

REGULATIONS REGARDING FOREIGN LANGUAGE
COMPETENCE WITHIN FOREIGN SERVICE

Pub. L. 103-236, title I, §191(a), Apr. 30, 1994, 108 Stat. 418, as amended by Pub. L. 103-415, §1(u), Oct. 25, 1994, 108 Stat. 4302, provided that: “Not later than 180 days after the date of enactment of this Act [Apr. 30, 1994], the Secretary of State shall promulgate regulations—

“(1) establishing hiring preferences for Foreign Service Officer candidates competent in languages, with priority preference given to those languages in which the Department of State has a deficit;

“(2) establishing a standard that employees will not receive long-term training in more than 3 languages, and requiring that employees achieve full professional proficiency (S4/R4) in 1 language as a condition for training in a third, with exceptions for priority needs of the service at the discretion of the Director General;

“(3) requiring that employees receiving long-term training in a language, or hired with a hiring preference for a language, serve at least 2 tours in jobs requiring that language, with exceptions for certain limited-use languages and priority needs of the service at the discretion of the Director General;

“(4) requiring that significant consideration be given to foreign language competence and use in the evaluation, assignment, and promotion of all Foreign Service Officers of the Department of State, the Agency for International Development, and the United States Information Agency;

“(5) requiring the identification of appropriate Washington, D.C. metropolitan area positions as language-designated; and

“(6) requiring remedial training and suspension of language differential payments for employees receiving such payments who have failed to maintain required levels of proficiency.”

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of this title.]

§ 3927. Chief of mission

(a) Duties

Under the direction of the President, the chief of mission to a foreign country—

(1) shall have full responsibility for the direction, coordination, and supervision of all Government executive branch employees in that country (except for Voice of America correspondents on official assignment and employees under the command of a United States area military commander); and

(2) shall keep fully and currently informed with respect to all activities and operations of the Government within that country, and shall insure that all Government executive branch employees in that country (except for Voice of America correspondents on official assignment and employees under the command of a United States area military commander) comply fully with all applicable directives of the chief of mission.

(b) Duties of agencies with employees in foreign countries

Any executive branch agency having employees in a foreign country shall keep the chief of mission to that country fully and currently informed with respect to all activities and operations of its employees in that country, and shall insure that all of its employees in that country (except for Voice of America correspondents on official assignment and employ-

ees under the command of a United States area military commander) comply fully with all applicable directives of the chief of mission.

(c) Promotion of United States goods and services

Each chief of mission to a foreign country shall have as a principal duty the promotion of United States goods and services for export to such country.

(d) Promotion of United States economic interests

Each chief of mission to a foreign country shall have as a principal duty the promotion of United States economic and commercial interests in such country.

(Pub. L. 96-465, title I, §207, Oct. 17, 1980, 94 Stat. 2079; Pub. L. 97-241, title I, §123, Aug. 24, 1982, 96 Stat. 281; Pub. L. 100-204, title I, §136, Dec. 22, 1987, 101 Stat. 1345; Pub. L. 107-228, div. A, title V, §505(b), Sept. 30, 2002, 116 Stat. 1393; Pub. L. 116-94, div. J, title VII, §704, Dec. 20, 2019, 133 Stat. 3070.)

AMENDMENTS

2019—Subsec. (d). Pub. L. 116-94 added subsec. (d).

2002—Subsecs. (a)(1), (2), (b). Pub. L. 107-228 inserted “Voice of America correspondents on official assignment and” after “except for”.

1987—Subsec. (a). Pub. L. 100-204, §136(1), (2), inserted “executive branch” after “Government” in par. (1) and after second reference to “Government” in par. (2).

Subsec. (b). Pub. L. 100-204, §136(3), inserted “executive branch” after “Any”.

1982—Subsec. (c). Pub. L. 97-241 added subsec. (c).

§ 3927a. Review by chief of mission

(a) Review of staff element under chief of mission authority; approval; process

The Secretary of State shall require each chief of mission to review, not less than once every 5 years, every staff element under chief of mission authority, including staff from other departments or agencies of the United States, and recommend approval or disapproval of each staff element. Each such review shall be conducted pursuant to a process established by the President for determining appropriate staffing at diplomatic missions and overseas constituent posts (commonly referred to as the “NSDD-38 process”).

(b) Actions by Secretary of State

The Secretary of State, as part of the process established by the President referred to in subsection (a), shall take actions to carry out the recommendations made in each such review.

