

- (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”.

(4) The number of restrictions that were appealed and the success rate of such appeals.

(5) The impact of assignment restrictions in terms of unused language skills as measured by Foreign Service Institute language scores of such precluded employees.

(6) Measures taken to ensure the diversity of adjudicators and contracted investigators, with accompanying data on results.

(Pub. L. 117–81, div. E, title LIII, § 5311(d), Dec. 27, 2021, 135 Stat. 2364.)

§ 2734f. Strategic staffing plan for the Department of State

(a) In general

Not later than 18 months after December 27, 2021, the Secretary shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a comprehensive 5-year strategic staffing plan for the Department that is aligned with and furthers the objectives of the National Security Strategy of the United States of America issued in December 2017, or any subsequent strategy issued not later than 18 months after December 27, 2021, which shall include the following:

(1) A dataset displaying comprehensive workforce data, including all shortages in bureaus described in GAO report GAO–19–220, for all current and planned employees of the Department, disaggregated by—

(A) Foreign Service officer and Foreign Service specialist rank;

(B) civil service job skill code, grade level, and bureau of assignment;

(C) contracted employees, including the equivalent job skill code and bureau of assignment;

(D) employees hired under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, including the equivalent grade and job skill code and bureau of assignment of such employee; and

(E) overseas region.

(2) Recommendations on the number of Foreign Service officers disaggregated by service cone that should be posted at each United States diplomatic post and in the District of Columbia, with a detailed basis for such recommendations.

(3) Recommendations on the number of civil service officers that should be employed by the Department, with a detailed basis for such recommendations.

(b) Maintenance

The dataset required under subsection (a)(1) shall be maintained and updated on a regular basis.

(c) Consultation

The Secretary shall lead the development of the plan required under subsection (a) but may consult or partner with private sector entities with expertise in labor economics, management, or human resources, as well as organizations familiar with the demands and needs of the Department’s workforce.

(d) Report

Not later than 120 days after December 27, 2021, the Secretary of State shall submit to the

appropriate congressional committees a report regarding root causes of Foreign Service and civil service shortages, the effect of such shortages on national security objectives, and the Department’s plan to implement recommendations described in GAO–19–220.

(Pub. L. 117–81, div. E, title LIII, § 5313, Dec. 27, 2021, 135 Stat. 2365.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “Secretary”, “appropriate congressional committees”, and “Department” as used in this section, see section 5002 of Pub. L. 117–81, set out as a note under section 263c of this title.

§ 2734g. Promoting transparency and accountability in the Department of State workforce

(a) In general

The Secretary should establish a mechanism to ensure that appointments or details of Department career employees to staff positions in the Office of the Secretary, the Office of the Deputy Secretary of State, the Office of the Counselor of the Department, any office of the Secretary’s Policy Planning Staff, and any office of an Under Secretary of State, and details to the National Security Council, are transparent, competitive, inclusive, and merit-based.

(b) Report

Not later than 90 days after December 23, 2022, the Secretary shall submit a report to the appropriate congressional committees regarding the mechanism established pursuant to subsection (a).

(c) Availability

The Secretary shall—

(1) use transparent, competitive, inclusive, and merit-based processes for appointments and details to the staff positions specified in subsection (a); and

(2) ensure that such positions are equally available to all employees of the Civil Service and the Foreign Service of the Department.

(Pub. L. 117–263, div. I, title XCIV, § 9404, Dec. 23, 2022, 136 Stat. 3896.)

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION

Pub. L. 117–263, div. I, title XCIV, § 9405, Dec. 23, 2022, 136 Stat. 3897, provided that: “Nothing in this title [enacting this section] may be construed as altering existing law regarding merit system principles.”

DEFINITIONS

For definitions of “Secretary”, “Department”, and “appropriate congressional committees” as used in this section, see section 9002 of Pub. L. 117–263, set out as a note under section 2651 of this title.

§ 2734h. Increased accountability in assignment restrictions and reviews

(a) Sense of Congress

It is the sense of Congress that—

(1) the use of policies to restrict personnel from serving in certain assignments may undermine the Department’s ability to deploy