES			
Do	Director of Advance	Alan Bray	SC	GS	14		
Do	White House Liaison	Shomari Figures	SC	GS	14		
Do	Confidential Assistant	Bessie Meadows	SC	GS	14		
Do	Director of Scheduling	Sabrina Curtis	SC	GS	13		
Do	Special Assistant	Ariane Frosh	SC	GS	12		
	OFFICE OF THE DEPUTY ATTORNEY GENERAL						
Do	Deputy Attorney General	Sally Yates	PAS	EX	II		
Do	Principal Associate Deputy Attorney General	Matthew Axelrod	NA	ES			
Do	Associate Deputy Attorney General	Career Incumbent	CA	ES			
Do	.....do	Danielle Conley	NA	ES			
Do	.....do	Samir Jain	NA	ES			
Do	.....do	Virginia Chavez Romano	NA	ES			
Do	.....do	Career Incumbent	CA	ES			
Do	.....do	Carlos F. Uriarte	NA	ES			
Do	.....do	Crystal Lynne Brown	NA	ES			
Do	.....do	Raphael Prober	NA	ES			
Do	.....do	Miriam Barnett Vogel	NA	ES			
Do	Associate Deputy Attorney General and National Coordinator for Child Exploitation Prevention and Intervention.	Jill E. Steinberg	TA	ES			03/07/18
Do	Chief of Staff and Counselor to the Deputy Attorney General.	Heather Childs	TA	ES			10/17/18
Do	Deputy Director, Countering Violent Extremism Task Force.	Brette Steele	TA	ES			05/01/18
Do	National Criminal Discovery Coordinator	Career Incumbent	CA	ES			
Do	Chief Privacy and Civil Liberties Officer	Erika Brown Lee	NA	ES			
Do	Special Assistant	Melanie Lucille Dix	SC	GS	13		
Do	.....do	Joshua Langley Mogil	SC	GS	12		
Do	.....do	Jemma Dawn York	SC	GS	11		
	<i>Criminal Division</i>						
Do	Assistant Attorney General Criminal Division	Leslie Caldwell	PAS	EX	IV		
Do	Principal Deputy Assistant Attorney General	David Bitkower	NA	ES			
Do	Counselor to the Assistant Attorney General	Amy Pope	NA	ES			
Do	Director, Office of Policy and Legislation	Career Incumbent	CA	ES			
Do	Senior Counsel for Cybercrimes	.....do	CA	ES			
Do	Senior Counsel	Mary Nell McCarthy	SC	GS	15		
Do	Deputy Assistant Attorney General	Career Incumbent	CA	ES			
Do	Director Office of Enforcement Operations	.....do	CA	ES			
Do	Deputy Director, Office of Enforcement Operations.	.....do	CA	ES			
Do	Deputy Assistant Attorney General	.....do	CA	ES			
Do	.....do	.....do	CA	ES			
Do	Director, Office of International Affairs	.....do	CA	ES			
Do	Deputy Director, Office of International Affairs.	Vacant	.....	ES			
Do	Deputy Director for International Policy	Career Incumbent	CA	ES			
Do	Deputy Assistant Attorney General	Sung-Hee Suh	NA	ES			
Do	Chief, Capital Case Unit	Career Incumbent	CA	ES			
Do	Deputy Assistant Attorney General	Vacant	.....	ES			
Do	Director Human Rights Enforcement Strategy and Policy.	Career Incumbent	CA	ES			
	<i>National Security Division</i>						
Do	Assistant Attorney General	John P. Carlin	PAS	EX	IV		
Do	Principal Deputy Assistant Attorney General	Career Incumbent	CA	ES			
Do	Chief of Staff and Counselor	.....do	CA	ES			
Do	Chief, Policy, Office of Law and Policy	Vacant	.....	ES			
Do	Deputy Assistant Attorney General	.....do	.....	ES			
Do	.....do	Career Incumbent	CA	ES			
Do	Chief, Counterterrorism Section	.....do	CA	ES			
Do	Chief, Counterintelligence, Export Control, and Economic Espionage.	.....do	CA	ES			
Do	Deputy Assistant Attorney General	.....do	CA	ES			

DEPARTMENTS

DEPARTMENT OF JUSTICE—Continued

Location	Position Title	Name of Incumbent	Type of Appt.	Pay Plan	Level, Grade, or Pay	Tenure	Expires
<i>Office of Legislative Affairs</i>							
Washington, DC	Assistant Attorney General (Legislative Affairs)	Peter Kadzik	PAS	EX	IV		
Do	Deputy Assistant Attorney General	Alicia O'Brien	NA	ES			
Do	.....do	Eric Losick	NA	ES			
Do	.....do	Elliot Williams	NA	ES			
Do	Special Counsel	Career Incumbent	CA	ES			
Do	Chief of Staff and Attorney Advisor	Daniel Goldberg	SC	GS	15		
Do	Attorney Advisor	Kirstin Dunham	SC	GS	14		
Do	.....do	Wintita Woldemariam	SC	GS	13		
Do	.....do	Yvette Badu-Nimako	SC	GS	12		
Do	Confidential Assistant	Alexandra Lichtenstein	SC	GS	9		
<i>Office of the Legal Counsel</i>							
Do	Assistant Attorney General	Vacant	PAS	EX	IV		
Do	Principal Deputy Assistant Attorney General	Karl Remon Thompson	NA	ES			
Do	Deputy Assistant Attorney General	Career Incumbent	CA	ES			
Do	.....do	Vacant	ES				
Do	.....do	Brian Boynton	NA	ES			
Do	.....do	Troy McKenzie	NA	ES			
Do	.....do	John Edward Bies	NA	ES			
Do	Special Counsel	Vacant	ES				
<i>Office of Legal Policy</i>							
Do	Assistant Attorney General	.....do	PAS	EX	IV		
Do	Principal Deputy Assistant Attorney General	.....do	ES				
Do	Deputy Assistant Attorney General	Michael Arthur Zubrensky	NA	ES			
Do	.....do	Career Incumbent	CA	ES			
Do	.....do	.....do	CA	ES			
Do	.....do	Vacant	ES				
Do	Senior Policy Advisor	Jonathan Bartlett Gould	SC	GS	15		
Do	Counsel	Sean Douglass	SC	GS	14		
Do	Researcher	Tara Naoko Ohrtman	SC	GS	9		
<i>United States Parole Commission</i>							
Do	Chairman	Jerrolyn Patricia Smoot	PAS	EX	IV		
Do	Parole Commissioner	Patricia K. Cusbwa	PAS	EX	V		
Do	.....do	Charles Thomas Massarona	PAS	EX	V		
Do	.....do	Vacant	PAS	EX	IV		
Do	.....do	.....do	PAS	EX	V		
<i>Executive Office for United States Attorneys</i>							
Do	Director	Career Incumbent	CA	ES			
Do	Principal Deputy Director and Chief of Staff	Vacant	ES				
Do	Deputy Director and Counsel to the Director	Career Incumbent	CA	ES			
Do	Chief of Planning, Evaluation and Performance	Vacant	ES				
Do	Counsel	Jason F. Cunningham Esq.	SC	GS	14		
Huntsville, AL	United States Attorney, Alabama, Northern District	Joyce Vance	PAS	AD	\$160,300		
Montgomery, AL	United States Attorney, Alabama, Middle District	George Beck Jr.	PAS	AD	\$160,300		
Mobile, AL	United States Attorney, Alabama, Southern District	Kenyan Brown	PAS	AD	\$160,300		
Anchorage, AK	United States Attorney, Alaska	Karen Loeffler	PAS	AD	\$160,300		
Phoenix, AZ	United States Attorney, Arizona	John Leonardo	PAS	AD	\$160,300		
Little Rock, AR	United States Attorney, Arkansas, Eastern District	Christopher Thyer	PAS	AD	\$160,300		
Fort Smith, AR	United States Attorney, Arkansas, Western District	Vacant	PAS	AD			
San Francisco, CA	United States Attorney, California, Northern District	.....do	PAS	AD			
Sacramento, CA	United States Attorney, California, Eastern District	.....do	PAS	AD			
Los Angeles, CA	United States Attorney, California, Central District	Eileen M. Decker	PAS	AD	\$160,300		
San Diego, CA	United States Attorney, California, Southern District	Laura Duffy	PAS	AD	\$160,300		
Denver, CO	United States Attorney, Colorado	John Walsh	PAS	AD	\$160,300		
New Haven, CT	United States Attorney, Connecticut	Deirdre M. Daly	PAS	AD	\$160,300		
Wilmington, DE	United States Attorney, Delaware	Charles M. Obery III	PAS	AD	\$160,300		
Washington, DC	United States Attorney, District of Columbia	Vacant	PAS	AD			
Tallahassee, FL	United States Attorney, Florida, Northern District	.....do	PAS	AD			
Tampa, FL	United States Attorney, Florida, Middle District	Arthur Lee Bentley III	PAS	AD	\$160,300		

