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(Original Signature of Member)

119TH CONGRESS  
2D SESSION

# H. R. \_\_\_\_\_

To amend the Foreign Service Act of 1980 to modify the requirements relating to reductions in force for Foreign Service officers and certain other Federal employees, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. BERA introduced the following bill; which was referred to the Committee on

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# A BILL

To amend the Foreign Service Act of 1980 to modify the requirements relating to reductions in force for Foreign Service officers and certain other Federal employees, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting America’s Diplomatic Workforce Act”.

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

(a) PROHIBITION.—Except as provided in subsection (b), during any 6-month period, a covered agency may not separate more than 50 employees from service pursuant to 1 or more reductions in force.

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

(1) not later than 20 days before submitting a notice of the reduction in force to affected employees, submits to the appropriate congressional committees of jurisdiction a detailed explanation of the reduction in force that includes—

(A) the steps the covered agency has taken to exhaust all other options before carrying out the proposed reduction in force, including whether the covered agency considered reassigning the employees to an equivalent position;

(B) the justification for the reduction in force;

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

(D) an assessment of how the proposed reduction in force will affect United States diplomatic presence and engagement and the United States ability to compete with adversaries; and

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

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

(ii) part 351 of title 5, Code of Federal Regulations (or any successor regulation); and

(2) briefs the appropriate congressional committees of jurisdiction on the justification for the reduction in force and the other criteria described in paragraph (1).

### **SEC. 3. FOREIGN SERVICE REDUCTION IN FORCE PROCEDURES.**

(a) IN GENERAL.—Section 611 of the Foreign Service Act of 1980 (22 U.S.C. 4010a) is amended—

(1) by amending subsection (a) to read as follows:

“(a) AUTHORIZATION.—The Secretary may conduct reductions in force for the separation of members of the Service holding a career or career candidate appointment under chapter 3 for reasons such as reorganization or shortage of funds.”;

(2) by redesignating subsections (b) and (c) (as amended) as subsections (f) and (g), respectively;

(3) by inserting after subsection (a) the following new subsections:

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

“(c) CRITERIA.—Reduction in force procedures shall be designed to ensure that determinations are based primarily on performance as determined by previous selection board rankings. Tenure of employment, language capabilities, and military preference, subject to section 3501(a)(3) of title 5, United States Code, shall also be considered.

“(d) REQUIRED NOTICE.—Absent unforeseen circumstances, members of the Service shall be given 120 days advance notice of separation. In no case shall members be given less than 60 days advance notice.

“(e) PROTECTIONS.—Members of the Service shall be afforded the same protections afforded to career members of the civil service under section 3503 of title 5, United States Code, in the event of a transfer of function.”; and

(4) in subsection (g), as redesignated by paragraph (2), by striking “Grievances under chapter 11” through “of this section” and inserting the “The Foreign Service Grievances Board shall have the same authority as the Merit Systems Protection Board to adjudicate reduction in force grievances.”.

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

#### **SEC. 4. NOTICE PERIOD REQUIRED FOR REDUCTIONS IN FORCE.**

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

#### **SEC. 5. PRIOR CONSULTATION AND BRIEFING REQUIREMENTS FOR SIGNIFICANT CHANGES TO THE FOREIGN AFFAIRS MANUAL.**

Section 5318(c) of the Department of State Authorization Act of 2021 (22 U.S.C. 2658a(c)) is amended by inserting at the end of the following:

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

“(1) provide notice to, and consult with, the appropriate congressional committees in writing, not later than 30 days before such changes are scheduled to take effect; and

“(2) provide a briefing to the appropriate congressional committees regarding the proposed changes.”.

#### **SEC. 6. DEFINITIONS.**

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

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

(A) the Department of State;

(B) the United States Agency for International Development;

(C) the Millennium Challenge Corporation;

(D) the United States International Development Finance Corporation;

(E) the Peace Corps;

(F) the Foreign Agricultural Service within the Department of Agriculture

(G) the Animal and Plant Health Inspection Service within the Department of Agriculture

(H) the Foreign Commercial Service within the Department of Commerce

(I) the United States Trade and Development Agency;  
and

(J) the United States Agency for Global Media and its networks.

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