

**(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.”

**§ 2736a. Recruitment and retention****(a) In general**

The Secretary shall—

(1) continue to seek a diverse and talented pool of applicants; and

(2) instruct the Director General of the Foreign Service and the Director of the Bureau of Human Resources of the Department to have a recruitment plan of action for the recruitment of people belonging to traditionally under-represented groups, which should include outreach at appropriate colleges, universities, affinity groups, and professional associations.

**(b) Scope**

The diversity recruitment initiatives described in subsection (a) shall include—

(1) recruiting at women's colleges, historically Black colleges and universities, minority-serving institutions, and other institutions serving a significant percentage of minority students;

(2) placing job advertisements in newspapers, magazines, and job sites oriented toward diverse groups;

(3) sponsoring and recruiting at job fairs in urban and rural communities and land-grant colleges or universities;

(4) providing opportunities through highly respected, international leadership programs, that focus on diversity recruitment and retention;

(5) expanding the use of paid internships; and

(6) cultivating partnerships with organizations dedicated to the advancement of the profession of international affairs and national security to advance shared diversity goals.

**(c) Expand training on anti-harassment and anti-discrimination****(1) In general**

The Secretary shall, through the Foreign Service Institute and other educational and training opportunities—

(A) ensure the provision to all individuals in the workforce of training on anti-harassment and anti-discrimination information and policies, including in existing Foreign Service Institute courses or modules prioritized in the Department's Diversity and Inclusion Strategic Plan for 2016–2020 to promote diversity in Bureau awards or mitigate unconscious bias;

(B) expand the provision of training on workplace rights and responsibilities to focus on anti-harassment and anti-discrimination information and policies, including policies relating to sexual assault prevention and response; and

(C) make such expanded training mandatory for—

(i) individuals in senior and supervisory positions;

(ii) individuals having responsibilities related to recruitment, retention, or promotion of employees; and

(iii) any other individual determined by the Department who needs such training based on analysis by the Department or OPM analysis.

**(2) Best practices**

The Department shall give special attention to ensuring the continuous incorporation of research-based best practices in training provided under this subsection.

(Pub. L. 117–81, div. E, title LIV, §5403, Dec. 27, 2021, 135 Stat. 2372.)

**Statutory Notes and Related Subsidiaries**

## DEFINITIONS

For definitions of “Secretary” 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.

For definitions of “diversity” and “workforce” as used in this section, see section 5401 of Pub. L. 117–81, set out as a note under section 2736 of this title.

**§ 2736b. Leadership engagement and accountability****(a) Reward and recognize efforts to promote diversity and inclusion****(1) In general**

The Secretary shall implement performance and advancement requirements that reward and recognize the efforts of individuals in senior positions and supervisors in the Department in fostering an inclusive environment and cultivating talent consistent with merit system principles, such as through participation in mentoring programs or sponsorship initiatives, recruitment events, and other similar opportunities.

**(2) Outreach events**

The Secretary shall create opportunities for individuals in senior positions and supervisors in the Department to participate in outreach events and to discuss issues relating to diversity and inclusion with the workforce on a regular basis, including with employee resource groups.

**(b) External advisory committees and boards**

For each external advisory committee or board to which individuals in senior positions in the Department appoint members, the Secretary is strongly encouraged by Congress to ensure such external advisory committee or board is developed, reviewed, and carried out by qualified teams that represent the diversity of the organization.

(Pub. L. 117–81, div. E, title LIV, §5404, Dec. 27, 2021, 135 Stat. 2373.)

**Statutory Notes and Related Subsidiaries**

## DEFINITIONS

For definitions of “Secretary” 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.

For definitions of “diversity” and “workforce” as used in this section, see section 5401 of Pub. L. 117–81, set out as a note under section 2736 of this title.

**§ 2736c. Professional development opportunities and tools****(a) Expand provision of professional development and career advancement opportunities****(1) In general**

The Secretary is authorized to expand professional development opportunities that sup-