DEPARTMENT OF JUSTICE—Continued

Location	Position Title	Name of Incumbent	Type of Appt.	Pay Plan	Level, Grade, or Pay	Tenure	Expires
Miami, FL	United States Attorney, Florida, Southern District.	Wilfredo A. Ferrer	PAS	AD	\$160,300	.....
Atlanta, GA	United States Attorney, Georgia, Northern District.	Vacant	PAS	AD	.....	.....
Macon, GA	United States Attorney, Georgia, Middle District.	.....do	PAS	AD	.....	.....
Savannah, GA	United States Attorney, Georgia, Southern District.	Edward Tarver	PAS	AD	\$160,300	.....
Agana, Guam	United States Attorney, Guam	Alicia Limtiaco	PAS	AD	\$160,300	.....
Honolulu, HI	United States Attorney, Hawaii	Florence Nakakuni	PAS	AD	\$160,300	.....
Boise, ID	United States Attorney, Idaho	Wendy Olson	PAS	AD	\$160,300	.....
Chicago, IL	United States Attorney, Illinois, Northern District.	Zachary T. Fardon	PAS	AD	\$160,300	.....
Springfield, IL	United States Attorney, Illinois, Central District.	James Andrew Lewis	PAS	AD	\$160,300	.....
Fairview Heights, IL	United States Attorney, Southern District, Illinois.	Vacant	PAS	AD	.....	.....
Dyer, IN	United States Attorney, Indiana, Northern District.	David Capp	PAS	AD	\$160,300	.....
Indianapolis, IN	United States Attorney, Indiana, Southern District.	Vacant	PAS	AD	.....	.....
Cedar Rapids, IA	United States Attorney, Iowa, Northern District.	Kevin W. Techau	PAS	AD	\$160,300	.....
Des Moines, IA	United States Attorney, Iowa, Southern District.	Vacant	PAS	AD	.....	.....
Wichita, KS	United States Attorney, Kansas .....	.....do	PAS	AD	.....	.....
Lexington, KY	United States Attorney, Kentucky, Eastern District.	Kerry Harvey	PAS	AD	\$160,300	.....
Louisville, KY	United States Attorney, Kentucky, Western District.	Vacant	PAS	AD	.....	.....
New Orleans, LA	United States Attorney, Louisiana, Eastern District.	Kenneth A. Polite Jr.	PAS	AD	\$160,300	.....
Baton Rouge, LA	United States Attorney, Louisiana, Middle District.	James W. Green	PAS	AD	\$160,300	.....
Shreveport, LA	United States Attorney, Louisiana, Western District.	Stephanie Finley	PAS	AD	\$160,300	.....
Portland, ME	United States Attorney, Maine	Thomas Delahanty II	PAS	AD	\$160,300	.....
Baltimore, MD	United States Attorney, Maryland	Rod J. Rosenstein	PAS	AD	\$160,300	.....
Boston, MA	United States Attorney, Massachusetts	Carmen Ortiz	PAS	AD	\$160,300	.....
Detroit, MI	United States Attorney, Michigan, Eastern District.	Barbara McQuade	PAS	AD	\$160,300	.....
Grand Rapids, MI	United States Attorney, Michigan, Western District.	Patrick Miles Jr.	PAS	AD	\$160,300	.....
Minneapolis, MN	United States Attorney, Minnesota	Andrew M. Luger	PAS	AD	\$160,300	.....
Oxford, MS	United States Attorney, Mississippi, Northern District.	Felicia Adams	PAS	AD	\$160,300	.....
Jackson, MS	United States Attorney, Mississippi, Southern District.	Gregory Davis	PAS	AD	\$160,300	.....
St. Louis, MO	United States Attorney, Missouri, Eastern District.	Richard Callahan	PAS	AD	\$160,300	.....
Kansas City, MO	United States Attorney, Missouri, Western District.	Angela Tammy Dickinson	PAS	AD	\$160,300	.....
Billings, MT	United States Attorney, Montana	Michael Cotter	PAS	AD	\$160,300	.....
Omaha, NE	United States Attorney, Nebraska	Deborah Gilg	PAS	AD	\$160,300	.....
Las Vegas, NV	United States Attorney, Nevada	Daniel G. Bogden	PAS	AD	\$160,300	.....
Concord, NH	United States Attorney, New Hampshire	Emily Gray Rice	PAS	AD	\$160,300	.....
Newark, NJ	United States Attorney, New Jersey	Paul Fishman	PAS	AD	\$160,300	.....
Albuquerque, NM	United States Attorney, New Mexico	Damon P. Martinez	PAS	AD	\$160,300	.....
Syracuse, NY	United States Attorney, New York, Northern District.	Richard Hartumian	PAS	AD	\$160,300	.....
New York-Kings, NY	United States Attorney, New York, Eastern District.	Robert L. Capers	PAS	AD	\$160,300	.....
New York New York, NY	United States Attorney, New York, Southern District.	Preet Bharara	PAS	AD	\$160,300	.....
Buffalo, NY	United States Attorney, New York, Western District.	William Hochul Jr.	PAS	AD	\$160,300	.....
Raleigh, NC	United States Attorney, North Carolina, Eastern District.	Vacant	PAS	AD	.....	.....
Greensboro, NC	United States Attorney, North Carolina, Middle District.	Ripley Rand	PAS	AD	\$160,300	.....
Charlotte, NC	United States Attorney, North Carolina, Western District.	Vacant	PAS	AD	.....	.....
Fargo, ND	United States Attorney, North Dakota .....	.....do	PAS	AD	.....	.....
Cleveland, OH	United States Attorney, Ohio, Northern District.	.....do	PAS	AD	.....	.....

