

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 (in-

cluding 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.