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U.S. Department of State Personnel: Background and Selected Issues for Congress

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Summary

Current Context and Recent Developments

Shortly after his confirmation as Secretary of State in April 2018, Secretary Mike Pompeo lifted the hiring freeze that former Secretary Rex Tillerson left in place for over a year. Guidance issued after Secretary Pompeo's action indicates that the department intends to increase Foreign and Civil Service personnel levels in a manner consistent with the language and funding Congress included in the Consolidated Appropriations Act, 2018 (P.L. 115-141). The Trump Administration has taken additional actions affecting Department of State personnel, including designing "keystone modernization projects" within its Leadership and Modernization Impact Initiative. These projects seek to strengthen workforce readiness and enhance performance management and employee accountability, among other goals. The State Department is also prioritizing efforts to address long-standing concerns regarding the perceived lack of diversity in the Foreign Service.

The Trump Administration has moved more slowly than previous Administrations in transmitting nominations for senior Department of State positions to the Senate for advice and consent; meanwhile, the Senate has taken longer than it has in the past to provide advice and consent for many of those nominations that have been transmitted.

Some Members of Congress and other observers have expressed varying levels of concern with some of these developments, with some arguing that the Trump Administration (especially under former Secretary Tillerson) had been purposefully attempting to weaken the Department of State and diminish its influence in developing and implementing U.S. foreign policy. Secretary Pompeo pledged that he will work to enable the Department of State to play a central role in implementing President Trump's agenda and protecting the national security of the United States, while empowering the department's personnel in their roles.

The Role of Congress in History and Today

The 115th Congress has demonstrated interest in applying the legislative branch's constitutional and statutory authorities to shape policies pertaining to Department of State personnel. Some congressional prerogatives date back to the 18th century: Congress established the Department of State and began prescribing salaries for personnel in 1789, while Article II, Section 2, of the Constitution provides the Senate the authority to provide advice and consent for presidential appointments of ambassadors and other public ministers and consuls. The role of Congress expanded more gradually elsewhere. The executive branch maintained almost exclusive authority in developing the administrative policies governing the U.S. diplomatic and consular services and their personnel until the mid-19th century, when Congress codified compensation levels for individuals appointed to certain diplomatic and consular positions. Congressional purview over this area has subsequently expanded considerably, as Congress merged the diplomatic and consular services into a Foreign Service with the passage of the Rogers Act of 1924 (P.L. 68-135) and later modernized and refined the Foreign Service's policies and procedures through the Foreign Service Act of 1980 (P.L. 96-465).

The Department of State's *Foreign Affairs Manual* describes several categories of Foreign Service personnel at the Department of State. Many of these categories, or the authorities afforded to personnel employed within them, are provided through statute. In addition, the Department of State employed over 10,000 Civil Service (CS) employees as of December 2017, who work in 11 different job categories. Congress has long had a significant role in the administration of the Civil Service, whose framework is now defined in the Civil Service Reform Act of 1978 (P.L. 95-454), as amended.

Looking Ahead

While the President possesses a level of control over executive branch personnel policies, several options are available to the 115th Congress and future Congresses to facilitate, alter, block, or conduct oversight of the executive branch's initiatives. These include legislative action through Department of State or foreign relations authorization measures and annual appropriations bills or other measures, as well as periodic hearings on management and reform issues. On personnel issues, for example, Congress could encourage the Department of State to further increase hiring with additional appropriated funds to the Human Resources category of the department's Diplomatic & Consular Programs account, which is used to pay salaries for the department's domestic and overseas American employees. Congress could also weigh in on the department's plans to improve workforce management, or consider changes to aspects of the presidential appointments process.

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Introduction

Shortly following his confirmation as Secretary of State in April 2018, Secretary Mike Pompeo lifted the hiring freeze that former Secretary Rex Tillerson left in place for over a year. Subsequent guidance issued after the hiring freeze indicates that the department intends to increase Foreign and Civil Service personnel levels in a manner consistent with the language and funding Congress included in the Consolidated Appropriations Act, 2018 (P.L. 115-141). The Trump Administration has taken additional actions affecting Department of State personnel, including designing "keystone modernization projects" within its Leadership and Modernization Impact Initiative. These projects seek to strengthen workforce readiness and enhance performance management and employee accountability, among other goals. The State Department is also prioritizing efforts to address long-standing concerns regarding the perceived lack of diversity in the Foreign Service.

The Trump Administration has moved more slowly than previous Administrations in transmitting nominations for senior Department of State positions to the Senate for advice and consent; meanwhile, the Senate has taken longer than it has in the past to provide advice and consent for many of those nominations that have been transmitted.

In general, some supporters of personnel reform argue that the Department of State has become increasingly overstaffed and sclerotic in recent decades, and that reform is needed to restore the department's foreign policymaking influence that it is perceived to have lost to other government entities such as the National Security Council and the Department of Defense. Others, however, have asserted that some of the Administration's policies, especially those under Secretary Tillerson, were leading to a weak, understaffed Department of State incapable of advancing and protecting America's foreign policy and national security interests abroad. Among those who have demonstrated concern with the Administration's approach is Senator Robert Menendez, the Ranking Member of the Senate Committee on Foreign Relations, who has commented that "we have an emaciated State Department under this Administration."[1] Since his confirmation, Secretary Pompeo has pledged that he will work to enable the Department of State to play a central role in implementing President Trump's agenda and protecting the national security of the United States, empower the department's personnel in their roles, and ensure that department personnel have a clear understanding of the President's mission.

While the President possesses a level of control over personnel policies at the Department of State, Congress has demonstrated interest in leveraging its constitutional and statutory prerogatives to shape the department's personnel policies since at least the mid-19th century, when it codified compensation levels for individuals appointed to certain diplomatic and consular positions. More recently, passage of the landmark Foreign Service Act of 1980 (P.L. 96-465), building upon previous legislation dating back to the early 20th century, created the infrastructure for the modern-day Foreign Service, which is the United States' professional diplomatic corps tasked with serving at both U.S. overseas posts and in key diplomatic positions based at the department's headquarters in Washington, DC and elsewhere in the United States. Among other matters, the law prescribes the admission, appointment, promotion, and separation procedures of the Foreign Service. These provisions are designed to uphold congressional intent that, as reflected in legislation for over a century, America's diplomats serve as part of a professional

[1] U.S. Senate Committee on Foreign Relations, "Opening Remarks by Senator Menendez at Pompeo Hearing," April 12, 2018, https://www.foreign.senate.gov/press/ranking/release/opening-remarks-by-senator-menendez-at-pompeo-hearing.

organization wherein individuals are appointed and promoted in a manner that reflects merit principles.

In addition to the Foreign Service, the Department of State also employed over 10,000 Civil Service (CS) employees as of December 2017. Congress has long been engaged in governing the administration of the Civil Service, passing the Pendleton Act of 1883, which is viewed by many as the legal foundation of the Civil Service. The Civil Service Reform Act of 1978 (P.L. 95-454), as amended, provides the modern statutory framework for the Civil Service.

Given the priority the Trump Administration has placed on implementing changes affecting Department of State personnel, some Members of Congress with varying degrees of support for the Administration's efforts have demonstrated renewed interest in applying congressional prerogatives to ensure that any changes enhance American capabilities to project and protect its interests overseas. Factoring in the Administration's existing priorities and the fact that the Administration's policies could expand in scope, this report provides a comprehensive background summary of Department of State personnel infrastructure and practices, including those areas where policies were established or could be adjusted through congressional action. It begins with an overview of the Foreign Service, including a summary of legislative efforts to codify a professional Foreign Service and its key personnel policies. It then explores the department's Foreign Service and Civil Service personnel categories in some detail, specifying key statutes and authorities that remain relevant to current department workforce issues. The report concludes by identifying selected issues for Congress, which comprise areas where the Trump Administration is seeking to implement changes, and where Congress may seek to weigh in directly or indirectly.

Background of the Department of State and the Foreign Service

Congress established the Department of State in 1789 and prescribed an initial salary for the Secretary of State, the department's chief clerk, and other clerks employed by the department. The department's domestic staff was initially extremely small, consisting of only three clerks and translators when Thomas Jefferson became Secretary of State in 1790 and expanding to 10 such individuals by the conclusion of the 18th century.[2] Similarly, U.S. diplomatic representation abroad was fairly limited during this period—only two commissioned American diplomats were present in Europe when President Washington was inaugurated in 1789. By 1797, the United States maintained diplomatic relations with France, Great Britain, the Netherlands, Portugal, and Spain, yet had only limited diplomatic ties with other countries, including Austria, Prussia, Russia, and Sweden.[3]

The Emergence of a Professional Foreign Service and Key Related Statutes[4]

For nearly 70 years subsequent to the founding of the Department of State in 1789, an individual employee's rank and salary were attached to a specific position. In practice, this meant that the

[2] Elmer Plischke, *U.S. Department of State:* A *Reference History* (Westport, Connecticut: Greenwood Press, 1999), p. 45.

[3] Elmer Plischke, *U.S. Department of State:* A *Reference History*, pp. 46-47, 56.

[4] This section draws on previous CRS analysis charting historical movement toward a merit-based diplomatic service prepared by former CRS analyst Kennon H. Nakamura.