DEPARTMENTS

DEPARTMENT OF JUSTICE—Continued

Location	Position Title	Name of Incumbent	Type of Appt.	Pay Plan	Level, Grade, or Pay	Tenure	Expires
Dayton, OH	United States Attorney, Ohio, Southern District.	Vacant	PAS	AD	.....	.....	.....
Tulsa, OK	United States Attorney, Oklahoma, Northern District.	Danny C. Williams Sr.	PAS	AD	\$160,300	.....	.....
Muskogee, OK	United States Attorney, Oklahoma, Eastern District.	Mark Green	PAS	AD	\$160,300	.....	.....
Oklahoma City, OK	United States Attorney, Oklahoma, Western District.	Vacant	PAS	AD	.....	.....	.....
Portland, OR	United States Attorney, Oregon .....	.....do	PAS	AD	.....	.....	.....
Philadelphia, PA	United States Attorney, Pennsylvania, Eastern District.	Zane D. Memeger	PAS	AD	\$160,300	.....	.....
Williamsport, PA	United States Attorney, Pennsylvania, Middle District.	Peter Smith	PAS	AD	\$160,300	.....	.....
Pittsburgh, PA	United States Attorney, Pennsylvania, Western District.	David Hickton	PAS	AD	\$160,300	.....	.....
Hato Rey, Puerto Rico.	United States Attorney, Puerto Rico	Vacant	PAS	AD	.....	.....	.....
Providence, RI	United States Attorney, Rhode Island	Peter Neronna	PAS	AD	\$160,300	.....	.....
Columbia, SC	United States Attorney, South Carolina	Vacant	PAS	AD	.....	.....	.....
Sioux Falls, SD	United States Attorney, South Dakota .....	.....do	PAS	AD	.....	.....	.....
Chattanooga, TN	United States Attorney, Tennessee, Eastern District.	.....do	PAS	AD	.....	.....	.....
Nashville, TN	United States Attorney, Tennessee, Middle District.	David Rivera	PAS	AD	\$160,300	.....	.....
Memphis, TN	United States Attorney, Western District, Tennessee.	Edward Stanton III	PAS	AD	\$160,300	.....	.....
Fort Worth, TX	United States Attorney, Texas, Northern District.	Vacant	PAS	AD	.....	.....	.....
Plano, TX	United States Attorney, Texas, Eastern District.	John Bales	PAS	AD	\$160,300	.....	.....
Houston, TX	United States Attorney, Texas, Southern District.	Kenneth Magidson	PAS	AD	\$160,300	.....	.....
San Antonio, TX	United States Attorney, Texas, Western District.	Vacant	PAS	AD	.....	.....	.....
Salt Lake City, UT	United States Attorney, Utah	John W. Huber	PAS	AD	\$160,300	.....	.....
Burlington, VT	United States Attorney, Vermont	Eric S. Miller	PAS	AD	\$160,300	.....	.....
St. Croix, Virgin Islands.	United States Attorney, Virgin Islands	Ronald Sharpe	PAS	AD	\$160,300	.....	.....
Alexandria, VA	United States Attorney, Virginia, Eastern District.	Dana J. Boente	PAS	AD	\$160,300	.....	.....
Roanoke, VA	United States Attorney, Virginia, Western District.	John P. Fishwick Jr.	PAS	AD	\$160,300	.....	.....
Spokane, WA	United States Attorney, Washington, Eastern District.	Michael Ormsby	PAS	AD	\$160,300	.....	.....
Seattle, WA	United States Attorney, Washington, Western District.	Vacant	PAS	AD	.....	.....	.....
Wheeling, WV	United States Attorney, West Virginia, Northern District.	William Ihlenfeld II	PAS	AD	\$160,300	.....	.....
Charleston, WV	United States Attorney, West Virginia, Southern District.	Vacant	PAS	AD	.....	.....	.....
Milwaukee, WI	United States Attorney, Wisconsin, Eastern District.	.....do	PAS	AD	.....	.....	.....
Madison, WI	United States Attorney, Wisconsin, Western District.	John Vaudreuil	PAS	AD	\$160,300	.....	.....
Cheyenne, WY	United States Attorney, Wyoming	Christopher Crofts	PAS	AD	\$160,300	.....	.....
<i>Executive Office for Immigration Review</i>							
Falls Church, VA	Director	Career Incumbent	CA	ES	.....	.....	.....
Do	Deputy Director .....	.....do	CA	ES	.....	.....	.....
<i>Office of the Pardon Attorney</i>							
Washington, DC	Pardon Attorney .....	.....do	CA	ES	.....	.....	.....
<i>Office of Public Affairs</i>							
Do	Director, Office of Public Affairs	Melanie Newman	NA	ES	.....	.....	.....
Do	Deputy Director	Kevin Lewis	SC	GS	15	.....	.....
Do	Public Affairs Specialist	Beverley Lumpkin	SC	GS	14	.....	.....
Do	Press Secretary and Senior Advisor	Dena Iverson Debonis	SC	GS	14	.....	.....
Do	Chief Speechwriter	Jacob Maccoby	SC	GS	13	.....	.....
Do	Public Affairs Specialist	Patrick Norman Rodenbush.	SC	GS	13	.....	.....
Do	Deputy Press Secretary	David Jacobs	SC	GS	9	.....	.....
Do	Deputy Speechwriter	James Santel	SC	GS	11	.....	.....
Do	Press Assistant	Anthony Juarez	SC	GS	7	.....	.....
Do .....	.....do	Kelli James	SC	GS	7	.....	.....
<i>Office of Privacy and Civil Liberties</i>							
Do	Director, Office of Privacy and Civil Liberties	Career Incumbent	CA	ES	.....	.....	.....

