

Subsec. (d)(2)(F). Pub. L. 106-113, §1000(a)(7) [div. A, title III, §339(b)], added subpar. (F).

1998—Subsec. (c)(4). Pub. L. 105-277, §2208(a), added par. (4).

Subsec. (e)(3). Pub. L. 105-277, §2208(b), added par. (3).
1986—Subsec. (a)(1). Pub. L. 99-529 repealed §413(a)(6) of Pub. L. 99-399 and reenacted last sentence which had been struck out by Pub. L. 99-399.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title III, §339(e)], Nov. 29, 1999, 113 Stat. 1536, 1501A-444, provided that: “The amendments made by this section [amending this section] shall apply to cases opened on or after the date of the enactment of this Act [Nov. 29, 1999].”

CONSTRUCTION OF 1999 AMENDMENT

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title III, §339(c)], Nov. 29, 1999, 113 Stat. 1536, 1501A-444, provided that: “Nothing in the amendments made by this section [amending this section] may be construed to modify—

“(1) section 209(d)(4) of the Foreign Service Act of 1980 (22 U.S.C. 3929(d)(4));

“(2) section 7(b) of the Inspector General Act of 1978 (5 U.S.C. app.);

“(3) the Privacy Act of 1974 (5 U.S.C. 552a);

“(4) the provisions of section 2302(b)(8) of title 5 (relating to whistleblower protection);

“(5) rule 6(e) of the Federal Rules of Criminal Procedure [18 U.S.C. App.] (relating to the protection of grand jury information); or

“(6) any statute or executive order pertaining to the protection of classified information.”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (d)(2) of this section relating to the requirement that the Secretary of State transmit a copy of the annual report furnished by the Inspector General, together with any comments which the Secretary deems appropriate, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and to other appropriate committees, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 129 of House Document No. 103-7.

NO GRIEVANCE OR RIGHT OF ACTION

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title III, §339(d)], Nov. 29, 1999, 113 Stat. 1536, 1501A-444, provided that: “A failure to comply with the amendments made by this section [amending this section] shall not give rise to any private right of action in any court or to an administrative complaint or grievance under any law.”

§ 3929a. Abolishment of Inspector General of Department of State and Foreign Service

Notwithstanding section 3929 of this title, the Inspector General of the Department of State and the Foreign Service is hereby abolished.

(Pub. L. 99-93, title I, §150(b), Aug. 16, 1985, 99 Stat. 427; Pub. L. 99-399, title IV, §413(c), Aug. 27, 1986, 100 Stat. 868.)

CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, and not as part of the Foreign Service Act of 1980 which comprises this chapter.

Another subsec. (c) of section 413 of Pub. L. 99-399 is classified to section 4861(c) of this title.

AMENDMENTS

1986—Pub. L. 99-399 substituted provision abolishing the Inspector General of the Department of State and

the Foreign Service for provision limiting the authority of the Inspector General to such functions as necessary to carry out section 3929(g) of this title.

§ 3930. Board of Foreign Service

The President shall establish a Board of the Foreign Service to advise the Secretary of State on matters relating to the Service, including furtherance of the objectives of maximum compatibility among agencies authorized by law to utilize the Foreign Service personnel system and compatibility between the Foreign Service personnel system and the other personnel systems of the Government. The Board of the Foreign Service shall be chaired by an individual appointed by the President and shall include one or more representatives of the Department of State, the Broadcasting Board of Governors, the Agency for International Development, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Office of Personnel Management, the Office of Management and Budget, the Equal Employment Opportunity Commission, and such other agencies as the President may designate.

(Pub. L. 96-465, title I, §210, Oct. 17, 1980, 94 Stat. 2082; Pub. L. 97-241, title III, §303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 99-93, title I, §153, Aug. 16, 1985, 99 Stat. 428; Pub. L. 105-277, div. G, subdiv. A, title XIII, §1335(k)(2), title XIV, §1422(b)(4)(B), Oct. 21, 1998, 112 Stat. 2681-789, 2681-793.)

AMENDMENTS

1998—Pub. L. 105-277, §1422(b)(4)(B), substituted “Agency for International Development” for “United States International Development Cooperation Agency”.

Pub. L. 105-277, §1335(k)(2), substituted “Broadcasting Board of Governors” for “United States Information Agency”.

1985—Pub. L. 99-93 substituted “shall be chaired by an individual appointed by the President” for “shall be chaired by a career member of the Senior Foreign Service designated by the Secretary of State”.

CHANGE OF NAME

“United States Information Agency” substituted in text for “International Communication Agency” pursuant to section 303(b) of Pub. L. 97-241, set out as a note under section 1461 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 1335(k)(2) of Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

Amendment by section 1422(b)(4)(B) of Pub. L. 105-277 effective Apr. 1, 1999, see section 1401 of Pub. L. 105-277, set out as an Effective Date note under section 6561 of this title.