President appointed individuals to specific posts (frequently his political allies) and, upon his own determination, set the compensation that the individual would receive at that post. If a person was sent to a subsequent overseas post, another appointment was required and a new compensation level was established. Because of funding constraints, ministers at larger posts such as London and Paris often had to spend their own funds to maintain their ability to provide representation, limiting the scope of individuals capable of serving at such posts. Some observers refer to this framework as the "spoils system" or a "patronage system." When addressing the spoils system, President Theodore Roosevelt reflected that

> [t]he spoils system of making appointments to and removals from office is so wholly and unmixedly evil, is so emphatically un-American and undemocratic, and is so potent a force for degradation in our public life, that it is difficult to believe that any intelligent man of ordinary decency who has looked into the matter can be its advocate. As a matter of fact, the arguments in favor of the merit system against the spoils system are not only convincing; they are absolutely unanswerable.[5]

Congress codified compensation levels for individuals appointed to specific diplomatic and consular positions beginning in 1855, in effect taking compensation determinations out of the hands of the President. U.S. consuls were also provided, for the first time, with annual federal salaries, the amount depending on where they were posted. However, the federal government continued to staff its bureaucracy through the spoils system. Following the Civil War, difficulties stemming from the spoils systems were becoming increasingly evident throughout the federal government, including the Department of State. It is reported that Secretary of State Hamilton Fish (1869-1877) threatened President Ulysses Grant with his resignation if President Grant and his political allies did not stop interfering with the organization and operation of the department and appointments of diplomats and consular officers.

Key Statutes Related to the Organization and Practices of the Modern Foreign Service (in sequential order)

The Stone-Flood Act (P.L. 63-242). This law gave previous executive orders intended to address corruption and graft and promote merit-based personnel practices within the diplomatic and consular services at the Department of State the force of law. It gave "rank-in-person" personnel practices at the Department of State, which still persist today, the force of law for the first time.

The Rogers Act of 1924 (P.L. 68-135). This law merged the State Department's diplomatic and consular services into today's modern Foreign Service and codified many personnel concepts that continue in some form within the department. These include requirements that Foreign Service Officers be appointed following their passage of an examination and subsequent probationary employment period. This law also authorized the President to establish a Foreign Service retirement and disability system to be administered by the Secretary of State and provided for a mandatory retirement age.

The Foreign Service Act of 1946 (P.L. 79-724). According to the Office of the Historian of the Department of State, this law "provided for improvements in assignments policy, promotion procedures, allowances and benefits, home leave, and the retirement system." It also sought to improve the administration of the Foreign Service through creation of a new Director General of the Foreign Service and a Foreign Service Board. It further authorized a new Board of Examiners tasked with maintaining the principle of competitive entrance into the Foreign Service.

The Foreign Service Act of 1980 (P.L. 96-465**).** The Foreign Service Act of 1980 serves as the modern-day framework through which the Department of State organizes and administers the Foreign Service. It seeks to maintain and strengthen the Foreign Service's status as a professional diplomatic corps, providing for admission, appointment, promotion, and separation procedures that reflect merit principles and a rank-in-person merit classification system. In addition, the law states that "the members of the Foreign Service should be representative of the American people" and mandates that the Foreign Service carry out intensive recruitment efforts to facilitate

[5] American Foreign Service Association, "In the Beginning: The Rogers Act of 1924," at http://www.afsa.org/beginning-rogers-act-1924.

and encourage the entry into the Foreign Service of individuals who meet the rigorous requirements of the service while ensuring that the Foreign Service reflects the cultural and ethnic diversity of the United States.

During this period, graft was found to be especially rampant in the consular service. On September 20, 1885, President Grover Cleveland issued an executive order placing the lower grades of the consular service under a merit system with emphasis on "character, responsibility and capacity" as criteria for appointment. President Theodore Roosevelt made efforts to professionalize the diplomatic service, placing diplomatic officers under previous laws intended to reform the Civil Service and creating a Board of Examiners tasked with developing an entrance examination system testing knowledge of international law, diplomatic usage, and modern language skills. It also was tasked with developing and overseeing a merit promotion system for all diplomatic and consular positions except those of minister and ambassador. The Stone-Flood Act (P.L 63-242, also known as "An Act for the Improvement of the Foreign Service") was later enacted in 1915, which gave previous executive orders in this area the force of law. This law also divided personnel into their own classes or grades for the first time, assigned salary levels to classes or grades, and stated that appointments to a class "shall be by commission to the offices of the secretary of embassy or legation, consul general, or consul, and not by commission to any particular post." This marked the first time that the "rank-in-person" concept was incorporated into law for diplomatic personnel.

Rank-in-person is an approach to merit classification in the federal government under which an employee is ranked based on his or her education, skills, and qualifications; experience; and professional accomplishments. It is in contrast to a **rank-in-position** merit classification system, which focuses on the duties and responsibilities of a position.

Source: See Harold H. Leich, "Rank in Man or Job? Both!," *Public Administration Review*, vol. 20, no. 2, Spring 1960, pp. 92-99, for a brief discussion of the history of both merit classification systems.

In addition to combining the U.S. diplomatic and consular services for the first time and establishing the modern Foreign Service, the Rogers Act of 1924 (P.L. 68-135) included several provisions to further professionalize the Foreign Service. It defined a Foreign Service Officer as a "permanent officer in the Foreign Service below the grade of minister, all of whom are subject to promotion on merit, and who may be assigned to duty in either the diplomatic or the consular branch of the Foreign Service at the discretion of the President." Furthermore, this law

- established grades and classes of Foreign Service Officers and established salaries for those grades and classes;
- stated that appointments to the position of Foreign Service Officer shall be made after examination and a suitable period of probation in an unclassified grade, or after five years of continuous service in the Department of State by transfer to the Foreign Service upon meeting the rules and regulations established by the President;
- established that all appointments to the Foreign Service shall be by commission to a class and not by commission to any particular post, and that a Foreign Service Officer shall be assigned to a post and may be transferred by the President from post to post depending upon the interests of the service;
- stated that Foreign Service Officers may be appointed as secretaries in the diplomatic service or as consular officers or both and that any such appointment shall be made by and with the advice and consent of the Senate; and

- authorized the President to establish a Foreign Service retirement and disability system to be administered by the Secretary of State, and provided for a mandatory retirement age of 65 with 15 years of service.

Congress worked to consolidate and revise laws pertaining to the administration of the Foreign Service when it passed the Foreign Service Act of 1946 (P.L. 79-724). This law created a new Director General of the Foreign Service and a Foreign Service Board with the intent of improving the department's administration of the Foreign Service, while a new Board of Examiners was authorized and tasked with maintaining the principle of competitive entrance into the Foreign Service. According to the Department of State, "the law also provided for improvements in assignments policy, promotion procedures, allowances and benefits, home leave, and the retirement system."[6] Congress did not pass significant new legislation to govern the Foreign Service for several decades, until the Foreign Service Act of 1980 (P.L. 96-465) was enacted. Among other measures, this law created a new Senior Foreign Service and reformed overseas allowances and spousal rights.[7] Selected aspects of this legislation are discussed in detail below.

Selected Professional Attributes of the Foreign Service Provided for in the Foreign Service Act of 1980

Like the Foreign Service Act of 1946, the Foreign Service Act of 1980 sought to maintain and strengthen the Foreign Service's status as a professional diplomatic corps. The law provides for admission, appointment, promotion, and separation procedures that reflect merit principles and a rank-in-person merit classification system. Section 101 of the law reaffirms that "a career foreign service, characterized by excellence and professionalism, is essential in the national interest to assist the President and the Secretary of State in conducting the foreign affairs of the United States." Section 105 provides that "all personnel actions with respect to career members and career candidates in the service (including applicants for career candidate appointments) shall be made in accordance with merit principles."[8]

With specific regard to admission procedures, Section 301 requires the Secretary of State to "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)." In addition, Section 211 requires the President to establish a Board of Examiners for the Foreign Service to develop and supervise the administration of these examinations to candidates for appointment. The President is required to appoint the Board's 15 members, at least five of whom must "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 must be chaired by a member of the Foreign Service. Individuals who pass the examinations and are admitted into the Foreign Service are required to serve for a trial period that generally does not exceed five years under a

[6] U.S. Department of State, Office of the Historian, "A Short History of the Department of State: A Changing Role for the Secretary," at https://history.state.gov/departmenthistory/short-history/secretary.

[7] U.S. Department of State, Office of the Historian, "A Short History of the Department of State: Landmark Departmental Reform," at https://history.state.gov/departmenthistory/short-history/reforms/.