DEPARTMENT OF JUSTICE—Continued

Location	Position Title	Name of Incumbent	Type of Appt.	Pay Plan	Level, Grade, or Pay	Tenure	Expires
	<i>Rule of Law Office</i>						
Kabul, Afghanistan	Justice Attache Afghanistan	Karl Kadon	TA	ES			10/01/16
	EXECUTIVE OFFICE FOR ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES						
Washington, DC	Director, Organized Crime Drug Enforcement Task Forces, Fusion Center	Career Incumbent	CA	ES			
Do	Deputy Director, Organized Crime Drug Enforcement Task Forces	.....do	CA	ES			
	OFFICE OF TRIBAL JUSTICE						
Do	Senior Advisor	.....do	CA	ES			
	OFFICE OF THE ASSOCIATE ATTORNEY GENERAL						
Do	Associate Attorney General	Vacant	PAS	EX	III		
Do	Principal Deputy Associate Attorney General	.....do	ES				
Do	Deputy Associate Attorney General	Philippa Scarlett	NA	ES			
Do	.....do	Christopher Casey	NA	ES			
Do	.....do	Javier Guzman	NA	ES			
Do	Chief of Staff and Deputy Associate Attorney General	Vacant	ES				
Do	Deputy Chief of Staff and Senior Counsel	Rita Christine Aguilar	SC	GS	15		
Do	Confidential Assistant	Currie Gunn	SC	GS	13		
	<i>Antitrust Division</i>						
Do	Assistant Attorney General	William J. Baer	PAS	EX	IV		
Do	Principal Deputy Assistant Attorney General	Renata B. Hesse	NA	ES			
Do	Deputy Assistant Attorney General	Juan Arteaga	NA	ES			
San Francisco, CA	Chief, Washington Criminal I Section	Career Incumbent	CA	ES			
Washington, DC	Chief, Transportation/Energy/Agriculture Section	Vacant	ES				
Do	Chief, Appellate Section	Career Incumbent	CA	ES			
Do	Chief Legal Policy Section	.....do	CA	ES			
Do	Director of Civil Enforcement	.....do	CA	ES			
Do	Chief Counsel for Competition, Policy, and Intergovernmental Relations	Caroline Holland	NA	ES			
Do	Chief of Staff	Creighton Macy	SC	GS	15		
Do	Counsel	Anant Raut	SC	GS	15		
Do	Deputy Assistant Attorney General	Vacant	ES				
Do	Chief, Networks and Technology Enforcement Section	Career Incumbent	CA	ES			
Do	Deputy Assistant Attorney General	Sonia Pfaffenroth	NA	ES			
Do	Chief, Litigation I Section	Career Incumbent	CA	ES			
Do	Chief, Litigation II Section	.....do	CA	ES			
Do	Chief, Litigation III Section	.....do	CA	ES			
Do	Deputy Assistant Attorney General	.....do	CA	ES			
San Francisco, CA	Director, Criminal Enforcement	.....do	CA	ES			
Washington, DC	Senior Counsel for Criminal Enforcement	Vacant	ES				
Chicago, IL	Chief, Chicago Field Office	Career Incumbent	CA	ES			
Do	Senior Counsel for Criminal Enforcement	Esq.	ES				
New York New York, NY	Chief, New York Field Office	Career Incumbent	CA	ES			
San Francisco, CA	Chief, San Francisco Field Office	.....do	CA	ES			
Washington, DC	Chief, National Criminal Enforcement Section	.....do	CA	ES			
Do	Deputy Assistant Attorney General	Vacant	ES				
Do	Chief Economic Litigation Section	Career Incumbent	CA	ES			
Do	Chief, Economic Regulatory Section	.....do	CA	ES			
Do	Chief, Foreign Commerce Section	.....do	CA	ES			
Do	Chief, Competition Policy Section	.....do	CA	ES			
Do	Senior Counsel and Director of Risk Management	Vacant	ES				
Do	Deputy Assistant Attorney General	.....do	ES				
	<i>Civil Division</i>						
Do	Assistant Attorney General Civil Division	.....do	PAS	EX	IV		
Do	Principal Deputy Assistant Attorney General	Benjamin Mizer	NA	ES			
Do	Counselor	Vacant	ES				
Do	Senior Counsel	Natalia Tania Sorgente	SC	GS	15		
Do	Counsel	Melanie Therese Singh	SC	GS	15		
Do	Interim Administrator for Funds, Office of the Special Master for the September 11 Victim Compensation Fund	Stefanie Langsam	TA	ES			08/21/19
Do	Deputy Assistant Attorney General	Beth Susan Brinkmann	NA	ES			
Do	Director, Appellate Staff	Career Incumbent	CA	ES			
Do	Appellate Litigation Counseldo	CA	ES			



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DEPARTMENT OF JUSTICE

Robert F. Kennedy Department of Justice Building

950 Pennsylvania Avenue, NW., 20530, phone (202) 514-2000

<http://www.usdoj.gov>

JEFFERSON B. SESSIONS III, Attorney General; born in Selma, AL; education: Huntingdon College, 1969; University of Alabama Law School, 1973; professional: Assistant U.S. Attorney, Southern District of Alabama, 1975-79; U.S. Attorney for the Southern District of Alabama, 1981-93, Attorney General of Alabama, 1995-97; U.S. Senator from Alabama, 1997-2017; sworn in as the 84th Attorney General of the United States on February 9, 2017 by Michael R. Pence. President Donald J. Trump announced his intention to nominate Mr. Sessions on November 18, 2016.

OFFICE OF THE ATTORNEY GENERAL

RFK Main Justice Building, Room 5111, phone (202) 514-2001

Attorney General.—Jefferson B. Sessions III.

Chief of Staff and Counselor to the Attorney General.—Joseph H. Hunt, Room 5115, 514-3893.

Counselors to the Attorney General: Danielle Cutrona, Room 5110, 514-9665; Gustav Elyer, Room 5224, 514-4969; Alice LaCour, Room 5230, 514-9797; Brian Morrissey, Room 5214, 305-8674; Rachael Tucker, Room 5134, 616-7740.

White House Liaison.—Mary Blanche Hankey, Room 5116, 353-4435.

Director of Advance.—Vacant, Room 5127, 514-7281.

Director of Scheduling.—Errical Bryant, Room 5133, 514-4195.

Confidential Assistant.—Peggi Hanrahan, Room 5111, 514-2001.

OFFICE OF THE DEPUTY ATTORNEY GENERAL

RFK Main Justice Building, Room 4111, phone (202) 514-2101

Deputy Attorney General.—Rod J. Rosenstein, Room 4111.

Principal Associate Deputy Attorney General.—Robert K. Hur, Room 4208, 514-2105.

Chief of Staff and Associate Deputy Attorney General.—James A. Crowell IV, Room 4210, 514-8699.

Deputy Chief of Staff and Associate Deputy Attorney General.—G. Zachary Terwilliger, Room 4210, 307-1045.

Chief, Professional Misconduct Review Unit.—John Geise, Room 4131, 514-0049.

Associate Deputy Attorneys General: Antoinette Bacon, Room 4110, 616-1621; Steven Cook, Room 4415, 305-0180; Tashina Gauhar, Room 4218, 514-3712; Iris Lan, Room 4311, 514-6907; Sujit Raman, Room 4222, 307-0697; Scott Schools, Room 4113, 305-7848; James Swanson, Room 4135, 305-8657; Robert Troester, Room 4224, 514-3853.

Associate Deputy Attorney General and National Criminal Discovery Coordinator.—Andrew D. Goldsmith, Room 4214, 514-5705.

