

fairs 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.

(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 Fed-

eral 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.

§ 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.)

§ 2736. Exit interviews for workforce

(a) Retained members

The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall conduct periodic interviews with a representative and diverse cross-section of the workforce of the Department—

(1) to understand the reasons of individuals in such workforce for remaining in a position in the Department; and

(2) to receive feedback on workplace policies, professional development opportunities, and other issues affecting the decision of individuals in the workforce to remain in the Department.

(b) Departing members

The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall provide an opportunity for an exit interview to each individual in the workforce of the Department who separates from service with the Department to bet-

ter understand the reasons of such individual for leaving such service.

(c) Use of analysis from interviews

The Director General of the Foreign Service and the Director of the Bureau of Human Resources or its equivalent shall analyze demographic data and other information obtained through interviews under subsections (a) and (b) to determine to what extent, if any, the diversity of those participating in such interviews impacts the results.

(d) Tracking data

The Department shall—

(1) track demographic data relating to participants in professional development programs and the rate of placement into senior positions for participants in such programs;

(2) annually evaluate such data—

(A) to identify ways to improve outreach and recruitment for such programs, consistent with merit system principles; and

(B) to understand the extent to which participation in any professional development program offered or sponsored by the Department differs among the demographic categories of the workforce; and

(3) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation, in such professional development programs.

(Pub. L. 117-81, div. E, title LIV, § 5402, Dec. 27, 2021, 135 Stat. 2371.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definition of “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.

Pub. L. 117-81, div. E, title LIV, § 5401, Dec. 27, 2021, 135 Stat. 2371, provided that: “In this title [enacting this section and sections 2736a to 2736e of this title and amending section 3941 of this title]:

“(1) **APPLICANT FLOW DATA.**—The term ‘applicant flow data’ means data that tracks the rate of applications for job positions among demographic categories.

“(2) **DEMOGRAPHIC DATA.**—The term ‘demographic data’ means facts or statistics relating to the demographic categories specified in the Office of Management and Budget statistical policy directive entitled ‘Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity’ (81 Fed. Reg. 67398).

“(3) **DIVERSITY.**—The term ‘diversity’ means those classes of persons protected under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

“(4) **WORKFORCE.**—The term ‘workforce’ means—

“(A) individuals serving in a position in the civil service (as defined in section 2101 of title 5, United States Code);

“(B) individuals who are members of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3902) [sic, 22 U.S.C. 3903]);

“(C) all individuals serving under a personal services contract;

“(D) all individuals serving under a Foreign Service Limited appointment under section 309 of the Foreign Service Act of 1980 [22 U.S.C. 3949]; or

“(E) individuals other than Locally Employed Staff working in the Department of State under any other authority.”