[8] According to Section 105(a)(2) of the Foreign Service Act, "personnel action" means "any appointment, promotion, assignment (including assignment to any position or salary class), award of performance pay or special differential, within-class salary increase, separation, or performance evaluation," and any decision, recommendation, examination, or ranking provided for under this act which relates to any such action previously referred to in subparagraph (A) of the section.

limited appointment prior to receiving a career appointment in the Foreign Service. Section 306 of the law requires that any decision by the Secretary of State to recommend that the President give a career appointment to such an individual shall be informed "based upon the recommendations of boards, established by the Secretary and composed entirely or primarily of career members of the service, which shall evaluate the fitness and aptitude of career candidates for the work of the service."[9]

As with admission requirements and procedures, the Foreign Service Act of 1980 intends to ensure that appointments processes preserve and bolster the Foreign Service's status as a professional organization. Section 302 provides the President the authority to, "by and with the advice and consent of the Senate, appoint an individual as a chief of mission, as an ambassador at large, as an ambassador, as a minister, as a career member of the Senior Foreign Service, or as a Foreign Service officer." Section 301 clarifies that "an appointment as a Foreign Service officer is a career appointment," while Section 303 indicates that the Secretary of State's appointment authorities do not extend to the personnel categories specified for presidential appointments in Section 302. Thus, all Foreign Service Officers (with the exception of some Senior Foreign Service Officers) are career members of the Foreign Service, appointed by the President by and with the advice and consent of the Senate, and typically serve over the course of several presidential administrations. Section 305 provides for authorized limited, noncareer appointments to the Senior Foreign Service under certain circumstances.[10]

Sections 305 and 404 further stipulate that Foreign Service officers and other personnel, and both career and noncareer members of the Senior Foreign Service, shall be appointed to salary classes—rather than to individual positions—that the Secretary of State is authorized to establish.[11] These provisions undergird the Foreign Service personnel system as a rank-in-person, rather than rank-in-position, approach. **Figure 1** illustrates one current pay schedule, providing the salary classes to which Foreign Service Officers are appointed and promoted.

[9] See Section 306 of the Foreign Service Act of 1980, as amended.

[10] See the "Senior Foreign Service" subsection for more detail regarding limited, noncareer appointments to the Senior Foreign Service.

[11] See Sections 305 and 404 of Foreign Service Act of 1980, as amended.

Figure 1. Department of State 2018 Foreign Service Salary Table (Base Schedule)

United States Department of State
2018 Foreign Service (FS) Salary Table
Base Schedule
Authorized by Executive Order 13819
Effective January 7, 2018
Rates in U.S. Dollars

Class	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14
1	105,123	108,277	111,525	114,871	118,317	121,866	125,522	129,288	133,167	136,659	136,659	136,659	136,659	136,659
2	85,181	87,736	90,369	93,080	95,872	98,748	101,711	104,762	107,905	111,142	114,476	117,910	121,448	125,091
3	69,022	71,093	73,225	75,422	77,685	80,015	82,416	84,888	87,435	90,058	92,760	95,543	98,409	101,361
4	55,929	57,607	59,335	61,115	62,949	64,837	66,782	68,786	70,849	72,975	75,164	77,419	79,741	82,134
5	45,319	46,679	48,079	49,521	51,007	52,537	54,113	55,737	57,409	59,131	60,905	62,732	64,614	66,552
6	40,514	41,729	42,981	44,271	45,599	46,967	48,376	49,827	51,322	52,862	54,447	56,081	57,763	59,496
7	36,218	37,305	38,424	39,576	40,764	41,987	43,246	44,544	45,880	47,256	48,674	50,134	51,638	53,187
8	32,378	33,349	34,350	35,380	36,442	37,535	38,661	39,821	41,015	42,246	43,513	44,819	46,163	47,548
9	28,945	29,813	30,708	31,629	32,578	33,555	34,562	35,599	36,667	37,767	38,900	40,067	41,269	42,507

Base Pay Cap = FS-01, Step 10, which is 136,659

EXECUTIVE SCHEDULE		SENIOR FOREIGN SERVICE (SFS) PAY RANGE		SFS PAY CAPS	
EX-I	210,700	Minimum	Maximum	OC	177,990
EX-II	189,600	126,148	189,600	MC	186,715
EX-III	174,500			CM	189,600
EX-IV	164,200				
EX-V	153,800				

Source: U.S. Department of State, Bureau of Human Resources, "Pay Schedules," https://www.state.gov/m/dghr/pay/, accessed March 5, 2018. U.S. Department of State, Bureau of Human Resources, "2018 Foreign Service (FS) Salary Table," at https://www.state.gov/documents/organization/277016.pdf.

This rank-in-person orientation of Foreign Service personnel practices is widely perceived as a merit-based system. Inherent to the rank-in-person system are the "up or out rules," which are mandated in Section 607 the Foreign Service Act of 1980 (where they are known as "time-in-class limitations"). These rules require that both career members of the Senior Foreign Service and the Foreign Service are either promoted within a specified time period denoted for each salary class (or a combination of salary classes) or are otherwise retired from the service if not performing at an adequate level.[12] The process the law prescribes for considering the promotion of members of the Senior Foreign Service and the Foreign Service is also intended to promote merit-based practices. Section 602 mandates the establishment of selection boards tasked with evaluating the performance of these personnel through ranking the members of a salary class on the basis of relative performance and making recommendations for personnel actions, including promotion. The membership of selection boards is required to include public members and "a substantial number of women and members of minority groups."[13] The law also requires that the selection boards' recommendations and rankings reflect "records of the character, ability, conduct, quality of work, industry, experience, dependability, usefulness, and general performance of members of the service."[14] Section 605 further provides that the Secretary of State shall make promotions (and, with respect to career appointments into or within the Senior Foreign Service, recommendations to the President for promotions) "in accordance with the rankings of the selection boards." It also provides the Secretary the authority to delay the promotion of an

[12] See Section 607 of the Foreign Service Act of 1980, as amended.

[13] See Section 602 of the Foreign Service Act of 1980, as amended.

[14] See Section 603 of the Foreign Service Act of 1980, as amended.

individual designated for promotion on a selection board list or remove that individual from a list in "special circumstances" provided for by department regulations.[15]

Finally, provisions of the Foreign Service Act of 1980 governing the separation of members from the service for cause seek to further preserve the Foreign Service's professional character and ensure that individuals are not separated without due process. Section 610 provides that the Secretary of State may "decide to separate any member from the service for such cause as will promote the efficiency of the service." However, in most cases any member of the Foreign Service serving under a career appointment or a limited appointment may not be separated on the basis of misconduct until the member in question receives a hearing before the Foreign Service Grievance Board and the Board decides that cause for separation has been established.[16] The Foreign Service Grievance Board is itself authorized in Section 1105 of the Foreign Service Act of 1980. The law requires that its membership comprise individuals approved by the exclusive representative (labor organization) representing Foreign Service employees and the department itself; to further help ensure impartiality, five of board members are required by law not to be department employees. It also authorizes the Foreign Service Grievance Board to intervene in cases where it determines that the department is considering the involuntary separation of a grievant for reasons other than cause. If the Foreign Service Grievance Board finds that a grievant's claim is valid, it is authorized to direct the Department of State to retain the member in the service.[17]

Department of State Personnel by Category

Department of State personnel can broadly be characterized as being employed in the Foreign Service or the Civil Service; however, many categories therein are governed by various legal authorities passed by Congress. With respect to the Foreign Service, such categories encompass Chiefs of Mission, all U.S. diplomats serving at State Department posts abroad and in the United States, the locally employed staff with management responsibilities important to the functioning of overseas posts, and all other Foreign Service personnel. Therefore, should Congress seek to weigh in on executive branch practices—including the admission, appointment, or promotion of an official of the Department of State; the responsibilities or compensation afforded to a department official; or the separation of an official from the Department of State—the means through which it would do so depend on the employment category of the official in question and its associated legal authorities.

Foreign Service Personnel

Both Article II, Section 2, of the Constitution and The Foreign Service Act of 1980 provide Congress with substantial authorities with respect to the appointment, governance, and administration of Foreign Service personnel. Article II, Section 2, allows the President to appoint Ambassadors by and with the advice and consent of the Senate in most circumstances; additionally, Congress has invoked its constitutional authority to provide advice and consent for

[15] See Section 605 of the Foreign Service Act of 1980, as amended.

[16] As the law notes, the right to a hearing does not apply in cases where an individual "has been convicted of a crime for which a sentence of imprisonment of more than one year may be imposed." The right to a hearing also does not apply to U.S. citizens employed under Section 311 of the Foreign Service Act of 1980, as amended, who is not a family member of a government employee assigned abroad.

[17] See Sections 1105, 1106, and 1107 of the Foreign Service Act of 1980, as amended.

"other public Ministers and Consuls" by explicitly requiring advice and consent for senior Department of State officials, including positions typically held by career Senior Foreign Service and Foreign Service officers.[18]

Furthermore, Congress authorized and defined the Foreign Service and its employees pursuant to the Foreign Service Act of 1980.[19] The Foreign Service Act of 1980 also placed within the purview of Congress the admission, appointment, promotion, and separation procedures of the Foreign Service. It authorized the Senior Foreign Service and the appointment of Foreign Service Nationals, Eligible Family Members, and Consular Agents, and required that the Foreign Service operate in a fashion consistent with merit principles. **Table 1** makes note of categories of Foreign Service personnel described in the FAM.

In other areas, the Foreign Service Act of 1980 gives more discretion to the executive branch. It does not prescribe the five "cones" within which Foreign Service Officers work, nor does it explicitly prescribe the titles for the Senior Foreign Service salary classes. In still other cases, the law provides for arrangements where responsibilities are shared by the legislative and executive branch. For example, although the Foreign Service Act of 1980 requires candidates for the career Foreign Service Officer to serve a trial period prior to their appointment, the department is afforded flexibility to determine the duration and nature of the trial period.

Table 1. Categories of Foreign Service Personnel

The Foreign Affairs Manual notes that there are several categories of Foreign Service Personnel. A brief description of each of these personnel categories follows.

