

(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