

sions of that Act, and the responsibilities of other officers of the Government to the Inspector General shall be the same as the responsibilities of the head of an agency or establishment under section 6(b) and (c) of such Act.

(2) At the request of the Inspector General, employees of the Department and members of the Service may be assigned as employees of the Inspector General. The individuals so assigned and individuals appointed pursuant to paragraph (1) shall be responsible solely to the Inspector General, and the Inspector General or his or her designee shall prepare the performance evaluation reports for such individuals.

(3) The Inspector General shall ensure that only officials from the Office of the Inspector General may participate in formal interviews or other formal meetings with the individual who is the subject of an investigation, other than an intelligence-related or sensitive undercover investigation, or except in those situations when the Inspector General has a reasonable basis to believe that such notice would cause tampering with witnesses, destroying evidence, or endangering the lives of individuals, unless that individual receives prior adequate notice regarding participation by officials of any other agency, including the Department of Justice, in such interviews or meetings.

**(f) Reception and investigation of complaints or information; disclosure of identity of informer**

(1) The Inspector General may receive and investigate complaints or information from a member of the Service or employee of the Department concerning the possible existence of an activity constituting a violation of laws or regulations, constituting mismanagement, gross waste of funds, or abuse of authority, or constituting a substantial and specific danger to public health or safety.

(2) The Inspector General shall not, after receipt of a complaint or information from a member of the Service or employee of the Department, disclose the identity of such individual without the consent of such individual, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

**(g) Review of activities and operations of chiefs of mission**

Under the general supervision of the Secretary of State, the Inspector General may review activities and operations performed under the direction, coordination, and supervision of chiefs of mission for the purpose of ascertaining their consonance with the foreign policy of the United States and their consistency with the responsibilities of the Secretary of State and the chief of mission.

(Pub. L. 96-465, title I, § 209, Oct. 17, 1980, 94 Stat. 2080; Pub. L. 99-399, title IV, § 413(a)(6), Aug. 27, 1986, 100 Stat. 868; Pub. L. 99-529, title IV, § 405, Oct. 24, 1986, 100 Stat. 3020; Pub. L. 105-277, div. G, subdiv. B, title XXII, § 2208(a), (b), Oct. 21, 1998, 112 Stat. 2681-810; Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title III, § 339(a), (b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-443.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (e)(1), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in Title 5, Appendix, Government Organization and Employees.

AMENDMENTS

1999—Subsec. (c)(5). Pub. L. 106-113, § 1000(a)(7) [div. A, title III, § 339(a)], added par. (5).

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, subd. 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