Category	Description
Ambassadors and Ambassadors-at-Large	Ambassadors and ambassadors-at-large are appointed by the President, by and with the advice and consent of the Senate (see Section 302(a)(1) of the Foreign Service Act of 1980).
Career Ambassadors	In recognition of especially distinguished service over a sustained period, the President may, by and with the advice and consent of the Senate, confer the personal rank of career ambassador on a career member of the Senior Foreign Service (see Section 302(a)(2)(A) of the Foreign Service Act of 1980).
Chiefs of Mission	Chiefs of Mission are principal officers appointed by the President, by and with the advice and consent of the Senate, to be in charge of a diplomatic mission of the United States or of a U.S. office abroad that is designated by the Secretary of State as diplomatic in nature. Career members of the service assigned by the President to serve as chargé d'affaires or otherwise as the head of a mission or a U.S. office abroad that is designated by the Secretary as diplomatic in nature for such periods as the public interest may require are also considered to be Chiefs of Mission.

[18] For example, Section 208 of the Foreign Service Act of 1980, as amended, provides in part that "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."

[19] For example, see Sections 103 and 104 of the Foreign Service Act of 1980, as amended.

Category	Description
Consular Agents	Consular Agents provide consular and related services as authorized by the Secretary of State at specified locations abroad. The Secretary under Section 303 of the Foreign Service Act of 1980 (22 U.S.C. 3943) generally appoints consular agents. They may or may not be U.S. citizens, and they usually serve in a part of the host country that has no U.S. embassy or consulate representation. While they help facilitate the adjudication of U.S. passport and visa applications, they lack the authority of Consular Fellows or entry level Foreign Service Officers to adjudicate these applications independently.
Consular Fellows	Consular Fellows are U.S. citizens hired under limited noncareer status (see Section 309(a) of the Foreign Service Act of 1980) within the Foreign Service. Their appointments do not exceed five years. They are assigned abroad primarily as consular adjudicators for U.S. passport or visa applications, and may serve in multiple locations, especially where specific language skills are required (currently Arabic, Mandarin Chinese, Portuguese, Russian, or Spanish). Consular Fellows perform functions similar to those of an entry-level Foreign Service Officer in a consular section overseas.
Foreign Service Officers	Foreign Service Officers are U.S. citizens who hold career appointments and have general responsibility for carrying out the functions of the service. Foreign Service officers are appointed by the President, by and with the advice and consent of the Senate (see Section 302(a)(1) of the Foreign Service Act of 1980) after having served under a limited appointment as a career candidate (see Section 306 of the Foreign Service Act of 1980).
Foreign Service Specialists	Foreign Service Specialists are U.S. citizens appointed by the Secretary under Section 303 of the Foreign Service Act of 1980. They provide special skills and services required for effective performance by the service.
Locally Employed Staff	Locally Employed Staff (LE Staff) are foreign nationals and legally resident U.S. citizens employed at a Foreign Service post abroad by a U.S. government agency that is under Chief of Mission authority. See 3 FAM 7210 for further guidance on employment of LE staff.
Senior Foreign Service	Members of the Senior Foreign Service (FE) are the corps of senior leaders and experts for the management of the service and the performance of its functions. Senior career members are appointed by the President, with the advice and consent of the Senate, usually through the promotion of career members of the Foreign Service (see Section 302(a)(1) of the Foreign Service Act of 1980). Noncareer and career candidate appointments are made by the Secretary and are limited duration (see Sections 303 and 309 of the Foreign Service Act of 1980).

Source: U.S. Department of State, *Foreign Affairs Manual (FAM)*, "Categories of Foreign Service Personnel," 3 FAM 2230, https://fam.state.gov/; U.S. Department of State, Consular Fellows Program, "What We Do," https://careers.state.gov/work/foreign-service/consular-fellows/what-we-do/.

Ambassadors, Chiefs of Mission, and Ambassadors-at-Large

The Department of State's *Foreign Affairs Manual* (FAM) prescribes several categories of Foreign Service personnel. Among the most senior Foreign Service personnel identified in the FAM are Ambassadors and Ambassadors-at-Large. Section 302(a) of the Foreign Service Act of 1980 requires that the President appoint Ambassadors and Ambassadors-at-Large by and with the advice and consent of the Senate in nearly all circumstances; the President can circumvent the Senate only with respect to conferring the personal rank of ambassador on an individual in connection with a special, temporary mission for the President not exceeding six months in duration and, separately, through the use of recess appointments.[20]

U.S. ambassadors who lead U.S. embassies abroad and ambassadors who head other official U.S. missions are usually appointed by the President as the "Chief of Mission" (COM), which is the title conferred on the principal officer in charge of each U.S. diplomatic mission to a foreign country, foreign territory, or international organization. Each COM thus serves as the President's personal representative, leading diplomatic efforts for a particular mission or in the country of assignment under the general supervision of the Secretary of State and with the support of the regional assistant secretary of state. COM authority is authorized by the Foreign Service Act of 1980 and is also derived from an array of executive branch orders and directives.[21] Section 207 of the Foreign Service Act of 1980 states that under the direction of the President, a COM "shall have full responsibility for the direction, coordination, and supervision of all Government executive branch employees in that country," except for Voice of America (VOA) correspondents on official assignment and employees under the command of a U.S. Geographic Combatant Commander (GCC).[22]

While Section 304 of the Foreign Service Act of 1980 provides that "positions as chief of mission should normally be accorded to career members of the [Foreign] Service," the President is not required to appoint exclusively career Foreign Service Officers as COMs. In recent Administrations, approximately 70% of appointees to U.S. ambassadorships have been career Foreign Service Officers, while the remainder have been political appointees.[23] Section 401 of the Foreign Service Act of 1980 authorizes the President to compensate COMs at one of the annual rates payable for levels II through V of the Executive Schedule, with some conditions.

[20] The President's authority to make recess appointments is derived from Article II, Section 2, clause 3 of the U.S. Constitution.

[21] For more information on COM authority, see CRS Report R43422, *U.S. Diplomatic Missions: Background and Issues on Chief of Mission (COM) Authority*, by Matthew C. Weed and Nina M. Serafino.

[22] There are six U.S. Geographic Combatant Commanders, each heading one of the U.S. geographic combatant commands (COCOMs): U.S. Africa Command (AFRICOM); U.S. Central Command (CENTCOM); U.S. European Command (EUCOM); U.S. Northern Command (NORTHCOM); U.S. Pacific Command (PACOM); and U.S. Southern Command (SOUTHCOM). For more on the GCCs and COCOMs, see CRS Report R42077, *The Unified Command Plan and Combatant Commands: Background and Issues for Congress*, by Andrew Feickert.

[23] Dave Seminara, "In U.S., Selling Ambassadorships to Highest Bidder Has Long History," *Washington Diplomat*, February 28, 2013, at http://washdiplomat.com/index.php?option=com_content&id=8985:in-us-selling-ambassadorships-to-highest-bidder-has-long-history&Itemid=428.

Ambassadors-at-Large, on the other hand, are "appointed by the President and serve anywhere in the world to help with emergent problems, to conduct special or intensive negotiations, or serve in other capacities, as requested by the Secretary or the President."[24] All individuals currently serving at the rank of Ambassador-at-Large are based in Washington, DC (see **Table 2**), and none are therefore currently employed as COMs abroad. Ambassadors-at-Large generally rank immediately below assistant secretaries of state in terms of protocol. They are perceived within the department as managers of crucial yet narrow issues, while assistant secretaries have much broader responsibilities.[25]

Table 2. Positions at the Rank of Ambassador-at-Large in the Department of State

(as of May 2018)

Position Title	Authorization Source
Ambassador-at-Large for Global Women's Issues	Presidential Memo of Jan. 30, 2013 (78 F.R. 7989).
Ambassador-at-Large for International Religious Freedom	22 U.S.C. §6411; International Religious Freedom Act of 1998 (P.L. 105-292), as amended.
Ambassador-at-Large to Monitor and Combat Trafficking in Persons	22 U.S.C. §7103(e); Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386), as amended.
Ambassador-at-Large for War Crimes Issues	Department of State general authorities; statutory responsibilities later prescribed in 22 U.S.C. §8213(a); Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53), as amended.
Coordinator for Counterterrorism	22 U.S.C. §2651a(e); State Department Basic Authorities Act of 1956 (P.L. 84-885), as amended.
Coordinator of U.S. Government Activities to Combat Global HIV/AIDS and Special Representative for Global Health Diplomacy	22 U.S.C. §2651a(f); State Department Basic Authorities Act of 1956 (P.L. 84-885), as amended.

Source: CRS Report R44946, *State Department Special Envoy, Representative, and Coordinator Positions: Background and Congressional Actions*, by Cory R. Gill and Susan B. Epstein.

Foreign Service Officers

Foreign Service Officers are U.S. diplomats who serve in one of five career tracks, or "cones," within the Foreign Service: consular, economic, management, political, and public diplomacy.[26] These cones, which are not provided for in statute, are described in more detail in **Table 3**. Foreign Service Officers are also referred to by the Department of State as "Foreign Service Generalists," a term that does not appear in the Foreign Service Act of 1980.[27] The term

[24] U.S. Department of State, *Foreign Affairs Manual (FAM)*, "Generic Responsibilities," 1 FAM 014.4, at https://fam.state.gov/.

[25] Conversation between CRS staff and Department of State officials.

[26] U.S. Department of State, "Foreign Service Officer: Career," at https://careers.state.gov/work/foreign-service/officer/.

