

118TH CONGRESS
1ST SESSION

H. R. 5542

To provide for the review and appeal of determinations that personnel of the Department of State should be restricted or precluded from serving in certain assignments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2023

Mr. LIEU (for himself, Mr. CASTRO of Texas, and Mr. KIM of New Jersey) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To provide for the review and appeal of determinations that personnel of the Department of State should be restricted or precluded from serving in certain assignments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Accountability in As-
5 signment Restrictions and Reviews Act of 2023”.

1 **SEC. 2. INCREASED ACCOUNTABILITY IN ASSIGNMENT RE-**
2 **STRICTIONS AND REVIEW.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) the use of policies to restrict personnel from
6 serving in certain assignments may undermine the
7 ability of the Department of State to deploy relevant
8 cultural and linguistic skills at diplomatic posts
9 abroad if not applied judiciously; and

10 (2) the Department should continuously evalu-
11 ate all processes relating to assignment restrictions,
12 assignment reviews, and preclusions at the Depart-
13 ment.

14 (b) NOTIFICATION OF STATUS.—Beginning not later
15 than 90 days after the date of the enactment of this Act,
16 the Secretary shall—

17 (1) provide a status update for all Department
18 personnel who, prior to such date of enactment, were
19 subject to a prior assignment restriction, assignment
20 review, or preclusion for whom a review or decision
21 related to assignment is pending; and

22 (2) on an ongoing basis, provide a status up-
23 date for any Department personnel who has been
24 the subject of a pending assignment restriction or
25 pending assignment review for more than 30 days.

1 (c) NOTIFICATION CONTENT.—The notification re-
2 quired under subsection (b) shall inform relevant per-
3 sonnel, as of the date of the notification—

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

6 (2) if their assignment status is subject to on-
7 going review, and an estimated date for completion;
8 and

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

11 (d) ADJUDICATION OF ONGOING ASSIGNMENT RE-
12 VIEWS.—

13 (1) TIME LIMIT.—The Department shall estab-
14 lish a reasonable time limit for the Department to
15 complete an assignment review and establish a dead-
16 line by which it must inform personnel of a decision
17 related to such a review.

18 (2) APPEALS.—For any personnel the Depart-
19 ment determines are ineligible to serve in an assign-
20 ment due to an assignment restriction or assignment
21 review, a Security Appeal Panel shall convene not
22 later than 120 days of an appeal being filed.

23 (3) ENTRY-LEVEL BIDDING PROCESS.—The De-
24 partment shall include a description of the assign-
25 ment review process and critical human intelligence

1 threat posts in a briefing to new officers as part of
2 their entry-level bidding process.

3 (4) POINT OF CONTACT.—The Department
4 shall designate point of contacts in the Bureau of
5 Diplomatic Security and Bureau of Global Talent
6 Management to answer employee and Career Devel-
7 opment Officer questions about assignment restric-
8 tions, assignment reviews, and preclusions.

9 (e) SECURITY APPEAL PANEL.—Not later than 90
10 days after the date of the enactment of this Act, the Secu-
11 rity Appeal Panel shall be comprised of—

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

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

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

19 (4) an Assistant Secretary or Deputy, or equiv-
20 alent, from a third bureau as designated by the
21 Under Secretary for Management;

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

24 (6) a representative from the Office of the
25 Legal Adviser and a representative from the Bureau

1 of Diplomatic Security, who shall serve as non-vot-
2 ing advisors.

3 (f) APPEAL RIGHTS.—Section 414(a) of the Depart-
4 ment of State Authorities Act, Fiscal Year 2017 (22
5 U.S.C. 2734c(a)) is amended by striking the first two sen-
6 tences and inserting “The Secretary shall establish and
7 maintain a right and process for employees to appeal a
8 decision related to an assignment, based on a restriction,
9 review, or preclusion. Such right and process shall ensure
10 that any such employee shall have the same appeal rights
11 as provided by the Department regarding denial or revoca-
12 tion of a security clearance.”.

13 (g) FAM UPDATE.—Not later than 120 days after the
14 date of the enactment of this Act, the Secretary shall
15 amend all relevant provisions of the Foreign Service Man-
16 ual, and any associated or related policies of the Depart-
17 ment, to comply with this section.

18 (h) DEFINITIONS.—In this section:

19 (1) DEPARTMENT.—The term “Department”
20 means the Department of State.

21 (2) SECRETARY.—The term “Secretary” means
22 the Secretary of State.

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