(Pub. L. 108-447, div. B, title IV, §409, Dec. 8, 2004, 118 Stat. 2904; Pub. L. 112-74, div. I, title VII, §7034(n), Dec. 23, 2011, 125 Stat. 1217.)

CODIFICATION

Section was enacted as part of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005, and also as part of the Consolidated Appropriations Act, 2005, and not as part of the Foreign Service Act of 1980 which comprises this chapter.

AMENDMENTS

2011—Subsec. (c). Pub. L. 112-74 struck out subsec. (c). Prior to amendment, text read as follows: “Not later

than 1 year after December 8, 2004, and annually thereafter, the Secretary of State shall submit a report on such reviews that occurred during the previous 12 months, together with the Secretary's recommendations regarding such reviews to the appropriate committees of Congress, the heads of all affected departments or agencies, and the Inspector General of the Department of State."

§ 3928. Director General of Foreign Service

The President shall appoint, by and with the advice and consent of the Senate, a Director General of the Foreign Service, who shall be a current or former career member of the Foreign Service. The Director General should assist the Secretary of State in the management of the Service and perform such functions as the Secretary of State may prescribe.

(Pub. L. 96-465, title I, § 208, Oct. 17, 1980, 94 Stat. 2080; Pub. L. 103-236, title I, § 163, Apr. 30, 1994, 108 Stat. 411.)

AMENDMENTS

1994—Pub. L. 103-236 amended section generally. Prior to amendment, section read as follows: "There shall be a Director General of the Foreign Service, who shall be appointed by the President, by and with the advice and consent of the Senate, from among the career members of the Senior Foreign Service. The Director General shall assist the Secretary of State in the management of the Service and shall perform such functions as the Secretary of State may prescribe."

§ 3929. Inspector General

(a) Appointment; supervision by Secretary of State; prohibition against interference by State Department with certain duties; inspections, audits, and other functions; removal from office

(1) There shall be an Inspector General of the Department of State and the Foreign Service, who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation from among individuals exceptionally qualified for the position by virtue of their integrity and their demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, or their knowledge and experience in the conduct of foreign affairs. The Inspector General shall report to and be under the general supervision of the Secretary of State. Neither the Secretary of State nor any other officer of the Department shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation. The Inspector General shall periodically (at least every 5 years) inspect and audit the administration of activities and operations of each Foreign Service post and each bureau and other operating unit of the Department of State, and shall perform such other functions as the Secretary of State may prescribe, except that the Secretary of State shall not assign to the Inspector General any general program operating responsibilities.

(2) The Inspector General may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

(b) Subject matter of inspections, investigations, and audits

Inspections, investigations, and audits conducted by or under the direction of the Inspector General shall include the systematic review and evaluation of the administration of activities and operations of Foreign Service posts and bureaus and other operating units of the Department of State, including an examination of—

(1) whether financial transactions and accounts are properly conducted, maintained, and reported;

(2) whether resources are being used and managed with the maximum degree of efficiency, effectiveness, and economy;

(3) whether the administration of activities and operations meets the requirements of applicable laws and regulations and, specifically, whether such administration is consistent with the requirements of section 3905 of this title;

(4) whether there exist instances of fraud or other serious problems, abuses, or deficiencies, and whether adequate steps for detection, correction, and prevention have been taken; and

(5) whether policy goals and objectives are being effectively achieved and whether the interests of the United States are being accurately and effectively represented.

(c) Policies and procedures governing inspection and audit activities; coordination and cooperation with Comptroller General; report to Attorney General on criminal law violations; provision of information to employees; conduct of investigations

(1) The Inspector General shall develop and implement policies and procedures for the inspection and audit activities carried out under this section. These policies and procedures shall be consistent with the general policies and guidelines of the Government for inspection and audit activities and shall comply with the standards established by the Comptroller General of the United States for audits of Government agencies, organizations, programs, activities, and functions.

(2) In carrying out the duties and responsibilities established under this section, the Inspector General shall give particular regard to the activities of the Comptroller General of the United States with a view toward insuring effective coordination and cooperation.

(3) In carrying out the duties and responsibilities established under this section, the Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

(4) The Inspector General shall develop and provide to employees—

(A) information detailing their rights to counsel; and

(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation other than matters exempt from disclosure under other provisions of law.

(5) INVESTIGATIONS.—

(A) CONDUCT OF INVESTIGATIONS.—In conducting investigations of potential violations of