Associate Deputy Attorney General and Director, OCDETF.—Bruce G. Ohr, Room 4115, 307-2510.

Counsels to the Deputy Attorney General: Zachary Bolitho, Room 4114, 514-7473; Leah Bressack, Room 4129, 514-6753; Patrick Bumatay, Room 4226, 305-0071; Brendan Groves, Room 4304, 305-4127; John Hill, Room 4214, 353-3030; Daniel Loveland, Room 4315, 305-0620; Amelia Medina, Room 4121, 616-0663; Chad Mizelle, Room 4116, 305-3481; Michael Murray, Room 4220, 307-2090; Matthew Sheehan, Room 4119, 514-4995.

Emergency Preparedness and Crisis Response Coordinator.—Mark E. Michalic, Room 4112, 514-0438.

Senior Advisor on Forensics.—Ted Hunt, Room 4303, 514-4995.

Confidential Assistant to the Deputy Attorney General.—Marcia Murphy, Room 4111, 514-2101.

National Coordinator for Child Exploitation Prevention and Interdiction.—Michael Frank, Room 4217, 305-0273.

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RFK Main Justice Building, Room 5706, phone (202) 514-9500

Associate Attorney General.—Jesse M. Panuccio (acting).
Principal Deputy Associate Attorney General.—Jesse M. Panuccio.
Deputy Associate Attorneys General: Jeremy Bylund, Stephen Cox, Patrick Hovakiman, Eric McArthur.
Counsel to the Associate Attorney General.—James Percival.
Senior Counsel to the Associate Attorney General.—Jeffrey Hall.
Chief of Staff and Counselor to the Associate Attorney General.—Rachel K. Parker.
Confidential Assistant/Office Manager.—Mollie Timmons, Room 5706, 514-9500.
Staff Assistant.—Vacant, Room 5706, 616-0565.

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All telephone numbers should be (202) 514-9500.

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RFK Main Justice Building, Room 5143, phone (202) 514-2201
<http://www.usdoj.gov/og>

Solicitor General.—Noel Francisco, Room 5143, 514-2201.
Principal Deputy Solicitor General.—Jeffrey Wall, Room 5143, 514-2206.
Executive Officer.—Valerie Hall Yancey, Room 5142, 514-3957.
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ANTITRUST DIVISION

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Assistant Attorney General.—Makan Delrahim, Room 3109 (202) 514-2401.
Principal Deputy Assistant Attorney General.—Andrew C. Finch, Room 3208, 307-1342.
Deputy Assistant Attorneys General: Roger Alford, Room 3115, 514-2408; Luke Froeb, Room 3214, 353-0232; Donald Kempf, Room 3114, 532-4698; Bernard Nigro, Room 3212, 353-4656.
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FIELD OFFICES

California: Elika Kate Patchen, 450 Golden Gate Avenue, Room 10-0101, Box 36046, San Francisco, CA 94102 (415) 934-5309.
Illinois: Frank J. Vondrak (acting), Rookery Building, 209 South LaSalle Street, Suite 600, Chicago, IL 60604 (312) 353-7530.

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New York: Jeffrey Martino, 26 Federal Plaza, Room 3630, New York, NY 10278-1040
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Patrick Henry Building, 601 D Street, NW., 20530 (PHB)

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Assistant Attorney General.—Chad A. Readler (acting), Room 3601 (202) 514–3301.
Chief of Staff.—Vacant, Room 3605 (202) 353–2793.

APPELLATE STAFF

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Director.—Douglas Letter, Room 7519, 514–3602.
Deputy Director.—Dana Martin, Room 7517, 514–2541.

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Deputy Directors: Jeanne Davidson (L ST), Room 12132, 307–0290; Michael Granston (PHB), Room 9902, 305–0632.
Legal Officer.—Donna C. Maizel, Esq., U.S. Department of Justice, Civil Division European Office, The American Embassy, London, England, PSC 801, Box 42, FPO AE, 09498–4042, 9+011–44–20–7894–0840.
Attorney-in-Charge.—Barbara Williams, Suite 359, 26 Federal Plaza, New York, NY 10278, (212) 264–9240.

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Deputy Assistant Attorney General.—Ethan Davis, Room 3611, 307-6482.
Director.—Vacant (LSB), Room 6254, 307-3009.

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Deputy Directors: Donald E. Keener (NPB), Room 7022S, 616-4878; David M. McConnell (NPB), Room 7260N, 616-4881; Vacant (NPB), Room 7006N, 616-4856.

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Director, Office of:
Administration.—Vacant (L ST), Room 9018, 307-0261.
Litigation Support.—Vacant (L ST), Room 9126, 616-5014.
Management Information.—Dorothy Bahr (L ST), Room 8044, 616-8026.
Planning, Budget, and Evaluation.—Vacant (L ST), Room 9040, 307-0842.
Policy and Management Operations.—Vacant (L ST), Room 9040, 307-0842.

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Deputy Directors: JoAnn J. Bordeaux (NPB), Room 8024S, 616-4204; Paul F. Figley (NPB), Room 8096N, 616-4248.
Attorneys-in-Charge: Robert Underhill, 450 Golden Gate Avenue, 10/6610, Box 36028, San Francisco, CA 94102-3463, FTS: (415) 436-6630; Vacant, Suite 320, 26 Federal Plaza, New York, NY 10278-0140, FTS: (212) 264-0480.

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1800 G Street, NW., 20004 (NWB)

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Assistant Attorney General.—Thomas E. Wheeler II (acting), Room 5748A, (202) 514-2151.
Principal Deputy Assistant Attorney General.—Vacant.
Deputy Assistant Attorneys General: Greg Friel, Room 5744, 353-9418; John Gore, Room 5529, 353-9430; Rebecca Bond (acting), Room 5535, 514-2151; Robert Moosy, Room 5541, 514-0621.
(Acting) Counsels to the Assistant Attorney General: Eric Treene, Room 5531, 353-8622; Beth Kelley, Room 5642, 616-2179; Alberto Ruisanchez, Room 5533, 353-1994; Sean Keveney, Room 5537, 514-2151, Maureen Riordan, Room 5644, 616-2354.
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EDITORIAL NOTE

The Department of Justice did not meet the publication deadline for submitting updated information of its activities, functions, and sources of information as required by the automatic disclosure provisions of the Freedom of Information Act (5 U.S.C. 552(a)(1)(A))

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Deputy Attorney General	Rod J. Rosenstein
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Associate Attorney General	Rachel L. Brand
Counsel, Office of Professional Responsibility	Robin C. Ashton
Inspector General	Michael E. Horowitz
Pardon Attorney	Lawrence Kupers, Acting
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Executive Office for Organized Crime and Drug Enforcement Task Force	Bruce G. Ohr
Executive Office for U.S. Attorneys	Monty Wilkinson
Executive Office for U.S. Trustees	Clifford J. White III
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Office of Public Affairs	Sarah Isgur Flores
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Antitrust Division	Andrew C. Finch, Acting
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Civil Rights Division	John M. Gore, Acting
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[For the Department of Justice statement of organization, see the Code of Federal Regulations, Title 28, Chapter I, Part 0]

The Department of Justice serves as counsel for U.S. citizens and represents them by enforcing the law in the public interest. It deters criminality and subversion, ensures healthy business competition, safeguards consumers, and enforces drug, immigration, and naturalization laws.

