

(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

relevant cultural and linguistic skills at diplomatic posts abroad if not applied judiciously; and

(2) the Department should continuously evaluate all processes relating to assignment restrictions, assignment reviews, and preclusions at the Department.

(b) Notification of status

Beginning not later than 90 days after December 22, 2023, the Secretary shall—

(1) provide a status update for all Department personnel who, prior to December 22, 2023, were subject to a prior assignment restriction, assignment review, or preclusion for whom a review or decision related to assignment is pending; and

(2) on an ongoing basis, provide a status update for any Department personnel who has been the subject of a pending assignment restriction or pending assignment review for more than 30 days.

(c) Notification content

The notification required under subsection (b) shall inform relevant personnel, as of the date of the notification—

(1) whether any prior assignment restriction has been lifted;

(2) if their assignment status is subject to ongoing review, and an estimated date for completion; and

(3) if they are subject to any other restrictions on their ability to serve at posts abroad.

(d) Adjudication of ongoing assignment reviews

(1) Time limit

The Department shall establish a reasonable time limit for the Department to complete an assignment review and establish a deadline by which it must inform personnel of a decision related to such a review.

(2) Appeals

For any personnel the Department determines are ineligible to serve in an assignment due to an assignment restriction or assignment review, a Security Appeal Panel shall convene not later than 120 days of an appeal being filed.

(3) Entry-level bidding process

The Department shall include a description of the assignment review process and critical human intelligence threat posts in a briefing to new officers as part of their entry-level bidding process.

(4) Points of contact

The Department shall designate points of contact in the Bureau of Diplomatic Security and Bureau of Global Talent Management to answer employee and Career Development Officer questions about assignment restrictions, assignment reviews, and preclusions.

(e) Security appeal panel

Not later than 90 days after December 22, 2023, the Security Appeal Panel shall be comprised of—

(1) the head of an office responsible for human resources or discrimination who reports directly to the Secretary;

(2) the Principal Deputy Assistant Secretary for the Bureau of Global Talent Management;

(3) the Principal Deputy Assistant Secretary for the Bureau of Intelligence and Research;

(4) an Assistant Secretary or Deputy, or equivalent, from a third bureau as designated by the Under Secretary for Management;

(5) a representative from the geographic bureau to which the restriction applies; and

(6) a representative from the Office of the Legal Adviser and a representative from the Bureau of Diplomatic Security, who shall serve as non-voting advisors.

(f) Omitted

(g) FAM update

Not later than 120 days after December 22, 2023, the Secretary shall amend all relevant provisions of the Foreign Affairs Manual, and any associated or related policies of the Department, to comply with this section.

(Pub. L. 118–31, div. F, title LXI, § 6115, Dec. 22, 2023, 137 Stat. 969.)

Editorial Notes

CODIFICATION

Section is comprised of section 6115 of Pub. L. 118–31. Subsec. (f) of section 6115 of Pub. L. 118–31 amended section 2734c of this title.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “Department” and “Secretary” as used in this section, see section 6002 of Pub. L. 118–31, set out as a note under section 2651 of this title.

§ 2735. Foreign relations exchange programs

(a) Authority

The Secretary may establish exchange programs under which officers or employees of the Department of State, including individuals appointed under title 5 and members of the Foreign Service (as defined in section 3903 of this title), may be assigned, for not more than 1 year, to a position with any foreign government or international entity that permits an employee to be assigned to a position with the Department of State.

(b) Salary and benefits

(1) Members of Foreign Service

During a period in which a member of the Foreign Service is participating in an exchange program authorized pursuant to subsection (a), such member shall be entitled to the salary and benefits to which such member would receive but for the assignment under this section.

(2) Non-Foreign Service employees of Department

An employee of the Department of State other than a member of the Foreign Service participating in an exchange program authorized pursuant to subsection (a) shall be treated in all respects as if detailed to an international organization pursuant to section 3343(c) of title 5.