

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

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.)

#### Editorial Notes

##### 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”.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Broadcasting Board of Governors renamed United States Agency for Global Media pursuant to section 6204(a)(22) of this title. The renaming was effectuated by notice to congressional appropriations committees dated May 24, 2018, and became effective Aug. 22, 2018.

“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 Documents

##### 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.)

#### Executive Documents

##### 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.