Organizational Chart

The Department of Justice was established by act of June 22, 1870 (28 U.S.C. 501, 503, 509 note), with the Attorney General as its head. The affairs and activities of the Department of Justice are generally directed by the Attorney General.

Attorney General

The Attorney General represents the United States in legal matters generally and gives advice and opinions to the President and to the heads of the executive departments of the Government when so requested. The Attorney General appears in person to represent the Government before the U.S. Supreme Court in cases of exceptional gravity or importance.

Community Relations Service

The Service offers assistance to communities in resolving disputes relating to race, color, or national origin and facilitates the development of viable agreements as alternatives to coercion, violence, or litigation. It also assists and supports communities in developing local mechanisms as proactive measures to prevent or reduce ethnic and racial tensions.

A list of Community Relations Service regional offices—including contact information—is available online.

<http://www.justice.gov/crs/about-crs/regional-and-field-offices>

<http://www.justice.gov/crs/contact-office>

For further information, contact any regional office or the Director, Community Relations Service, Department of Justice, Suite 2000, 600 E Street NW., Washington, DC 20530. Phone, 202-305-2935.

Pardon Attorney

The Office of the Pardon Attorney assists the President in the exercise of his pardon power under the Constitution. Generally, all requests for pardon or other forms of executive clemency, including commutation of sentences, are directed to the Pardon Attorney for investigation and review. The Pardon Attorney prepares the Department's recommendation to the President for final disposition of each application.

	<p>http://www.justice.gov/pardon For further information, contact the Office of the Pardon Attorney, Department of Justice, Suite 5E-508, 145 N Street NE., Washington, DC 20530. Phone, 202-616-6070.</p>
	<p>Solicitor General The Office of the Solicitor General represents the U.S. Government in cases before the Supreme Court. It decides what cases the Government should ask the Supreme Court to review and what position the Government should take in cases before the Court. It also supervises the preparation of the Government's Supreme Court briefs and other legal documents and the conduct of the oral arguments in the Court. The Solicitor General also decides whether the United States should appeal in cases that it loses before the lower courts.</p>
	<p>http://www.justice.gov/osg For further information, contact the Executive Officer, Office of the Solicitor General, Room 5142, 950 Pennsylvania Avenue NW., RFK Justice Building (Main), Washington, DC 20530-0001.</p>
	<p>U.S. Attorneys The Executive Office for U.S. Attorneys was created on April 6, 1953, to provide liaison between the Department of Justice in Washington, DC, and the U.S. attorneys. It gives general executive assistance to the 94 offices of the U.S. attorneys and coordinates the relationship between the U.S. attorneys and the organization components of the Department of Justice and other Federal agencies.</p>
	<p>http://www.justice.gov/usao/eousa For further information, contact the Executive Office for U.S. Attorneys, Department of Justice, Room 2261, 950 Pennsylvania Avenue NW., Washington, DC 20530. Phone, 202-514-1020.</p>
<p>U.S. Trustee Program The Program was established by the Bankruptcy Reform Act of 1978 (11 U.S.C. 101 et seq.) as a pilot effort in 10 regions comprising 18 Federal judicial districts to promote the efficiency and protect the integrity of the bankruptcy system by identifying and helping to investigate bankruptcy fraud and abuse. It now operates nationwide except in Alabama and North Carolina. The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (11 U.S.C. 101 note) significantly expanded the Program's responsibilities and provided additional tools to fight bankruptcy fraud and abuse. The Executive Office for U.S. Trustees provides day-to-day policy and legal direction, coordination, and control.</p>	
<p>http://www.justice.gov/ust For further information, contact the Executive Office for U.S. Trustees, Department of Justice, Suite 6150, 441 G Street NW., Washington, DC 20530. Phone, 202-307-1391.</p>	
<p>Divisions</p>	
<p>Antitrust Division The Assistant Attorney General in charge of the Antitrust Division is responsible for promoting and maintaining competitive markets by enforcing the Federal antitrust laws. This involves investigating possible antitrust violations, conducting grand jury proceedings, reviewing proposed mergers and acquisitions, preparing and trying antitrust cases, prosecuting appeals, and negotiating and enforcing final judgments. The Division prosecutes serious and willful violations of antitrust laws by filing criminal suits that can lead to large fines and jail sentences. Where criminal prosecution is not appropriate, the Division seeks a court order forbidding future violations of the law and requiring steps by the defendant to remedy the anticompetitive effects of past</p>	

	<p>violations.</p> <p>The Division also is responsible for acting as an advocate of competition within the Federal Government as well as internationally. This involves formal appearances in Federal administrative agency proceedings, development of legislative initiatives to promote deregulation and eliminate unjustifiable exemptions from the antitrust laws, and participation on executive branch policy task forces and in multilateral international organizations. The Division provides formal advice to other agencies on the competitive implications of proposed transactions requiring Federal approval, such as mergers of financial institutions.</p>
	<p>http://www.justice.gov/atr</p> <p>For further information, contact the Office of the Assistant Attorney General, Antitrust Division, Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530. Phone, 202-514-2401.</p> <p>Civil Division</p> <p>The Civil Division represents the United States, its departments and agencies, Members of Congress, Cabinet officers, and other Federal employees. Its litigation reflects the diversity of Government activities involving, for example, the defense of challenges to Presidential actions; national security issues; benefit programs; energy policies; commercial issues such as contract disputes, banking, insurance, fraud, and debt collection; all manner of accident and liability claims; and violations of the immigration and consumer protection laws. The Division confronts significant policy issues, which often rise to constitutional dimensions, in defending and enforcing various Federal programs and actions. Each year, Division attorneys handle thousands of cases that collectively involve billions of dollars in claims and recoveries.</p> <p>The Division litigates cases in the following areas:</p> <p>Commercial litigation, litigation associated with the Government's diverse financial involvements including all monetary suits involving contracts, express or implied; actions to foreclose on Government mortgages and liens; bankruptcy and insolvency proceedings; suits against guarantors and sureties; actions involving fraud against the Government, including false or fraudulent claims for Federal insurance, loans, subsidies, and other benefits such as Medicare, false or fraudulent claims for payment under Federal contracts, whistleblower suits, and Government corruption; patent, copyright, and trademark cases and suits arising out of construction, procurement, service contracts, and claims associated with contract terminations; claims for just compensation under the Fifth Amendment; claims for salary or retirement by civilian and military personnel; cases assigned by congressional reference or special legislation; and litigation involving interests of the United States in any foreign court, whether civil or criminal in nature.</p> <p>Consumer litigation, including civil and criminal litigation and related matters arising under various consumer protection and public health statutes.</p> <p>Federal programs, including constitutional challenges to statutes, suits to overturn Government policies and programs, challenges to the legality of Government decisions, allegations that the President has violated the Constitution or Federal law, suits to enforce regulatory statutes and to remedy or prevent statutory or regulatory violations.</p> <p>The areas of litigation include:</p> <p>Suits against the heads of Federal departments and agencies and other Government officials to enjoin official actions, as well as suits for judicial review of administrative decisions, orders, and regulations; suits involving national security, including suits to</p>