[27] Some oppose the use of the term "Foreign Service Generalist." For example, the American Academy of Diplomacy, in its 2015 report titled *American Diplomacy at Risk*, made the following argument: "For many years, officials in management and HR have been un-naming the Foreign Service and in effect decommissioning Foreign Service Officers by the use and non-use of language. Foreign Service Officers have been renamed 'Foreign Service Generalists' or just 'Generalists' in official Department literature and parlance. The phrases 'Foreign Service Officer and 'FSO' are being removed from the State lexicon and replaced with the more general 'State Department Official' for

"generalist" derives from the view that Foreign Service Officers should be sufficiently flexible to accept a variety of assignments and effectively transfer their skills successfully across different jobs.[28] According to the Department of State's website, "the mission of a U.S. diplomat in the Foreign Service is to promote peace, support prosperity, and protect American citizens while advancing the interests of the U.S. abroad."[29]

As previously noted, Section 302 of the Foreign Service Act of 1980 authorizes the President to appoint individuals as Foreign Service Officers, by and with the advice and consent of the Senate, after such individuals serve under a limited appointment as a career candidate for a trial period of service prescribed by the Secretary of State.[30] The trial period of service for Foreign Service Generalist Career Candidates generally does not exceed five years.[31] The Foreign Service Act of 1980 also authorizes the Secretary of State to establish a Foreign Service Schedule consisting of nine salary classes, which is used to compensate Foreign Service Officers. The Foreign Service Act of 1980 also (1) serves as the basis through which Foreign Service Officers are promoted (in other words, they are promoted from one salary class to the next rather than from one single position to another; see Sections 404 and 601 of the law); (2) codifies the process through which Foreign Service Officers are promoted in a way that seeks to ensure conformity with merit principles and the overall needs of the Foreign Service; and (3) governs the process to which the Secretary of State and other department officials must adhere when seeking to separate a Foreign Service Officer from the Foreign Service for cause.[32]

Table 3. Foreign Service Officer Cones

Cone Title	Description
Consular Officer	The responsibilities of Consular Officers include combatting fraud, facilitating adoptions, and helping evacuate Americans from disasters abroad.
Economic Officer	Economic Officers work with foreign governments and other U.S. government agencies on technology, science, economic, trade, energy, and environmental issues both domestically and overseas.
Management Officer	Management Officers are responsible for all embassy operations, which range from real estate property management to embassy budgetary issues.
Political Officer	Political Officers analyze host country political events and engage with foreign government officials at all levels.

public use and the technical personnel term 'Generalist' in internal documentation. The term 'Foreign Service' as a professional cadre is now rarely mentioned." The Department of State refuted the characterization. See American Academy of Diplomacy, *American Diplomacy at Risk,* April 2015, p. 24. For the State Department's refutation, see Joe Davidson, "Foreign Service officers fear State Dept. wants to define them away," *Washington Post,* April 2, 2015.

[28] William I. Bacchus, *Staffing for Foreign Affairs: Personnel Systems for the 1980's and 1990's*, (New Jersey: Princeton University Press, 1983), p. 132.

[29] U.S. Department of State, "Foreign Service Officer," at https://careers.state.gov/work/foreign-service/officer/.

[30] See Sections 302(a) and 306 of the Foreign Service Act of 1980 (P.L. 96-465), as amended.

[31] Section 309 of the Foreign Service Act of 1980 provides that limited appointments cannot exceed five years except in limited circumstances. The Foreign Service Officer Career Candidate Program is addressed by 3 FAM 2242.3, which notes that "career candidates are on a five-year limited appointment that generally cannot be extended."

[32] Compensation matters are addressed throughout the Foreign Service Act of 1980 (P.L. 96-465), as amended, including in Sections 403, 404, 406, 412, and 414. For the promotion of Foreign Service Officer, see Chapter 6 of the Foreign Service Act, including Sections 601, 602, 603, and 605. Separation for cause issues are addressed in Section 610, while separation for other reasons is addressed in Section 1106.

Cone Title	Description
Public Diplomacy Officer	Public Diplomacy Officers engage, inform, and influence opinion leaders, local nongovernmental groups, academics, think tanks, government officials, and the full range of civil society in order to promote mutual understanding and support for U.S. goals.

Source: U.S. Department of State, "Career Tracks for Foreign Service Officers," at https://careers.state.gov/work/foreign-service/officer/career-tracks/.

Foreign Service Specialists

Foreign Service Specialists "provide important technical, management, healthcare or administrative services" at both Department of State posts in the United States and those overseas.[33] Unlike Foreign Service Officers, Foreign Service Specialists are not presidential appointees. Instead, the Secretary of State appoints Foreign Service Specialists pursuant to the authorities conferred by Section 303 of the Foreign Service Act of 1980.[34] There are 19 different specialist jobs grouped into the following categories: administration, construction engineering, facility management, information technology, international information and English language programs, medical and health, office management, and law enforcement and security.[35] The Department of State created these job categories; they are not provided for in law.

The Department of State administers a career candidate program for Foreign Service Specialists separate from the aforementioned career candidate program for Foreign Service Officers. The trial period for such appointees generally does not exceed four years.[36] As Foreign Service Specialists are assigned to positions on the Foreign Service Schedule, they are compensated through the same means as Foreign Service Officers. Foreign Service Specialists serve under career or limited appointments and are entitled to the same statutory protections as Foreign Service Officers should the Secretary of State seek to separate a Foreign Service Specialist for cause from the Foreign Service.[37]

Senior Foreign Service

The Foreign Service Act of 1980 established a Senior Foreign Service (SFS), which serves as "the corps of senior leaders and experts for the management of the service and the performance of its functions."[38] The SFS was created to address what at the time was viewed by some as a glut of senior officers in the Department of State, which exceeded the number of senior positions available. Congress intended for entrance standards into the SFS to be higher than those previously applied for promotion into the senior ranks. More stringent entrance standards and

[33] U.S. Department of State, "Foreign Service Specialist," https://careers.state.gov/work/foreign-service/specialist/.

[34] The status of Foreign Service Specialists as career members of the Foreign Service appointed under Section 303 of the Foreign Service Act is noted in 3 FAM 2234.1(b).

[35] U.S. Department of State, "Foreign Service Specialist," https://careers.state.gov/work/foreign-service/specialist/career-tracks.

[36] See Section 309 of the Foreign Service Act of 1980 (P.L. 96-465), as amended; U.S. Department of State, *Foreign Affairs Manual (FAM)*, "General Provisions," 3 FAM 2251.3, https://fam.state.gov/.

[37] The status of Foreign Service Specialists as career members of the Foreign Service is noted in 3 FAM 2234.1(b). Section 610(a)(2)(A) of the Foreign Service Act of 1980 (P.L. 96-465), as amended, which governs the separation for cause process, indicates that it applies to individuals serving under a career or limited appointment.

[38] U.S. Department of State, *Foreign Affairs Manual (FAM)*, "Senior Foreign Service," 3 FAM 2233, https://fam.state.gov/.

time-in-class limitations were intended to ensure that the ranks of the Senior Foreign Service did not become bloated and corresponded more closely to the number of available senior-level posts. Moreover, the time-in-class limitations curtailed the amount of time that Foreign Service Officers had to secure promotion to the SFS, as well as the amount of time that career Senior Foreign Service Officers had to be promoted to the next available grade within the SFS. (If an officer exceeds these time-in-class limitations, he or she is required to be retired from the Foreign Service.[39])

The President is authorized to appoint career members of the SFS, by and with the advice and consent of the Senate, by Section 302 of the Foreign Service Act of 1980. Section 302 also authorizes the President to confer the personal rank of career ambassador upon a career member of the SFS, by and with the advice and consent of the Senate, "in recognition of especially distinguished service over a sustained period." The Secretary of State is authorized to make limited, noncareer appointments to the SFS pursuant to Section 303 of the Foreign Service Act of 1980, but Section 305 prohibits the Secretary from making a limited appointment if it would "cause the number of members of the Senior Foreign Service serving under limited appointments to exceed 5 percent of the total number of members of the Senior Foreign Service," with some exceptions.[40]

Section 402 of the Foreign Service Act of 1980 requires the President to prescribe salary classes for the SFS and appropriate titles and ranges of basic salary rates for each class. The three salary classes and titles so prescribed are, in ascending order, those of Counselor, Minister-Counselor, and Career Minister. As with the Foreign Service, promotion within the Senior Foreign Service comprises one's placement from one salary class to the next; promotion is not based on movement from one single position to the next.

Locally Employed Staff

As of December 31, 2017, the Department of State employed 50,225 individuals classified as Locally Employed Staff (LES), who comprise approximately 68% of total State Department personnel. LESs include several subcategories of employees, including Foreign Service Nationals (FSNs), Appointment Eligible Family Members (or AEFMs, these staff are categorized as locally-employed staff for some but not all purposes), locally resident U.S. citizens, and third-country nationals.[41] FSNs and AEFMs are discussed in more detail below.