EXECUTIVE ORDER NO. 11264

Ex. Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, as amended by Ex. Ord. No. 11434, Nov. 8, 1968, 33 F.R. 16485; Ex. Ord. No. 11636, Dec. 17, 1971, 36 F.R. 24901; Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055; Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13967, which provided for the establishment, functions, etc., of the Board of the Foreign Service and Board of Examiners for the Foreign Service, was revoked by Ex. Ord. No. 12363, May 21, 1982, 47 F.R. 22497. See sections 6 and 9 of Ex. Ord. No. 12293, as amended, set out as a note under section 3901 of this title.

EXECUTIVE ORDER NO. 11434

Ex. Ord. No. 11434, Nov. 8, 1968, 33 F.R. 16485, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055; Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13967, which related to administration of foreign service personnel systems, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

§ 3931. Board of Examiners**(a) Establishment; membership; chairman**

The President shall establish a Board of Examiners for the Foreign Service to develop, and supervise the administration of, examinations prescribed under section 3941(b) of this title to be given to candidates for appointment in the Service. The Board shall consist of 15 members appointed by the President (no fewer than 5 of whom shall be appointed from among individuals who are not Government employees and who shall be qualified for service on the Board by virtue of their knowledge, experience, or training in the fields of testing or equal employment opportunity). The Board shall include representatives of agencies utilizing the Foreign Service personnel system and representatives of other agencies which have responsibility for employment testing. The Board shall be chaired by a member of the Board, designated by the President, who is a member of the Service.

(b) Review of examinations; report to Secretary of State

The Board of Examiners shall periodically review the examinations prescribed under section 3941(b) of this title in order to determine—

- (1) whether any such examination has an adverse impact on the hiring, promotion, or other employment opportunity of members of any race, sex, or ethnic group;
- (2) methods of minimizing any such adverse impact;
- (3) alternatives to any examinations which have such an adverse impact; and
- (4) whether such examinations are valid in relation to job performance.

The Board of Examiners shall annually report its findings under this subsection to the Secretary of State and shall furnish to the Secretary of State its recommendations for improvements in the development, use, and administration of the examinations prescribed under section 3941(b) of this title.

(c) Vacancies

Any vacancy or vacancies on the Board shall not impair the right of the remaining members to exercise the full powers of the Board.

(Pub. L. 96-465, title I, § 211, Oct. 17, 1980, 94 Stat. 2083.)

ESTABLISHMENT OF BOARD OF EXAMINERS

For establishment of the Board of Examiners for the Foreign Service and appointment of its members, see section 6 of Ex. Ord. No. 12293, Feb. 23, 1981, 46 F.R. 13970, set out as note under section 3901 of this title.

SUBCHAPTER III—APPOINTMENTS

§ 3941. General provisions**(a) Citizenship requirement**

Only citizens of the United States may be appointed to the Service, other than for service

abroad as a consular agent or as a foreign national employee.

(b) Examinations

The Secretary shall prescribe, as appropriate, written, oral, physical, foreign language, and other examinations for appointment to the Service (other than as a chief of mission or ambassador at large).

(c) Veteran or disabled veteran

The fact that an applicant for appointment as a Foreign Service officer candidate is a veteran or disabled veteran shall be considered an affirmative factor in making such appointments. As used in this subsection, the term “veteran or disabled veteran” means an individual who is a preference eligible under subparagraph (A), (B), or (C) of section 2108(3) of title 5.

(d) Career and noncareer appointments

(1) Members of the Service serving under career appointments are career members of the Service. Members of the Service serving under limited appointments are either career candidates or noncareer members of the Service.

(2) Chiefs of mission, ambassadors at large, and ministers serve at the pleasure of the President.

(3) An appointment as a Foreign Service officer is a career appointment. Foreign Service employees serving as career candidates or career members of the Service shall not represent to the income tax authorities of the District of Columbia or any other State or locality that they are exempt from income taxation on the basis of holding a Presidential appointment subject to Senate confirmation or that they are exempt on the basis of serving in an appointment whose tenure is at the pleasure of the President.

(Pub. L. 96-465, title I, § 301, Oct. 17, 1980, 94 Stat. 2083; Pub. L. 100-204, title I, § 179(a), Dec. 22, 1987, 101 Stat. 1362.)

AMENDMENTS

1987—Subsec. (d)(3). Pub. L. 100-204 inserted sentence at end relating to exemption from income taxation.

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-204, title I, § 179(b), Dec. 22, 1987, 101 Stat. 1363, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to tax years beginning after December 31, 1987.”

STUDY OF FOREIGN SERVICE EXAMINATION

Pub. L. 101-246, title I, § 153(g), Feb. 16, 1990, 104 Stat. 44, provided that: “The Secretary of State shall enter into a contract with a private organization for a comprehensive review and evaluation of the Foreign Service examination. Such review and evaluation shall—

- “(1) identify any cultural, racial, ethnic, and sexual bias;
- “(2) evaluate the ability of the examination to measure an individual’s aptitude for and potential in the Foreign Service;
- “(3) consider the relevance of the Foreign Service examination to the work of a Foreign Service officer;
- “(4) make recommendations for the removal of any element of bias in the examination; and
- “(5) make recommendations for improvements to achieve an examination free of any bias.

Not more than 18 months after the date of the enactment of this Act [Feb. 16, 1990], the Secretary of State shall prepare and submit a report to the Congress