

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.)

Editorial Notes

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.)

Editorial Notes

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 Federal criminal law or Federal regulations, the Inspector General shall—

(i) abide by professional standards applicable to Federal law enforcement agencies; and

(ii) make every reasonable effort to permit each subject of an investigation an opportunity to provide exculpatory information.

(B) **FINAL REPORTS OF INVESTIGATIONS.**—In order to ensure that final reports of investigations are thorough and accurate, the Inspector General shall—

(i) make every reasonable effort to ensure that any person named in a final report of investigation has been afforded an opportunity to refute any allegation of wrongdoing or assertion with respect to a material fact made regarding that person's actions;

(ii) include in every final report of investigation any exculpatory information, as well as any inculpatory information, that has been discovered in the course of the investigation.

(6) REQUIRED REPORTING OF ALLEGATIONS AND INVESTIGATIONS AND INSPECTOR GENERAL AUTHORITY.—

(A) **IN GENERAL.**—The head of a bureau, post, or other office of the Department of State (in

this paragraph referred to as a “Department entity”) shall submit to the Inspector General a report of any allegation of—

(i) waste, fraud, or abuse in a Department program or operation;

(ii) criminal or serious misconduct on the part of a Department employee at the FS-1, GS-15, or GM-15 level or higher;

(iii) criminal misconduct on the part of a Department employee; and

(iv) serious, noncriminal misconduct on the part of any Department employee who is authorized to carry a weapon, make arrests, or conduct searches, such as conduct that, if proved, would constitute perjury or material dishonesty, warrant suspension as discipline for a first offense, or result in loss of law enforcement authority.

(B) **DEADLINE.**—The head of a Department entity shall submit to the Inspector General a report of an allegation described in subparagraph (A) not later than 5 business days after the date on which the head of such Department entity is made aware of such allegation.

(d) Reports by Inspector General and Secretary of State

(1) The Inspector General shall keep the Secretary of State fully and currently informed, by means of the reports required by paragraphs (2) and (3) and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of activities and operations administered or financed by the Department of State.

(2) The Inspector General shall, not later than April 30 of each year, prepare and furnish to the Secretary of State an annual report summarizing the activities of the Inspector General. Such report shall include—

(A) a description of significant problems, abuses, and deficiencies relating to the administration of activities and operations of Foreign Service posts, and bureaus and other operating units of the Department of State, which were disclosed by the Inspector General within the reporting period;

(B) a description of the recommendations for corrective action made by the Inspector General during the reporting period with respect to significant problems, abuses, or deficiencies described pursuant to subparagraph (A);

(C) an identification of each significant recommendation described in previous annual reports on which corrective action has not been completed;

(D) a summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted;

(E) a listing of each audit report completed by the Inspector General during the reporting period; and

(F) a notification, which may be included, if necessary, in the classified portion of the report, of any instance in a case that was closed during the period covered by the report when the Inspector General decided not to afford an individual the opportunity described in subsection (c)(5)(B)(i) to refute any allegation and the rationale for denying such individual that opportunity.

The Secretary of State shall transmit a copy of such annual report within 30 days after receiving it 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, together with a report of the Secretary of State containing any comments which the Secretary of State deems appropriate. Within 60 days after transmitting such reports to those committees, the Secretary of State shall make copies of them available to the public upon request and at a reasonable cost.

(3) The Inspector General shall report immediately to the Secretary of State whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of activities and operations of Foreign Service posts or bureaus or other operating units of the Department of State. The Secretary of State shall transmit any such report 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 within 7 days after receiving it, together with a report by the Secretary of State containing any comments the Secretary of State deems appropriate.

(4) Nothing in this subsection shall be construed to authorize the public disclosure by any individual of any information which is—

(A) specifically prohibited from disclosure by any other provision of law; or

(B) specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

(e) Applicability of powers and responsibilities under other statutory provisions; assignment of Service employees to Inspector General; participation in formal interviews

(1) The Inspector General shall have the same authority in carrying out the provisions of this section as is granted under section 6 of the Inspector General Act of 1978 to each Inspector General of an establishment (as defined in section 11(2) of such Act) for carrying out the provisions 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 endan-

gering 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; Pub. L. 114-323, title II, §203, Dec. 16, 2016, 130 Stat. 1916.)

Editorial Notes

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

2016—Subsec. (c)(6). Pub. L. 114-323 added par. (6).
 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.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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.

§ 3929b. Cooperation with Office of the Inspector General

(a) Administrative discipline

Not later than 30 days after December 27, 2021, the Secretary of State shall make explicit in

writing to all Department of State personnel, including the Secretary of State, Department employees, contractors, and political appointees, and shall consider updating the Foreign Affairs Manual and the Foreign Affairs Handbook to explicitly specify, that if any of such personnel does not comply within 60 days with a request for an interview or access to documents from the Office of the Inspector General of the Department, such personnel may be subject to appropriate administrative discipline including, when circumstances warrant, suspension without pay or removal.

(b) Report

(1) In general

Not later than 180 days after December 27, 2021 and on a quarterly basis thereafter, the Office of the Inspector General of the Department of State and the United States Agency for Global Media shall submit to the appropriate congressional committees and the Secretary of State a report in unclassified form detailing the following:

(A) The number of individuals who have failed to comply within 60 days with a request for an interview or access to documents from the Office of the Inspector General pertaining to a noncriminal matter.

(B) The date on which such requests were initially made.

(C) Any extension of time that was voluntarily granted to such individual by the Office of the Inspector General.

(D) The general subject matters regarding which the Office of the Inspector General has requested of such individuals.

(2) Form

Additional information pertaining solely to the subject matter of a request described in paragraph (1) may be provided in a supplemental classified annex, if necessary, but all other information required by the reports required under such paragraph shall be provided in unclassified form.

(Pub. L. 117–81, div. E, title LIII, §5323, Dec. 27, 2021, 135 Stat. 2369.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Department of State Authorization Act of 2021 and also as part of the National Defense Authorization Act for Fiscal Year 2022, and not as part of the Foreign Service Act of 1980 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITION

For definition of “appropriate congressional committees” as used in this section, see section 5002 of Pub. L. 117–81, set out as a note under section 263c 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