Foreign Service Nationals (FSNs)

The Department of State's website notes that LES, including FSNs, provide an important source of continuity to each overseas post as American citizen employees rotate in and out, and that the department "depend[s] heavily on [them], frequently delegating to them significant management roles and program functions."[42] The Foreign Service Act of 1980 authorizes the Secretary of State to appoint foreign national employees and states that foreign nationals who provide "clerical, administrative, technical, fiscal, and other support at Foreign Service posts abroad" shall be

[39] See Section 607 of the Foreign Service Act of 1980, as amended; also see U.S. Department of State, Office of the Historian, "A Short History of the Department of State: Landmark Departmental Reform," at https://history.state.gov/departmenthistory/short-history/reforms/.

[40] See Section 305 of the Foreign Service Act of 1980, as amended.

[41] According to 6 FAH 5 H-352.2, AEFMs are counted as locally employed staff for some, but not all, purposes.

[42] U.S. Department of State, "Local Employment in U.S. Embassies and Consulates," at https://careers.state.gov/work/foreign-service/local-employment/.

considered members of the Foreign Service."[43] FSNs are appointed by individual overseas posts.[44] They are hired under local compensation plans established by the Secretary of State and based on prevailing wage rates and compensation practices for corresponding types of positions in the locality of employment, as provided by Section 408 of the Foreign Service Act of 1980. The department's Office of Overseas Employment, located in the Bureau of Human Resources, is responsible for developing and implementing human resources policies pertaining to FSNs at overseas posts, including matters regarding recruitment, position evaluation and classification, and compensation.[45]

Appointment Eligible Family Members (AEFMs)

Section 311(a) of the Foreign Service Act of 1980 authorizes the Secretary of State to appoint "United States citizens, who are family members of government employees assigned abroad or are hired for service at their post of residence, for employment in positions customarily filled by Foreign Service officers, Foreign Service personnel, and foreign national employees." It further provides that family members appointed under this provision shall be compensated in accordance with the Foreign Service Schedule or at lower rates that the Secretary of State is authorized to establish pursuant to Section 407 of the law.[46]

The *Foreign Affairs Manual* (FAM) clarifies that in order to be considered an AEFM, one must be a U.S. citizen, the spouse or domestic partner of a sponsoring employee, listed on the travel orders or approved Foreign Service Residence and Dependency Report of a sponsoring employee, and residing at the sponsoring employee's post of assignment abroad.[47] The Department of State can employ AEFMs through family member appointments, which are limited, noncareer appointments that exceed one year but are no longer than five years and can be extended or renewed pursuant to Section 309 of the Foreign Service Act of 1980. AEFMs can also be employed through temporary appointments that Section 309 provides shall last for one year or less.[48]

The Department of State notes that its Family Member Employment Program reflects its understanding that when family members of Foreign Service employees join the Foreign Service community, they frequently already have established personal and professional lives. Furthermore, the department acknowledges that "finding meaningful employment overseas is challenging given limited positions inside U.S. missions, language requirements, lower salaries, and work permit barriers on the local economy."[49] On January 23, 2017, President Donald Trump issued a presidential memorandum ordering a freeze on the hiring of federal civilian employees to be applied across the board in the executive branch.[50] Although OMB Memorandum M-17-22, issued in April 2017, subsequently lifted the hiring freeze, the Department of State elected to

[43] See Section 103 of the Foreign Service Act of 1980, as amended.

[44] U.S. Department of State, *Foreign Affairs Manual (FAM)*, "Appointment," 3 FAM 7240, https://fam.state.gov/.

[45] U.S. Department of State, "Local Employment in U.S. Embassies and Consulates," at https://careers.state.gov/work/foreign-service/local-employment/.

[46] See Section 408 of the Foreign Service Act of 1980, as amended.

[47] U.S. Department of State, *Foreign Affairs Manual (FAM)*, "Definitions," 3 FAM 7121, https://fam.state.gov/.

[48] Ibid; also see Section 309 of the Foreign Service Act of 1980, as amended.

[49] U.S. Department of State, Bureau of Human Resources, "Family Member Employment," at https://www.state.gov/m/dghr/flo/c1959.htm.

[50] The White House, "Presidential Memorandum Regarding the Hiring Freeze," January 23, 2017, at https://www.whitehouse.gov/the-press-office/2017/01/23/presidential-memorandum-regarding-hiring-freeze.

maintain its hiring freeze, including with respect to offering appointments to AEFMs.[51] This move elicited criticism from some observers, who argued that that it harmed morale at overseas posts. They also charged that it negatively affected the ability of overseas posts to complete important tasks carried out by AEFMs, including staffing medical units, ensuring that local housing meets security standards, and overseeing infrastructure repairs and maintenance. Finally, they stated that it deprived the department of cost-savings from using AEFMs to fill certain jobs that would otherwise be filled by Foreign Service Officers.[52] In September 2017, Deputy Secretary of State John Sullivan testified that the department had granted exemptions to the hiring freeze and brought on between 800 and 900 AEFMs to work at embassies overseas since it went into effect.[53] On December 11, 2017, then-Secretary of State Rex Tillerson announced that the hiring freeze on AEFMs would be lifted in 2018, but it does not appear that he took action to implement this directive.[54] On May 1, 2018, Secretary Pompeo announced that the hiring freeze on AEFMs would be lifted, and language on the department's website providing guidance for implementation of the hiring freeze was removed.[55]

Civil Service Personnel

The Department of State employed over 10,000 Civil Service (CS) employees as of December 2017. These employees are among the 2.09 million civilian nonpostal employees that the federal government employs.[56] According to the Department of State, "the Civil Service corps, most of whom are headquartered in Washington, D.C., is involved in virtually every policy and management area – from democracy and human rights, to narcotics control, trade, and environmental issues. Civil Service employees also serve as the domestic counterpart to Foreign Service consular officers who issue passports and assist U.S. citizens overseas."[57] **Table 4** shows the 11 Civil Service job categories within the department and describes each category.

[51] Office of Management and Budget, "M-17-22, Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce," April 12, 2017, at https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/M-17-22.pdf.

[52] Donna Scaramastra Gorman, "Out in the Cold: How the Hiring Freeze is Affecting Family Member Employment," *Foreign Service Journal*, July/August 2017, at http://www.afsa.org/out-cold-how-hiring-freeze-affecting-family-member-employment/.

[53] Testimony of Deputy Secretary of State John Sullivan, in U.S. Congress, House Committee on Foreign Affairs, *The Department of State Redesign*, hearings, 115th Cong., 1st sess., September 26, 2017, at http://plus.cq.com/doc/congressionaltranscripts-5186656?7.

[54] U.S. Department of State, Office of the Secretary, "On 'Meeting the Foreign Policy Challenges of 2017 and beyond,'" at https://www.state.gov/secretary/remarks/2017/12/276570.htm, accessed March 19, 2018.

[55] John Hudson and Carol Morello, "Before U.S. diplomats, Pompeo pledges to 'listen and learn'," *Washington Post*, May 1, 2018, at https://www.washingtonpost.com/world/national-security/pompeo-us-diplomats-need-to-be-in-every-corner-in-every-stretch-of-the-world/2018/05/01/049735de-4d55-11e8-b725-92c89fe3ca4c_story.html?utm_term=.e1fa984d3af3; U.S Department of State, Bureau of Human Resources, "Family Member Employment," at https://www.state.gov/m/dghr/flo/c1959.htm.

[56] Office of Personnel Management, "Profile of Federal Civilian Non-Postal Employees," at https://www.opm.gov/policy-data-oversight/data-analysis-documentation/federal-employment-reports/reports-publications/profile-of-federal-civilian-non-postal-employees/, accessed March 19, 2018.

[57] U.S. Department of State, Bureau of the Comptroller and Global Financial Services, "Our Organization and People," at https://www.state.gov/s/d/rm/rls/perfrpt/2016/html/265069.htm.

Table 4. Department of State Civil Service Job Categories

Job Category	Description
Budget Administration	Perform, advise on, or supervise work in any of the phases of budget administration when such work requires knowledge and skill in applying budget-related laws, regulations, policies, precedents, methods, and techniques
Contract Procurement	Manage, supervise, perform, or develop policies and procedures for professional work involving the procurement of supplies, services, construction, or research and development using formal advertising or negotiation procedures; the evaluation of contract price proposals; and the administration or termination and close out of contracts
Foreign Affairs	Advise on, administer, supervise, or perform research or other professional and scientific work in the formulation and direction of foreign affairs or in the study and disposition of information impacting international relations
Foreign Language and Professional Training	Apply expertise in second language acquisition, applied linguistics, and foreign language and adult education in the training of U.S. diplomats
General Accounting and Administration	Perform, supervise, or manage administrative work of a fiscal, financial management, accounting, or budgetary nature, as well as advise on or administer, supervise, or perform professional accounting work
Human Resources	Manage, supervise, administer, advise on, or deliver human resources management products or services, including special areas of focus such as Information Systems, Classification, Compensation, Recruitment and/or Placement, Employee Benefits, Human Resource Development, Performance Management, Labor Relations, and Employee Relations
Information Technology Management	Manage, supervise, lead, administer, develop, deliver, and support information technology systems and services
Legal Counsel	Prepare cases for trial and/or trial of cases before a court or an administrative body or persons having quasi-judicial power; render legal advice and services with respect to questions, regulations, practices, or other matters falling within the department's purview
Management Analysts	Evaluate the effectiveness of department programs and operations or the productivity and efficiency of the management of the U.S. Department of State
Passport Visa Services	Manage, supervise, or perform administrative work concerned with adjudicating applications for U.S. passports or visas, including related work involving determining citizenship or fitness of noncitizens for admission to the United States
Public Affairs	Administer, supervise, or perform work involved in establishing and maintaining mutual communication between the department and the general public or various other pertinent publics including internal or external, foreign or domestic audiences

Source: U.S. Department of State, "Civil Service Job Categories," https://careers.state.gov/work/civil-service/job-categories/.

