

nicate the provisions of the MOU to military spouses who are civilian employees of the Federal Government.

(b) To promote consistency and effective coordination in the implementation of the DETO program across the executive branch, agencies shall:

(i) develop common standards for DETO policies, including identification of points of contact and creation of guidelines to ensure that such policies are communicated and advertised in a manner accessible to military spouse employees;

(ii) establish a DETO application system and develop a method to track DETO applications received and processed, as well as application processing timelines; and

(iii) establish time frames for DETO application processing and approvals, considering the time-sensitive nature of decisions for applications by military spouses due to permanent change-of-station moves and other factors unique to military families.

**SEC. 6. Expanding Support for Military and Veteran Spouse Entrepreneurs.** Many military spouses start their own businesses because of a need for flexibility or inability to find or maintain other employment. When military spouses must discontinue their businesses, however, they often cite military moves, rather than lack of profitability, as the reason. To support military spouse entrepreneurs in starting and sustaining their businesses, the Administrator of the Small Business Administration shall:

(a) expand access to resources tailored to military and veteran spouses who are interested in starting or growing a small business, including guidance to help military spouses with relocating a business following a military move; and

(b) evaluate access to capital gaps for military spouse entrepreneurs.

**SEC. 7. Child Care for Military Families.** The Department of Defense operates the largest employer-sponsored child care program in the United States in order to provide military families with support that is essential to overall mission readiness, retention, and recruitment. To build on the existing support and ensure that military families have access to affordable, high-quality child care allowing both the service member and the spouse to pursue professional opportunities, the Secretary of Defense shall:

(a) in coordination with the Director of OPM, establish flexible spending accounts for the care of military dependents, available to military personnel no later than January 1, 2024; and

(b) expand pathways for military spouses to provide certified, home-based child care on military installations, including by providing them with support in seeking licensure and achieving government-mandated quality benchmarks.

**SEC. 8. Definitions.** For the purposes of this order:

(a) The term “active duty” has the meaning set forth in 10 U.S.C. 101(d)(1), except that the term also includes “active Guard and Reserve duty,” as defined in 10 U.S.C. 101(d)(6)(a).

(b) The term “agency” means any authority of the United States that is an “agency” under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

(c) The term “derivative preference” means those who are “preference eligible,” as defined in 5 U.S.C. 2108(3), because they are eligible spouses and parents who use a veteran’s preference when the veteran is unable to do so.

(d) The term “military caregiver” means the spouse, child, parent, or next of kin of a veteran who is the primary caregiver for a veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness who was a member of the Armed Forces (including a member of the National Guard or Reserves) and who was discharged or released under conditions other than dishonorable.

(e) The term “military spouse” means an individual married to a member of the Armed Forces who is performing active duty.

(f) The term “survivor” means the spouse, child, parent, or next of kin of a service member who died while on active duty, or from a service-connected disability following discharge or release under conditions other than dishonorable.

(g) The term “veteran spouse” means an individual married to a retired or separated member of the Armed Forces who was discharged or released under conditions other than dishonorable, so long as the marriage occurred prior to or during the service member’s active service.

**SEC. 9. General Provisions.** (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

### § 3330e. Review of official personnel file of former Federal employees before rehiring

(a) If a former Government employee is a candidate for a position within the competitive service or the excepted service, prior to making any determination with respect to the appointment or reinstatement of such employee to such position, the appointing authority shall review and consider merit-based information relating to such employee’s former period or periods of service such as official personnel actions, employee performance ratings, and disciplinary actions, if any, in such employee’s official personnel record file.

(b) In subsection (a), the term “former Government employee” means an individual whose most recent position with the Government prior to becoming a candidate as described under subsection (a) was within the competitive service or the excepted service.

(c) The Office of Personnel Management shall prescribe regulations to carry out the purpose of this section. Such regulations may not contain provisions that would increase the time required for agency hiring actions.

(Added Pub. L. 114–328, div. A, title XI, § 1136(a), Dec. 23, 2016, 130 Stat. 2460.)

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE

Pub. L. 114–328, div. A, title XI, § 1136(b), Dec. 23, 2016, 130 Stat. 2460, provided that: “The amendment made by subsection (a) [enacting this section] shall apply to any former Government employee (as described in section 3330e of title 5, United States Code, as added by such subsection) appointed or reinstated on or after the date that is 180 days after the date of enactment of this Act [Dec. 23, 2016].”

### § 3330f. Government policy and supporting position data

(a) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term “agency” means—

(A) any Executive agency, the United States Postal Service, and the Postal Regulatory Commission;

(B) the Architect of the Capitol, the Government Accountability Office, the Government Publishing Office, and the Library of Congress; and

(C) the Executive Office of the President and any component within that Office (including any successor component), including—

- (i) the Council of Economic Advisors;
- (ii) the Council on Environmental Quality;
- (iii) the National Security Council;
- (iv) the Office of the Vice President;
- (v) the Office of Policy Development;
- (vi) the Office of Administration;
- (vii) the Office of Management and Budget;
- (viii) the Office of the United States Trade Representative;
- (ix) the Office of Science and Technology Policy;
- (x) the Office of National Drug Control Policy; and
- (xi) the White House Office, including the White House Office of Presidential Personnel.