	<p>protect sensitive intelligence sources and materials; suits to prevent interference with Government operations; litigation concerning the constitutionality of Federal laws; and suits raising employment discrimination claims and Government personnel issues.</p> <p>Immigration litigation, involving civil litigation under the Immigration and Nationality Act and related laws; district court litigation, habeas corpus review and general advice; petitions for removal order review and immigration-related appellate matters; cases pertaining to the issuance of visas and passports; and litigation arising under the legalization and employer sanction provisions of the immigration laws.</p> <p>Torts, including the broad range of tort litigation arising from the operation of the Federal Government, constitutional tort claims against Federal Government officials throughout the Government, aviation disasters, environmental and occupational disease, and radiation and toxic substance exposure. It defends petitions filed pursuant to the Vaccine Injury Compensation Program and is responsible for administering the Radiation Exposure Compensation Program. It also handles maritime litigation and suits that seek personal monetary judgments against individual officers or employees.</p> <p>Appellate, having primary responsibility for the litigation of Civil Division cases in the courts of appeal, and on occasion, State appeal courts. The Appellate Staff prepares Government briefs and presents oral arguments for these cases. Additionally, the Appellate Staff works with the Solicitor General's office to prepare documents filed for these cases in the Supreme Court, including briefs on the merits, petitions for certiorari, and jurisdictional statements. The Appellate Staff also works with the Solicitor General's office to obtain authorization for appellate review.</p> <p>http://www.justice.gov/civil</p> <p>For further information, contact the Office of the Assistant Attorney General, Civil Division, Department of Justice, Tenth Street and Pennsylvania Avenue NW., Washington, DC 20530. Phone, 202-514-3301.</p> <p>Civil Rights Division</p> <p>The Civil Rights Division, headed by an Assistant Attorney General, was established in 1957 to secure effective Federal enforcement of civil rights. The Division is the primary institution within the Federal Government responsible for enforcing Federal statutes prohibiting discrimination on the basis of race, sex, disability, religion, citizenship, and national origin. The Division has responsibilities in the following areas:</p> <p>Coordination and review of various civil rights statutes that prohibit discrimination on the basis of race, color, national origin, sex, and religion in programs and activities that receive Federal financial assistance by Federal agencies.</p> <p>Criminal cases involving conspiracies to interfere with federally protected rights; deprivation of rights under color of law; the use of force or threat of force to injure or intimidate someone in their enjoyment of specific rights (such as voting, housing, employment, education, public facilities, and accommodations); interference with the free exercise of religious beliefs or damage to religious property; the holding of a worker in a condition of slavery or involuntary servitude; and interference with persons seeking to obtain or provide reproductive services.</p> <p>Disability rights cases, achieving equal opportunity for people with disabilities in the United States by implementing the Americans with Disabilities Act (ADA). ADA mandates are carried out through enforcement, certification, regulatory, coordination, and technical assistance activities, combined with an innovative mediation program and a technical assistance grant program. The Division also carries out responsibilities under sections 504 and 508 of the Rehabilitation Act, the Help</p>
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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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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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Office of the Chief Economist		Mark P. Wetjen (Acting Chairman 01/03/14 – 06/05/14) Term of Service 10/25/11 – 08/28/15 Biography Speeches, Testimony & Statements				
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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
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Rohit Chopra
Commissioner
Sworn in: May 2, 2018
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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

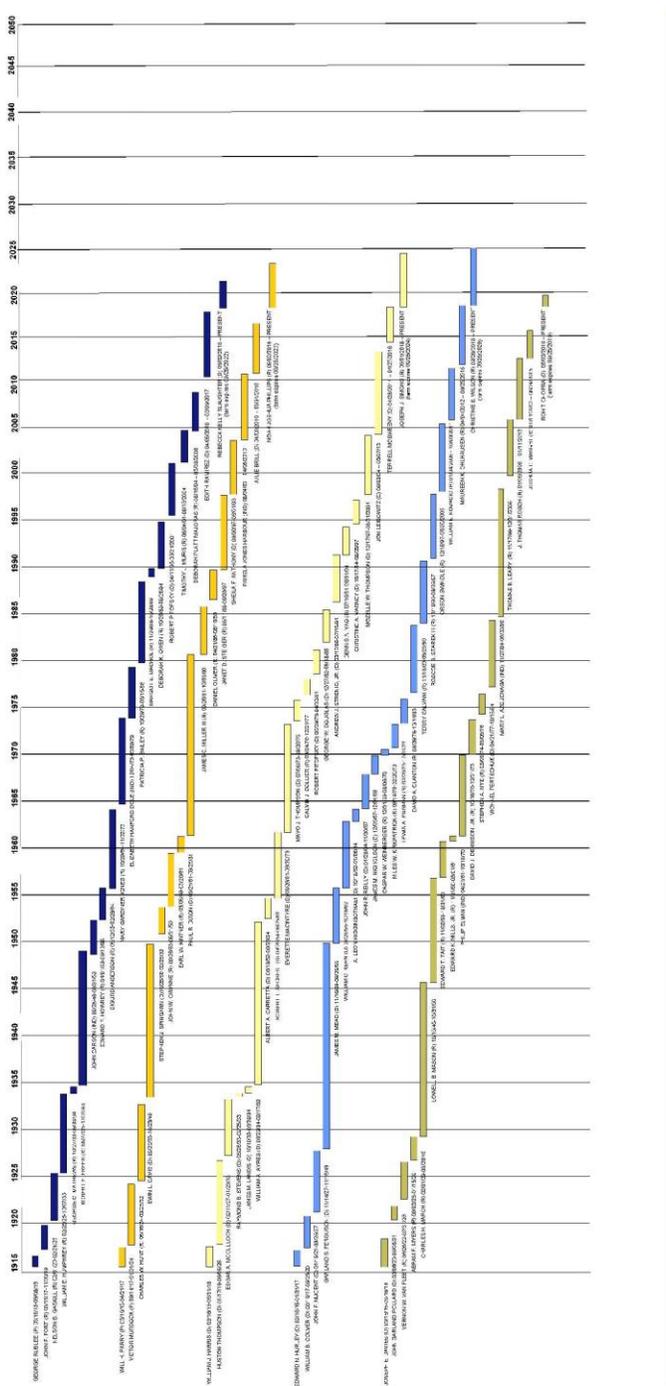
- [Maureen K. Ohlhausen](#), Commissioner (April 4, 2012 to September 25, 2018); Acting Chairman (January 25, 2017 to May 1, 2018)
- [Terrell McSweeney](#), Commissioner (April 28, 2014 to April 27, 2018)
- [Edith Ramirez](#), Chairwoman (April 5, 2010 to February 9, 2017)
- [Julie Brill](#), Commissioner (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)

