

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “Secretary”, “agency”, and “personnel” as used in this section, see section 1603 of Pub. L. 110–417, set out as a note under section 2734a of this title.

§ 2734a. Authorities related to personnel**(a) Extension of certain Foreign Service benefits**

The Secretary, or the head of any agency with respect to personnel of that agency, may extend to any individuals assigned, detailed, or deployed to carry out reconstruction and stabilization activities pursuant to section 2734 of this title (as added by section 1605¹ of this title), the benefits or privileges set forth in sections 3973, 4024, and 4081 of this title to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(b) Authority regarding details

The Secretary is authorized to accept details or assignments of any personnel, and any employee of a State or local government, on a reimbursable or nonreimbursable basis for the purpose of carrying out this title,¹ and the head of any agency is authorized to detail or assign personnel of such agency on a reimbursable or nonreimbursable basis to the Department of State for purposes of section 2734 of this title, as added by section 1605¹ of this title.

(Pub. L. 110–417, [div. A], title XVI, § 1606, Oct. 14, 2008, 122 Stat. 4656.)

Editorial Notes

REFERENCES IN TEXT

Section 1605 of this title, referred to in text, means section 1605 of title XVI of Pub. L. 110–417.

This title, the first time appearing in subsec. (b), means title XVI of Pub. L. 110–417, [div. A], Oct. 14, 2008, 122 Stat. 4652, known as the Reconstruction and Stabilization Civilian Management Act of 2008, which enacted this section, sections 2368 and 2734 of this title, and provisions set out as notes under this section and sections 2151 and 2368 of this title. For complete classification of this title to the Code, see Short Title of 2008 Amendment note set out under section 2151 of this title and Tables.

Statutory Notes and Related Subsidiaries

DEFINITIONS

Pub. L. 110–417, [div. A], title XVI, § 1603, Oct. 14, 2008, 122 Stat. 4653, provided that: “In this title [enacting this section, sections 2368 and 2734 of this title, and provisions set out as notes under sections 2151 and 2368 of this title]:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the United States Agency for International Development.

“(2) AGENCY.—The term ‘agency’ means any entity included in chapter 1 of title 5, United States Code.

“(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(4) DEPARTMENT.—Except as otherwise provided in this title, the term ‘Department’ means the Department of State.

¹ See References in Text note below.

“(5) PERSONNEL.—The term ‘personnel’ means individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of State.”

§ 2734b. Report on diversity recruitment, employment, retention, and promotion**(a) In general**

The Secretary should provide oversight to the employment, retention, and promotion of traditionally underrepresented minority groups.

(b) Additional recruitment and outreach required

The Department should conduct recruitment activities that—

(1) develop and implement effective mechanisms to ensure that the Department is able effectively to recruit and retain highly qualified candidates from a wide diversity of institutions; and

(2) improve and expand recruitment and outreach programs at minority-serving institutions.

(c) Report

Not later than 180 days after December 16, 2016, and quadrennially thereafter, the Secretary shall submit to Congress a comprehensive report that describes the efforts, consistent with existing law, including procedures, effects, and results of the Department since the period covered by the prior such report, to promote equal opportunity and inclusion for all American employees in direct hire and personal service contractors status, particularly employees of the Foreign Service, including equal opportunity for all traditionally underrepresented minority groups.

(Pub. L. 114–323, title IV, § 410, Dec. 16, 2016, 130 Stat. 1931.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “Secretary”, “Department”, and “Foreign Service” as used in this section, see section 2 of Pub. L. 114–323, set out as a note under section 2651 of this title.

§ 2734c. Employee assignment restrictions**(a) Appeal of assignment restriction**

The Secretary shall establish and maintain a right and process for employees to appeal a decision related to an assignment, based on a restriction, review, or preclusion. Such right and process shall ensure that any such employee shall have the same appeal rights as provided by the Department regarding denial or revocation of a security clearance. Any such appeal shall be resolved not later than 60 days after such appeal is filed.

(b) Certification

Upon full implementation of a right and process for employees to appeal an assignment restriction or preclusion under subsection (a), the Secretary shall submit to the appropriate congressional committee¹ a report that—

¹ So in original. Probably should be “committees”.

- (1) certifies that such process has been fully implemented;
- (2) includes a detailed description of such process; and
- (3) details the number and nature of assignment restrictions and preclusions for the previous 3 years.