(2) APPOINTEE.—The term “appointee”—

(A) means an individual serving in a policy and supporting position; and

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

- (i) sections 3345 through 3349d (commonly referred to as the “Federal Vacancies Reform Act of 1998”);
- (ii) any other statutory provision described in section 3347(a)(1); or
- (iii) a Presidential appointment described in section 3347(a)(2).

(3) COVERED WEBSITE.—The term “covered website” means the website established and maintained by the Director under subsection (b).

(4) DIRECTOR.—The term “Director” means the Director of the Office of Personnel Management.

(5) POLICY AND SUPPORTING POSITION.—The term “policy and supporting position”—

(A) means any position at an agency, as determined by the Director, that, but for this section and section 2(b)(3) of the PLUM Act of 2022, would be included in the publication entitled “United States Government Policy and Supporting Positions”, (commonly referred to as the “Plum Book”); and

(B) may include—

- (i) a position on any level of the Executive Schedule under subchapter II of chapter 53, or another position with an equivalent rate of pay;
- (ii) a general position (as defined in section 3132(a)(9)) in the Senior Executive Service;
- (iii) a position in the Senior Foreign Service;
- (iv) a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, or any successor regulation; and

(v) any other position classified at or above level GS-14 of the General Schedule (or equivalent) that is excepted from the competitive service by law because of the confidential or policy-determining nature of the position duties.

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

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

(2) The name of each individual who—

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

(B) previously served in a position described in such paragraph under the applicable President.

(3) Information on—

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

(B) the total number of individuals occupying such positions.

(c) CONTENTS.—With respect to any policy and supporting position listed on the covered website, the Director shall include—

(1) the agency, and agency component, (including the agency and bureau code used by the Office of Management and Budget) in which the position is located;

(2) the name of the position;

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

(4) the geographic location of the position, including the city, State or province, and country;

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

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

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

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

(9) a unique identifier for each appointee;

(10) whether the position is vacant; and

(11) for any position that is vacant—

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

(B) for other positions, the name of the official performing the duties of the vacant position.

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

(e) FORMAT.—The Director shall make the data on the covered website available to the public at no cost over the internet in a search-

able, sortable, downloadable, and machine-readable format so that the data qualifies as an open Government data asset, as defined in section 3502 of title 44.

(f) AUTHORITY OF DIRECTOR.—

(1) INFORMATION REQUIRED.—Each agency shall provide to the Director any information that the Director determines necessary to establish and maintain the covered website, including the information uploaded under paragraph (4).

(2) REQUIREMENTS FOR AGENCIES.—Not later than 1 year after the date of enactment of the PLUM Act of 2022, the Director shall issue instructions to agencies with specific requirements for the provision or uploading of information required under paragraph (1), including—

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

(B) data quality assurance methods; and

(C) the timeframe during which an agency shall provide or upload the information, including the timeframe described under paragraph (4).

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

(A) the information required by the Director;

(B) complete, accurate, and reliable information; or

(C) the information during the timeframe specified by the Director.

(4) ANNUAL UPDATES.—

(A) IN GENERAL.—Not later than 90 days after the date on which the covered website is established, and not less than once during each year thereafter, the head of each agency shall upload to the covered website updated information (if any) on—

(i) the policy and supporting positions in the agency;

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

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

(B) SUPPLEMENT NOT SUPPLANT.—Information provided under subparagraph (A) shall supplement, not supplant, previously provided information under that subparagraph.

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

(6) COORDINATION.—The Director may designate 1 or more agencies to participate in the development, establishment, operation, and support of the covered website. With respect to any such designation, the Director may specify the scope of the responsibilities of the agency so designated.

(7) DATA STANDARDS AND TIMING.—The Director shall make available on the covered website information regarding data collection standards, quality assurance methods, and time frames for reporting data to the Director.

(8) REGULATIONS.—The Director may prescribe regulations necessary for the administration of this section.

(g) RESPONSIBILITY OF AGENCIES.—

(1) PROVISION OF INFORMATION.—Each agency shall comply with the instructions and guidance issued by the Director to carry out this section, and, upon request of the Director, shall provide appropriate assistance to the Director to ensure the successful operation of the covered website in the manner and within the timeframe specified by the Director under subsection (f)(2).

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

(A) an explanation of how the agency ensured the information is complete, accurate, and reliable; and

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

(h) INFORMATION VERIFICATION.—

(1) CONFIRMATION.—

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

(B) CERTIFICATION.—On the date on which the Director makes a confirmation under subparagraph (A), the Director shall publish on the covered website a certification that the confirmation has been made.

