

119TH CONGRESS
1ST SESSION

S. _____

To increase transparency, fairness, and protections for diplomatic personnel affected by reductions in force, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. SHAHEEN (for herself, Mr. COONS, Mr. MURPHY, Mr. KAINE, Mr. MERKLEY, Mr. BOOKER, Mr. SCHATZ, Mr. VAN HOLLEN, Ms. DUCKWORTH, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To increase transparency, fairness, and protections for diplomatic personnel affected by reductions in force, 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 “Protecting America’s
5 Diplomatic Workforce Act”.

6 **SEC. 2. IMPROVED TRANSPARENCY AND JUSTIFICATIONS**
7 **FOR SIGNIFICANT REDUCTIONS IN FORCE.**

8 (a) PROHIBITION.—Except as provided in subsection
9 (b), during any 6-month period, a covered agency may not

1 separate more than 50 employees from service pursuant
2 to 1 or more reductions in force.

3 (b) REQUIREMENTS.—A covered agency may sepa-
4 rate more than 50 employees from service pursuant to 1
5 or more reductions in force during a 6-month period only
6 if, before carrying out the reduction in force that would
7 cause the covered agency to violate subsection (a), the cov-
8 ered agency—

9 (1) not later than 20 days before submitting a
10 notice of the reduction in force to affected employ-
11 ees, submits to the appropriate congressional com-
12 mittees of jurisdiction a detailed explanation of the
13 reduction in force that includes—

14 (A) the steps the covered agency has taken
15 to exhaust all other options before carrying out
16 the proposed reduction in force, including
17 whether the covered agency considered reas-
18 signing the employees to an equivalent position;

19 (B) the justification for the reduction in
20 force;

21 (C) an assessment of whether the proposed
22 reduction in force will negatively impact the
23 covered agency's ability to carry out its mission
24 and obligations required by statute;

1 (D) an assessment of how the proposed re-
2 duction in force will affect United States diplo-
3 matic presence and engagement and the United
4 States ability to compete with adversaries; and

5 (E) with respect to employees in the civil
6 service, information about how the covered
7 agency has complied with—

8 (i) subchapter I of chapter 35 of title
9 5, United States Code; and

10 (ii) part 351 of title 5, Code of Fed-
11 eral Regulations (or any successor regula-
12 tion); and

13 (2) briefs the appropriate congressional commit-
14 tees of jurisdiction on the justification for the reduc-
15 tion in force and the other criteria described in para-
16 graph (1).

17 **SEC. 3. FOREIGN SERVICE REDUCTION IN FORCE PROCE-**
18 **DURES.**

19 (a) IN GENERAL.—Section 611 of the Foreign Serv-
20 ice Act of 1980 (22 U.S.C. 4010a) is amended—

21 (1) by amending subsection (a) to read as fol-
22 lows:

23 “(a) AUTHORIZATION.—The Secretary may conduct
24 reductions in force for the separation of members of the
25 Service holding a career or career candidate appointment

1 under chapter 3 of this Act for reasons such as reorganiza-
2 tion or shortage of funds.”;

3 (2) by redesignating subsections (b) and (c) as
4 subsections (e) and (f), respectively;

5 (3) by inserting after subsection (a) the fol-
6 lowing new subsections:

7 “(b) COMPETITIVE AREA.—The competitive area for
8 a reduction in force shall be worldwide, with employees
9 of the same rank and cone or specialist competing against
10 each other for retention.

11 “(c) CRITERIA.—Reduction in force procedures shall
12 be designed to ensure that determinations are based pri-
13 marily on performance as determined by previous selection
14 board rankings. Tenure of employment, language capabili-
15 ties, and military preference, subject to section 3501(a)(3)
16 of title 5, United States Code, shall also be considered.

17 “(d) REQUIRED NOTICE.—Absent unforeseen cir-
18 cumstances, employees shall be given 120 days’ advance
19 notice of separation. In no case shall employees be given
20 less than 60 days’ advance notice.

21 “(e) PROTECTIONS.—Foreign Service employees shall
22 be afforded the same protections afforded to career mem-
23 bers of the civil service under section 3503 of title 5,
24 United States Code, in the event of a transfer of func-
25 tion.”; and

1 (4) in subsection (g), as redesignated by para-
2 graph (2), by striking the second sentence and in-
3 serting the following: “The Foreign Service Griev-
4 ances Board shall have the same authority as the
5 Merit Systems Protection Board to adjudicate reduc-
6 tion in force grievances.”.

7 (b) MANAGEMENT RIGHTS.—Section 1005(a)(3) of
8 the Foreign Service Act of 1980 (22 U.S.C. 4105(a)(3))
9 is amended by striking “, and to prescribe regulations for
10 the separation of employees pursuant to such reductions
11 in force conducted under section 611”.

12 **SEC. 4. REDUCTION IN FORCE NOTICE PERIOD.**

13 The notice period for a reduction in force pursuant
14 to section 3502 of title 5, United States Code, at a covered
15 agency shall be 60 days.

16 **SEC. 5. FOREIGN AFFAIRS MANUAL CHANGES.**

17 Section 5318 of the Department of State Authoriza-
18 tion Act of 2021 (22 U.S.C. 2658a) is amended—

19 (1) in subsection (c)(1), by striking “5 years”
20 and inserting “8 years”; and

21 (2) adding at the end the following:

22 “(d) NOTICE; CONSULTATION; BRIEFING.—Before
23 effectuating any changes in the Foreign Affairs Manual,
24 the Secretary of State shall—

1 “(1) provide notice to, and consult with, the ap-
2 propriate congressional committees in writing, not
3 later than 30 days before such changes are sched-
4 uled to take effect; and

5 “(2) provide a briefing to the appropriate con-
6 gressional committees regarding the proposed
7 changes.”.

8 **SEC. 6. DEFINITIONS.**

9 In this Act:

10 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
11 **TEES.**—The term “appropriate congressional com-
12 mittees” means the Committee on Foreign Relations
13 of the Senate and the Committee on Foreign Affairs
14 of the House of Representatives.

15 (2) **COVERED AGENCY.**— The term “covered
16 agency” means—

17 (A) the Department of State;

18 (B) the United States Agency for Inter-
19 national Development;

20 (C) the Millennium Challenge Corporation;

21 (D) the United States International Devel-
22 opment Finance Corporation;

23 (E) the Peace Corps;

24 (F) the United States Trade and Develop-
25 ment Agency; and

1 (G) the United States Agency for Global
2 Media and its networks.