(c) Notice

The Secretary shall—

- (1) publish in the Foreign Affairs Manual information relating to the right and process established pursuant to subsection (a); and
- (2) include a reference to such publication in the report required under subsection (b).

(Pub. L. 114-323, title IV, § 414, Dec. 16, 2016, 130 Stat. 1932; Pub. L. 117-81, div. E, title LIII, § 5311(b), Dec. 27, 2021, 135 Stat. 2364; Pub. L. 118-31, div. F, title LXI, § 6115(f), Dec. 22, 2023, 137 Stat. 970.)

Editorial Notes**CODIFICATION**

Section is comprised of section 414 of Pub. L. 114-323. Subsec. (d) of section 414 of Pub. L. 114-323 amended section 3982 of this title.

AMENDMENTS

2023—Subsec. (a). Pub. L. 118-31 substituted “The Secretary shall establish and maintain a right and process for employees to appeal a decision related to an assignment, based on a restriction, review, or preclusion. Such right and process shall ensure that any such employee shall have the same appeal rights as provided by the Department regarding denial or revocation of a security clearance.” for “The Secretary shall establish a right and process for employees to appeal any assignment restriction or preclusion. Such right and process shall ensure that any employee subjected to an assignment restriction or preclusion shall have the same appeal rights as provided by the Department regarding denial or revocation of a security clearance.”

2021—Subsec. (a). Pub. L. 117-81 inserted at end “Such right and process shall ensure that any employee subjected to an assignment restriction or preclusion shall have the same appeal rights as provided by the Department regarding denial or revocation of a security clearance. Any such appeal shall be resolved not later than 60 days after such appeal is filed.”

Statutory Notes and Related Subsidiaries**NOTICE AND CERTIFICATION**

Pub. L. 117-81, div. E, title LIII, § 5311(c), Dec. 27, 2021, 135 Stat. 2364, provided that: “Not later than 90 days after the date of the enactment of this Act [Dec. 27, 2021], the Secretary shall revise, and certify to the appropriate congressional committees regarding such revision, the Foreign Affairs Manual guidance regarding denial or revocation of a security clearance to expressly state that all review and appeal rights relating thereto shall also apply to any recommendation or decision to impose an assignment restriction or preclusion to an employee.”

[For definitions of “Secretary” and “appropriate congressional committees” as used in section 5311(c) of Pub. L. 117-81, set out above, see section 5002 of Pub. L. 117-81, set out as a note under section 263c of this title.]

DEFINITIONS

For definitions of “Secretary”, “Department”, and “appropriate congressional committee[s]” as used in this section, see section 2 of Pub. L. 114-323, set out as a note under section 2651 of this title.

§ 2734d. Recruitment and retention of individuals who have lived, worked, or studied in predominantly Muslim countries or communities**(a) Findings**

Congress finds that successful engagement, including robust public diplomacy, with predominantly Muslim countries and communities is critical for achieving United States foreign policy objectives.

(b) Sense of Congress

It is the sense of Congress that the Department should recruit more employees that have a personal background in, and thorough understanding¹ of, the cultures, languages, and history of the Middle East and wider Muslim world.

(c) Recruitment and retention of certain individuals

The Secretary shall make every effort to recruit and retain individuals that have lived, worked, or studied in predominantly Muslim countries or communities, including individuals who have studied at an Islamic institution of higher learning.

(Pub. L. 114-323, title VII, § 713, Dec. 16, 2016, 130 Stat. 1945.)

Statutory Notes and Related Subsidiaries**DEFINITIONS**

For definitions of “Department” and “Secretary” as used in this section, see section 2 of Pub. L. 114-323, set out as a note under section 2651 of this title.

§ 2734e. Annual Report

Not later than 90 days after December 27, 2021, and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report that contains the following:

(1) A rationale for the use of assignment restrictions by the Department of State, including specific case studies related to cleared United States Foreign Service and civil service employees of the Department that demonstrate country-specific restrictions serve a counterintelligence role beyond that which is already covered by the security clearance process.

(2) The number of such Department employees subject to assignment restrictions over the previous year, with data disaggregated by—

- (A) identification as a Foreign Service officer, civil service employee, eligible family member, or other employment status;
- (B) the ethnicity, national origin, and race of the precluded employee;
- (C) gender; and
- (D) the country of restriction.

(3) A description of the considerations and criteria used by the Bureau of Diplomatic Security to determine whether an assignment restriction is warranted.

¹ So in original. Probably should be “understanding”.