

**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.<br>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.<br>Mar. 2, 1927, ch. 284, 44 Stat. 1346.<br>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

or employment by the affiant does not or will not violate section 7311 of this title.

(b) An affidavit is not required from an individual employed by the Government of the United States or the government of the District of Columbia for less than 60 days for sudden emergency work involving the loss of human life or the destruction of property. This subsection does not relieve an individual from liability for violation of section 7311 of this title.

(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. 118q.   | Aug. 9, 1955, ch. 690, §2, 69 Stat. 624.  |
| .....             | [Uncodified].    | June 29, 1956, ch. 479, §3 (as applicable to the Act of Aug. 9, 1955, ch. 690, §2, 69 Stat. 624), 70 Stat. 453. |

The section is restated for clarity and to conform to the style of section 3332.

In subsection (a), the words “after August 9, 1955” are omitted as executed. The words “if the affidavit is executed prior to acceptance of such office or employment” are omitted as unnecessary. The words “From and after July 1, 1956”, appearing in the Act of June 29, 1956, are omitted as executed.

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

### SUBCHAPTER III—DETAILS, VACANCIES, AND APPOINTMENTS

#### Editorial Notes

##### AMENDMENTS

1998—Pub. L. 105-277, div. C, title I, §151(c)(2), Oct. 21, 1998, 112 Stat. 2681-616, substituted “DETAILS, VACANCIES, AND APPOINTMENTS” for “DETAILS” as subchapter heading.

#### Statutory Notes and Related Subsidiaries

##### FEDERAL ROTATIONAL CYBER WORKFORCE PROGRAM

Pub. L. 117-149, June 21, 2022, 136 Stat. 1289, provided that:

#### “SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Federal Rotational Cyber Workforce Program Act of 2021’.

#### “SEC. 2. DEFINITIONS.

“In this Act:

“(1) AGENCY.—The term ‘agency’ has the meaning given the term ‘Executive agency’ in section 105 of title 5, United States Code, except that the term does not include the Government Accountability Office.

“(2) COMPETITIVE SERVICE.—The term ‘competitive service’ has the meaning given that term in section 2102 of title 5, United States Code.

“(3) COUNCILS.—The term ‘Councils’ means—

“(A) the Chief Human Capital Officers Council established under section 1303 of the Chief Human Capital Officers Act of 2002 [Pub. L. 107-296, title XIII] (5 U.S.C. 1401 note); and

“(B) the Chief Information Officers Council established under section 3603 of title 44, United States Code.

“(4) CYBER WORKFORCE POSITION.—The term ‘cyber workforce position’ means a position identified as having information technology, cybersecurity, or other cyber-related functions under section 303 of the Federal Cybersecurity Workforce Assessment Act of

2015 [Pub. L. 114-113, div. N, title III] (5 U.S.C. 301 note).

“(5) DIRECTOR.—The term ‘Director’ means the Director of the Office of Personnel Management.

“(6) EMPLOYEE.—The term ‘employee’ has the meaning given the term in section 2105 of title 5, United States Code.

“(7) EMPLOYING AGENCY.—The term ‘employing agency’ means the agency from which an employee is detailed to a rotational cyber workforce position.

“(8) EXCEPTED SERVICE.—The term ‘excepted service’ has the meaning given that term in section 2103 of title 5, United States Code.

“(9) ROTATIONAL CYBER WORKFORCE POSITION.—The term ‘rotational cyber workforce position’ means a cyber workforce position with respect to which a determination has been made under section 3(a)(1).

“(10) ROTATIONAL CYBER WORKFORCE PROGRAM.—The term ‘rotational cyber workforce program’ means the program for the detail of employees among rotational cyber workforce positions at agencies.

“(11) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

#### “SEC. 3. ROTATIONAL CYBER WORKFORCE POSITIONS.

“(a) DETERMINATION WITH RESPECT TO ROTATIONAL SERVICE.—

“(1) IN GENERAL.—The head of each agency may determine that a cyber workforce position in that agency is eligible for the rotational cyber workforce program, which shall not be construed to modify the requirement under section 4(b)(3) that participation in the rotational cyber workforce program by an employee shall be voluntary.

“(2) NOTICE PROVIDED.—The head of an agency shall submit to the Director—

“(A) notice regarding any determination made by the head of the agency under paragraph (1); and

“(B) for each position with respect to which the head of the agency makes a determination under paragraph (1), the information required under subsection (b)(1).

“(b) PREPARATION OF LIST.—The Director, with assistance from the Councils and the Secretary, shall develop a list of rotational cyber workforce positions that—

“(1) with respect to each such position, to the extent that the information does not disclose sensitive national security information, includes—

“(A) the title of the position;

“(B) the occupational series with respect to the position;

“(C) the grade level or work level with respect to the position;

“(D) the agency in which the position is located;

“(E) the duty location with respect to the position; and

“(F) the major duties and functions of the position; and

“(2) shall be used to support the rotational cyber workforce program.

“(c) DISTRIBUTION OF LIST.—Not less frequently than annually, the Director shall distribute an updated list developed under subsection (b) to the head of each agency and other appropriate entities.

#### “SEC. 4. ROTATIONAL CYBER WORKFORCE PROGRAM.

“(a) OPERATION PLAN.—

“(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act [June 21, 2022], and in consultation with the Councils, the Secretary, representatives of other agencies, and any other entity as the Director determines appropriate, the Director shall develop and issue a Federal Rotational Cyber Workforce Program operation plan providing policies, processes, and procedures for a program for the detailing of employees among rotational cyber workforce positions at agencies, which may be incorporated into and implemented through mechanisms in existence on the date of enactment of this Act.