

- (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”.