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

(A) request additional information from an agency; and

(B) use any additional information provided to the Director or the White House Office of Presidential Personnel for the purposes of verification.

(3) PUBLIC COMMENT.—The Director shall establish a process under which members of the public may provide feedback regarding the accuracy of the information on the covered website.

(i) DATA ARCHIVING.—

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

(2) PUBLIC AVAILABILITY.—The Director shall make the data described in paragraph (1) publicly available over the internet—

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

(B) at no cost; and

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

(Added Pub. L. 117–263, div. E, title LIII, § 5322(a)(1), Dec. 23, 2022, 136 Stat. 3255.)

**Editorial Notes**

## REFERENCES IN TEXT

Section 2(b)(3) of the PLUM Act of 2022, referred to in subsec. (a)(5)(A), probably means section 5322(b)(3) of Pub. L. 117-263, which is set out in a note under this section. The PLUM Act of 2022 is subtitle B of title LIII of div. E of Pub. L. 117-263, the second section of which is section 5322.

The General Schedule, referred to in subsec. (a)(5)(B)(v), is set out under section 5332 of this title.

The date of enactment of the PLUM Act of 2022, referred to in subssecs. (b) and (f)(2), is the date of enactment of subtitle B of title LIII of div. E of Pub. L. 117-263, which was approved Dec. 23, 2022.

**Statutory Notes and Related Subsidiaries**

## OTHER MATTERS RELATING TO PUBLIC WEBSITE

Pub. L. 117-263, div. E, title LIII, § 5322(b), Dec. 23, 2022, 136 Stat. 3259, provided that:

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

“(2) GAO REVIEW AND REPORT.—Not later than 1 year after the date on which the Director establishes the covered website, the Comptroller General of the United States shall conduct a review of, and issue a briefing or report on, the implementation of this subtitle [subtitle B (§§ 5321, 5322) of title LIII of div. E of Pub. L. 117-263, enacting this section and provisions set out as a note under section 101 of this title] and the amendments made by this subtitle, which shall include—

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

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

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

“(3) SUNSET OF PLUM BOOK.—Beginning on January 1, 2026—

“(A) the covered website shall serve as the public directory for policy and supporting positions in the Government; and

“(B) the publication entitled ‘United States Government Policy and Supporting Positions’, commonly referred to as the ‘Plum Book’, shall no longer be issued or published.

“(4) FUNDING.—

“(A) IN GENERAL.—No additional amounts are authorized to be appropriated to carry out this subtitle or the amendments made by this subtitle.

“(B) OTHER FUNDING.—The Director shall carry out this subtitle and the amendments made by this subtitle using amounts otherwise available to the Director.”

**SUBCHAPTER II—OATH OF OFFICE****§ 3331. Oath of office**

An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services, shall take the following oath: “I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the

office on which I am about to enter. So help me God.” This section does not affect other oaths required by law.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 424.)

## HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 16.	R.S. § 1757. May 13, 1884, ch. 46, §§ 2, 3, 23 Stat. 22.

All but the quoted language in R.S. § 1757 is omitted as obsolete since R.S. § 1757 was originally an alternative oath to the oath prescribed in R.S. § 1756 which oath was repealed by the Act of May 13, 1884, ch. 46, § 2, 23 Stat. 22. The words “An individual, except the President, . . . in the civil service or uniformed services” are substituted for “any person . . . either in the civil, military, or naval service, except the President of the United States”. The second sentence of former section 16 is changed to read, “This section does not affect other oaths required by law.”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

**§ 3332. Officer affidavit; no consideration paid for appointment**

An officer, within 30 days after the effective date of his appointment, shall file with the oath of office required by section 3331 of this title an affidavit that neither he nor anyone acting in his behalf has given, transferred, promised, or paid any consideration for or in the expectation or hope of receiving assistance in securing the appointment.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 424.)

## HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 21a.	Dec. 11, 1926, ch. 4, § 1, 44 Stat. 918. Mar. 2, 1927, ch. 284, 44 Stat. 1346. Sept. 23, 1950, ch. 1010, § 10, 64 Stat. 987.

The section is restated for clarity and conciseness. The term “officer” is coextensive with and substituted for “Each individual appointed hereafter as a civil officer of the United States by the President, by and with the advice and consent of the Senate, or by the President alone, or by a court of law, or by the head of a department” in view of the definition of “officer” in section 2104.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

**§ 3333. Employee affidavit; loyalty and striking against the Government**

(a) Except as provided by subsection (b) of this section, an individual who accepts office or employment in the Government of the United States or in the government of the District of Columbia shall execute an affidavit within 60 days after accepting the office or employment that his acceptance and holding of the office or employment does not or will not violate section 7311 of this title. The affidavit is prima facie evidence that the acceptance and holding of office