Department of State Staffing Levels Over Time

The Department of State's staffing levels and global presence have gradually increased throughout American history, experiencing significant growth in the 20th century as the United States assumed a greater leadership role in global affairs. For example, the number of domestic State Department employees increased from 1,128 in 1940 to 3,767 in 1945, while the number of Foreign Service personnel increased from around 1,650 in the years immediately following World

War II to 3,436 by the end of 1957.[58] More recently, the combined total number of Foreign Service Generalists and Specialists has increased from 11,555 in 2008 to 13,676 in 2017, while the number of Civil Service employees increased from 9,262 to 10,503 over the same period. However, the number of Foreign Service and Civil Service employees at the Department of State declined from December 2016 to December 2017 amid the department's previous efforts to reduce personnel levels (as described in the "State Department Personnel Staffing Levels" subsection below).

Amid these declines, the American Foreign Service Association (AFSA) expressed particular concern regarding reductions in the number of Senior Foreign Service Officers, including those at the rank of Career Minister and Minister Counselor. According to the Department of State, the number of Senior Foreign Service Officers serving at the rank of Career Minister declined from 27 at the end of FY2016 to 19 at the end of FY2017, while the number of those serving at the rank of Minister-Counselor declined from 431 to 385.[59] AFSA attributed such declines in part to what it said were department decisions to slash promotions. It added that because the Foreign Service, like the military, recruits officers at the entry level and develops them into senior leaders over a number of years, the Department of State will face significant difficulties replacing lost talent quickly.[60] Department of State officials offered a different assertion, attributing the broader decline in the number of Senior Foreign Service personnel largely to Senate inaction in approving career Senior Foreign Service promotions transmitted for advice and consent.[61] See **Table 5** for more information comparing the department's personnel levels in 2008 and 2017.

Table 5. Department of State Personnel Trends: 2008-2017

Employee Type	June 30, 2008	December 30, 2016	December 30, 2017
Foreign Service Generalists	6,636	8,106	7,940
Foreign Service Specialists	4,919	5,740	5,736
Civil Service	9,262	11,196	10,503
Locally Employed Staff[a]	37,089	50,378	50,225
Total Number of State Department Employees	**57,906**	**75,420**	**74,404**
Number of Posts	267	275	276
Number of USG Agencies Represented Overseas	27	32	31
Number of countries with which the United States has diplomatic relations	189	195	195

[58] For data, see U.S. Department of State, Office of the Historian, "A Short History of the Department of State: Wartime Diplomacy," https://history.state.gov/departmenthistory/short-history/wartime; and U.S. Department of State, Office of the Historian, A Short History of the Department of State: "Wristonization," https://history.state.gov/departmenthistory/short-history/wristonization. The size of the Foreign Service increased during this period in part due to efforts to integrate many Civil Service employees into the Foreign Service, a process that was espoused by then-Brown University president Henry Wriston and known as "Wristonization."

[59] U.S. Department of State, Bureau of Human Resources, "Department of State Facts about Our Most Valuable Asset – Our People (End of Fiscal Year Counts," https://www.state.gov/documents/organization/276140.pdf.

[60] Barbara Stephenson, "President's Views: Time to Ask Why," *Foreign Service Journal*, December 2017, http://www.afsa.org/time-ask-why.

[61] U.S. Department of State, Bureau of Public Affairs, "Department Press Briefing – November 17, 2017," https://www.state.gov/r/pa/prs/dpb/2017/11/275768.htm.

Source: U.S Department of State, Bureau of Human Resources, "HR Fact Sheet: Facts About Our Most Valuable Asset – Our People," fact sheet, June 30, 2008; U.S Department of State, Bureau of Human Resources, "HR Fact Sheet: Facts About Our Most Valuable Asset – Our People," fact sheet, December 30, 2016; U.S. Department of State, Bureau of Human Resources, "HR Fact Sheet: Facts About Our Most Valuable Asset – Our People," fact sheet, December 30, 2017.

a. The June 30, 2008, HR Fact Sheet provides a figure for the number of Foreign Service Nationals employed rather than the number of Locally Employed Staff. The December 30, 2016, and December 30, 2017, HR Fact Sheets note that the "Locally Employed Staff" figure "includes Foreign Service Nationals (FSN) and Personal Service Agreements (PSA)."

Selected Issues for Congress

Congress has long maintained an interest in personnel matters at the Department of State. Issues concerning State Department personnel, including but not limited to those discussed below, are frequently highlighted in reports and analyses concerning broader potential efforts to reorganize or reform the department. Among the most recent examples, a 2017 report on State Department reform published by the Atlantic Council recommended that the State Department initiate a redesign of intake, assignment, and promotion processes for personnel. The report also pushed for expanding leadership and management training for mid- and senior-level personnel.[62] Also in 2017, the American Academy of Diplomacy recommended that in the midst of any reorganization, domestically assigned personnel should bear the brunt of any major staff cuts, while "front line" personnel should be increased.[63] In addition, a 2016 report from the Heritage Foundation, among other recommendations, called on the department to (1) increase assignments of Foreign Service employees abroad from an average of three years to five years, (2) better ensure that candidates for ambassador appointments are qualified, and (3) conduct an evaluation of the standards, training, and qualifications for both the Foreign and Civil Service.[64]

The 115th Congress has been engaged in a variety of State Department personnel issues, including the Trump Administration's ongoing efforts to leverage the Leadership and Modernization Impact Initiative to make the department's workforce more capable of responding to emerging global challenges and priorities. In addition, the initiative seeks to ensure that the process the department employs to conduct performance reviews better emphasizes employee accountability and provides tools to facilitate employee performance improvement. Some Members of Congress have expressed concern regarding personnel staffing levels at the Department of State, asserting that the department may lack the human capital required to deliver on its mission. Moreover, some Members of Congress and others have noted misgivings regarding the pace at which the Administration is transmitting nominations for senior department positions that require the advice and consent of the Senate. Congress also continues to provide oversight of the Department of State's efforts to comply with the Foreign Service Act of 1980's directive that the Foreign Service be sufficiently diverse to be representative of the American people and implement authorities provided in law to allow the department to recruit personnel from all segments of American

[62] Bruce Bedford, Rand Beers, et al., *State Department Reform Report*, September 6, 2017, http://www.atlanticcouncil.org/publications/reports/state-department-reform-report.

[63] American Academy of Diplomacy, "Principles for Reorganizing the Department of State," April 18, 2017, https://www.academyofdiplomacy.org/wp-content/uploads/2017/05/Principles-for-Reorganizing-DoS.pdf. For a more comprehensive selection of analysis and recommendations, see American Academy of Diplomacy, *American Diplomacy at Risk*, April 2015, https://www.academyofdiplomacy.org/wp-content/uploads/2016/01/ADAR_Full_Report_4.1.15.pdf.

[64] Brett Schaefer, "How to Make the State Department More Effective at Implementing U.S. Foreign Policy," The Heritage Foundation, April 20, 2016, https://www.heritage.org/political-process/report/how-make-the-state-department-more-effective-implementing-us-foreign.

society. The below sections examine the state of play with each of these issues and include related congressional activity and potential options.

State Department Leadership and Modernization Impact Initiative

The Department of State released the details of its Leadership and Modernization Impact Initiative (the Impact Initiative) on February 12, 2018. The Impact Initiative constitutes the implementation phase of former Secretary Tillerson's "Redesign" project. On March 15, 2018, a Department of State spokeswoman noted that then-Secretary of State designate Pompeo would review the Impact Initiative and decide the future course of implementation. The spokesperson added that some of the Impact Initiative priorities were "no-brainers," indicating that they would likely be implemented.[65]

Tillerson initiated the redesign in 2017 to implement Executive Order 13781 and Office of Management and Budget (OMB) Memorandum M-17-22, which comprise White House directives to "improve the efficiency, effectiveness, and accountability of the executive branch."[66] The Impact Initiative seeks to advance Tillerson's vision "to reaffirm the United States' position as a world leader for decades to come by modernizing the processes, procedures, and technology of the Department of State ... and fostering a culture of continuous improvement, accountability, and strong leadership at every level."[67] The Impact Initiative constitutes 16 keystone modernization projects in three focus areas: (1) Modernizing Information Technology and Human Resources Operations; (2) Modernizing Global Presence, and Creating and Implementing Policy; and (3) Improving Operational Efficiencies (see **Table 6**). According to the Department of State, these focus areas and keystone modernization projects are derived from the results of the listening tour that Tillerson launched in May 2017, which included interviews conducted with approximately 300 individuals that the department said comprised a representative cross-section of its broader workforce. Inputs also came from a survey completed by 35,000 department personnel that asked them to discuss both the means they use to help complete the department's mission and the obstacles they encounter in the process.