CHAIRWOMEN AND CHAIRMEN OF THE FEDERAL TRADE COMMISSION
NOVEMBER 2018

CHAIRWOMEN AND CHAIRMEN OF THE FTC AND
THE DATES SERVED

- Chairwomen Selected by Commission:
1. Joseph E. Davies (D) Mar 16, 1915 to Jan 29, 1916
 2. William B. Coker (D) Mar 16, 1917 to Mar 16, 1919
 3. William B. Coker (D) Mar 16, 1919 to Mar 16, 1920
 4. William B. Coker (D) Mar 16, 1920 to Mar 16, 1921
 5. Victor M. Burdick (D) Mar 16, 1921 to Mar 16, 1922
 6. Nelson B. Glavin (D) Mar 16, 1922 to Mar 16, 1923
 7. Nelson B. Glavin (D) Mar 16, 1923 to Mar 16, 1924
 8. Hudson Thompson (D) Mar 16, 1924 to Mar 16, 1925
 9. John P. Neppel (D) Mar 16, 1925 to Mar 16, 1926
 10. William E. Humphrey (D) Mar 16, 1926 to Mar 16, 1927
 11. William E. Humphrey (D) Mar 16, 1927 to Mar 16, 1928
 12. William E. Humphrey (D) Mar 16, 1928 to Mar 16, 1929
 13. Charles W. Ferguson (D) Mar 16, 1929 to Mar 16, 1930
 14. Charles W. Ferguson (D) Mar 16, 1930 to Mar 16, 1931
 15. Charles W. Ferguson (D) Mar 16, 1931 to Mar 16, 1932
 16. Charles W. Ferguson (D) Mar 16, 1932 to Mar 16, 1933
 17. Charles W. Ferguson (D) Mar 16, 1933 to Mar 16, 1934
 18. Charles W. Ferguson (D) Mar 16, 1934 to Mar 16, 1935
 19. Charles W. Ferguson (D) Mar 16, 1935 to Mar 16, 1936
 20. Charles W. Ferguson (D) Mar 16, 1936 to Mar 16, 1937
 21. Charles W. Ferguson (D) Mar 16, 1937 to Mar 16, 1938
 22. Charles W. Ferguson (D) Mar 16, 1938 to Mar 16, 1939
 23. Charles W. Ferguson (D) Mar 16, 1939 to Mar 16, 1940
 24. Charles W. Ferguson (D) Mar 16, 1940 to Mar 16, 1941
 25. Charles W. Ferguson (D) Mar 16, 1941 to Mar 16, 1942
 26. Charles W. Ferguson (D) Mar 16, 1942 to Mar 16, 1943
 27. Evelyn L. Davis (D) Mar 16, 1943 to Mar 16, 1944
 28. Evelyn L. Davis (D) Mar 16, 1944 to Mar 16, 1945
 29. Evelyn L. Davis (D) Mar 16, 1945 to Mar 16, 1946
 30. Evelyn L. Davis (D) Mar 16, 1946 to Mar 16, 1947
 31. Evelyn L. Davis (D) Mar 16, 1947 to Mar 16, 1948
 32. Evelyn L. Davis (D) Mar 16, 1948 to Mar 16, 1949
 33. Evelyn L. Davis (D) Mar 16, 1949 to Mar 16, 1950
 34. Charles W. Ferguson (D) Mar 16, 1950 to Mar 16, 1951
 35. Charles W. Ferguson (D) Mar 16, 1951 to Mar 16, 1952
 36. Lowell B. Mason (D) Mar 16, 1952 to Mar 16, 1953

- Chairwomen and Chairmen Designated by the President:
1. James M. Mead (D) May 24, 1950 to Mar 31, 1953
 2. John W. Cary (D) May 24, 1953 to Mar 31, 1955
 3. John W. Cary (D) May 24, 1955 to Mar 31, 1957
 4. Paul R. Dixon (D) May 24, 1957 to Mar 31, 1959
 5. Paul R. Dixon (D) May 24, 1959 to Mar 31, 1961
 6. Paul R. Dixon (D) May 24, 1961 to Mar 31, 1963
 7. Conrad W. Winterberger (D) May 24, 1963 to Mar 31, 1965
 8. Miles W. Longmire (D) May 24, 1965 to Mar 31, 1967
 9. Miles W. Longmire (D) May 24, 1967 to Mar 31, 1969
 10. Miles W. Longmire (D) May 24, 1969 to Mar 31, 1971
 11. Paul R. Dixon (D) May 24, 1971 to Mar 31, 1973
 12. Michael Permutchuk (D) May 24, 1973 to Mar 31, 1975
 13. Michael Permutchuk (D) May 24, 1975 to Mar 31, 1977
 14. James C. Maling III (D) May 24, 1977 to Mar 31, 1979
 15. James C. Maling III (D) May 24, 1979 to Mar 31, 1981
 16. Donald Oliver (D) May 24, 1981 to Mar 31, 1983
 17. Donald Oliver (D) May 24, 1983 to Mar 31, 1985
 18. Robert P. Rieker (D) May 24, 1985 to Mar 31, 1987
 19. Robert P. Rieker (D) May 24, 1987 to Mar 31, 1989
 20. Timothy A. Miller (D) May 24, 1989 to Mar 31, 1991
 21. William E. Kovacic (D) May 24, 1991 to Mar 31, 1993
 22. William E. Kovacic (D) May 24, 1993 to Mar 31, 1995
 23. Leah Demerzky (D) May 24, 1995 to Mar 31, 1997
 24. Leah Demerzky (D) May 24, 1997 to Mar 31, 1999
 25. Leah Demerzky (D) May 24, 1999 to Mar 31, 2001
 26. Joseph J. Sarnoff (D) May 24, 2001 to Mar 31, 2003



THE LEGEND FOR THE CHART

- (D) Democrat
- (R) Republican
- (I) Independent
- (P) Progressive
- (F) Affili

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.

When the first five Commissioners were named, their terms were to expire on a staggered basis, on September 25, 1917, 1919, 1920, and 1921, respectively. Their successive terms have been set to expire on September 25, 1924, 1925, 1926, 1927, and 1928, on September 25, 1931, 1932, 1933, 1934, and 1935, and following the same pattern thereafter. Thus, when a Commissioner resigns in mid-term, his or her successor does not receive a seven-year appointment but is instead appointed only until the end of the former Commissioner's term. A Commissioner may serve beyond the expiration of his or her term until a new Commissioner is qualified.



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- Atomic Safety and Licensing Board Panel
- Commission Appellate Adjudication
- Congressional Affairs
- General Counsel
- International Programs
- Public Affairs
- Secretary
- Inspector General
- Chief Financial Officer
- Executive Director for Operations (EDO)
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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

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

