

REFERENCES IN TEXT

The Reconstruction and Stabilization Civilian Management Act of 2008, referred to in subsec. (a)(3)(B), (E), is Pub. L. 110-417, [div. A], title XVI, Oct. 14, 2008, 122 Stat. 4652, which enacted this section, sections 2368 and 2734a of this title, and provisions set out as notes under sections 2151, 2368, and 2734a of this title. Section 1603 of the Act is set out as a note under section 2734a of this title. For complete classification of this Act to the Code, see Short Title of 2008 Amendment note set out under section 2151 of this title and Tables.

This Act, referred to in subsec. (b)(1), is act Aug. 1, 1956, ch. 841, 70 Stat. 890, known as the State Department Basic Authorities Act of 1956, which enacted sections 2651a, 2669, 2670, 2671, 2672, 2673 to 2679a, 2680, 2680a, 2684, 2687 to 2690, 2692, 2695, 2696 to 2715, and 2715b to 2734 of this title and chapters 53 (§ 4301 et seq.), 53A (§ 4341 et seq.), and 53B (§ 4351 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2651 of this title and Tables.

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.)

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.

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 pro-

¹ See References in Text note below.

visions 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.

“(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.)

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 a right and process for employees to appeal any assignment restriction or preclusion.

(b) Certification

Upon full implementation of a right and process for employees to appeal an assignment re-

striction or preclusion under subsection (a), the Secretary shall submit to the appropriate congressional committee¹ a report that—

- (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.)

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.

DEFINITIONS

For definitions of “Secretary” 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.)

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.

§ 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.

(3) Foreign participants

The salary and benefits of an employee of a foreign government or international entity participating in an exchange program authorized pursuant to subsection (a) shall be paid by such government or entity during the period in which such employee is participating in such program, and shall not be reimbursed by the Department of State.

(c) Non-reciprocal assignment

The Secretary may authorize a non-reciprocal assignment of personnel pursuant to this section, with or without reimbursement from the foreign government or international entity for all or part of the salary and other expenses payable during such assignment, if such is in the interests of the United States.

(d) Rule of construction

Nothing in this section may be construed to authorize the appointment as an officer or employee of the United States of—

- (1) an individual whose allegiance is to any country, government, or foreign or international entity other than to the United States; or
- (2) an individual who has not met the requirements of sections 3331, 3332, 3333, and 7311 of title 5 or any other provision of law concerning eligibility for appointment as, and continuation of employment as, an officer or employee of the United States.

(Aug. 1, 1956, ch. 841, title I, § 63, as added Pub. L. 114-323, title VII, § 701(a), Dec. 16, 2016, 130 Stat. 1939.)

CHAPTER 39—ARMS EXPORT CONTROL

SUBCHAPTER I—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS

Sec.
2751.

Need for international defense cooperation and military export controls; Presidential waiver; report to Congress; arms sales policy.

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

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