Table 6. Impact Initiative Focus Areas and Keystone Projects

Modernizing IT and HR Operations	Modernizing Global Presence, and Creating and Implementing Policy	Improving Operational Efficiencies
Workforce Readiness	Improve U.S. Government Global Presence Governance	Assess Human Resources Service Delivery
Improve Performance Management	Develop and Implement a National Interest Global Presence Model	Real Property—Moving to One Real Property Function and Implementing Internal and External Process Improvements

[65] U.S. Department of State, Bureau of Public Affairs, "Department Press Briefing – March 15, 2018," https://www.state.gov/r/pa/prs/dpb/2018/03/279305.htm.

[66] Executive Order 13781 of March 13, 2017, "Comprehensive Plan for Reorganizing the Executive Branch," 82 F.R. 13959, https://www.federalregister.gov/documents/2017/03/16/2017-05399/comprehensive-plan-for-reorganizing-the-executive-branch; U.S. Office of Management and Budget, M-17-22, "Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce," April 12, 2017, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/M-17-22.pdf.

[67] U.S. Department of State, Bureau of Budget and Planning, *Congressional Budget Justification: Department of State, Foreign Operations, and Related Programs, Fiscal Year 2019*, p. 7.

Modernizing IT and HR Operations	Modernizing Global Presence, and Creating and Implementing Policy	Improving Operational Efficiencies
Real-Time Collaboration and Work Anytime, Anywhere	Expand Post Archetype Options	Acquisition—Assessing Service Delivery and Expanding Strategic Sourcing Opportunities
Information Technology	Improve Efficiency and Results of State and USAID Internal Policy and Decision-Making Processes and Interagency Engagement	
Improve Enterprise-wide Data Availability	Define and Improve Budget Processes for Foreign Assistance	
Build Capacity and Data Literacy		
Broaden and Enhance Access to Data and Analytics		
Increase Global Awareness of Data Assets		

Source: U.S. Department of State, Bureau of Budget and Planning, *Congressional Budget Justification: Department of State, Foreign Operations, and Related Programs, Fiscal Year 2019*, pp. 7-16.

Implementation of many of the 16 keystone modernization projects may have direct impacts on Department of State personnel practices. Two selected modernization projects, and potential policy options for Congress to influence their implementation, are described below.

Workforce Readiness

When describing the "Workforce Readiness" initiative, the department notes that

> [m]ultiple employment types exist, but do not provide flexibility for how those different types can be used, which creates delays in staffing, a lack of developmental opportunities, and caused positions to be filled with persons who may not have the ideal skill set. There is also a lack of clarity on the skills needed to fulfill certain missions. State and USAID need the ability to be responsive to changing mission dynamics, such as having the ability to deploy staff quickly to a crisis area when a need arises.[68]

The department adds that in implementing this project, its goal is "to recruit, hire, and place top talent that complements workforce demands and allows for flexibility in moving personnel around to meet mission needs." It also notes that success will result in a "workforce having the right knowledge, skills, and experience to meet current and emerging mission demands, and staff equipped and ready for deployment to meet evolving priorities." Currently, the department is assessing its operational state and intends to develop a workforce readiness implementation plan in spring 2018. In addition, the department is "developing a strategy for new career models and a talent framework with a tentative completion date of September 2019." Implementing this modernization project includes a "strategic workforce plan and new civil service hiring pilot program ... planned for 2020."[69]

[68] U.S. Department of State, Bureau of Budget and Planning, *Congressional Budget Justification: Department of State, Foreign Operations, and Related Programs, Fiscal Year 2019*, February 12, 2018, p. 9.

[69] Ibid.

Improve Performance Management

The Department of State notes that it spends "a significant number of hours completing performance reviews, which do little to incentivize high performance or address poor performance" and that many employees expressed concern during the listening tour that under-performing staff were not held accountable.[70] The department asserts that its "Improve Performance Management" modernization project is intended to bring about "a performance management culture that fosters accountability by enabling frequent, timely, and substantive discussions, including performance review input from multiple sources." It adds that such a framework "would improve employee performance and accountability through recognition of high performers, provide tools and support to foster performance improvement and success, enable leaders to easily put performance improvement plans in place and expeditiously remove poor performers when warranted." Currently, the Department of State is examining its existing performance management system, while also working to develop implementation plans for a new approach in spring 2018. The department intends to design new programs throughout 2018-2020.

Congressional Responses and Options

Congress has weighed in on early aspects of the Department of State's redesign effort and its potential impacts on Department of State personnel. For example, Section 7081 of the Consolidated Appropriations Act, 2018 (P.L. 115-141), provides that funds appropriated for the Department of State may not be used to implement a redesign prior to consultation by the Department of State with Congress. Congress has also passed provisions in recent years that may be in line with the department's efforts to enhance workforce readiness and, separately, performance management and personnel accountability. For example, Section 121 of the Department of State Authorities Act, Fiscal Year 2017 (P.L. 114-323) mandated new security training requirements for personnel assigned to high risk, high-threat posts to prepare such individuals for living and working at such posts. These requirements could result in a larger pool of department personnel capable of serving at such posts and being deployed in response to an overseas crisis. Similarly, Section 713 of this law requires the Secretary of State to "make every effort to recruit and retain individuals that have lived, worked, or studied in predominantly Muslim countries or communities, including individuals who have studied at an Islamic institution of higher learning." Such efforts may result in a department workforce wherein personnel knowledge, skills, and experience align more closely with mission demands. Section 203 of the law seeks to strengthen the capacity of the Department of State Office of Inspector General to hold State Department employees accountable, requiring that "the head of a bureau, post, or other office of the Department of State" shall submit to the Inspector General "a report of any allegation of waste, fraud, or abuse in a Department program or operation" and criminal misconduct on the part of a Department employee" not later than five business days after the date on which the head of the department entity was made aware of the allegation.

Looking ahead, Congress could exercise additional oversight and leverage with respect to the Administration's stated intents of prioritizing enhancing workforce readiness and performance management in implementation of the Impact Initiative through several means:

- Congress may choose to pass additional provisions of law to direct the means through which the Department of State implements Impact Initiative modernization projects affecting Department of State personnel. It could model any such provision in part from Section 7081(b)(3) of P.L. 115-141. This measure

[70] Ibid.

provides for new conditions the department must consider as it weighs new major information technology investments, which could affect implementation of Impact Initiative's Modernizing Information Technology and Human Resources Operations focus area.

- If it sought to facilitate the Administration's efforts to improve workforce readiness, Congress could authorize additional training programs and requirements in a manner similar to the training requirements mandated by Section 121 of P.L. 114-323. Such provisions could also be enacted if Congress believed the Administration's efforts to improve readiness were incorrectly targeted, as Congress has the authority to authorize training programs focused on specified programmatic areas. Appropriations for such programs could be provided through additional funds appropriated to the Human Resources Programmatic Allocation of the Diplomatic & Consular Programs Account or, to ensure specific funding levels, through line-item appropriations.
- The State Department's stated efforts to improve performance management and employee accountability may prompt Congress to amend provisions of the Foreign Service Act of 1980 that address these areas. For example, Section 610 of the Foreign Service Act of 1980 provides that the Secretary of State may "decide to separate any member from the service for such cause as will promote the efficiency of the service." However, in many cases Senior Foreign Service Officers and Foreign Service Officers may not be separated from the service until the member receives a hearing before the Foreign Service Grievance Board and the Board decides that cause for separation has been established. Congress may seek to adjust this provision to make it more difficult or permissive for the Secretary of State to separate members from the Foreign Service with cause, depending on congressional views with respect to the Administration's efforts.

State Department Personnel Staffing Levels

Transition from Hiring Freeze and Staff Reductions to Resumed Hiring

On January 23, 2017, President Trump issued a presidential memorandum ordering a freeze on the hiring of federal civilian employees to be applied across the executive branch.[71] While Office of Management and Budget (OMB) Memorandum M-17-22 (hereinafter, OMB M-17-22), issued on April 12, 2017, lifted the hiring freeze,[72] the Department of State elected to maintain a hiring freeze until its internal redesign plan was fully developed and an agreement was reached on its implementation. Former Secretary Tillerson issued hiring freeze waivers on several occasions, including to authorize new A-100 Generalist courses for incoming Foreign Service Officers and, separately, to allow for the employment of Appointment Eligible Family Members (AEFMs) at overseas posts. [73] Some Members of Congress and other observers publicly recommended that the Department of State fully rescind the hiring freeze. For example, on December 5, 2017, Senators

[71] The White House, "Presidential Memorandum Regarding the Hiring Freeze," January 23, 2017, https://www.whitehouse.gov/the-press-office/2017/01/23/presidential-memorandum-regarding-hiring-freeze.

[72] U.S. Office of Management and Budget, M-17-22, "Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce," April 12, 2017, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/M-17-22.pdf, p. 2.

[73] U.S. Department of State, Office of the Secretary, "The U.S. and Europe: Strengthening Western Alliances," November 28, 2017, https://www.state.gov/secretary/remarks/2017/11/276002.htm.

Benjamin Cardin and Todd Young wrote in a joint letter to Deputy Secretary of State John Sullivan that the hiring freeze might erode the capacity of U.S. diplomats to protect and promote U.S. national security, economic, and humanitarian interests, which would in turn contribute to an increase in the "frequency, duration, and severity of America's conflicts."[74] Department of State officials and others defended the hiring freeze, arguing in November 2017 that despite its implementation, the Department of State had 13,873 Foreign Service Employees, comparable to the 13,980 employees in place in November 2016.[75]

OMB M-17-22 also directed all federal agencies to take immediate action to achieve near-term workforce reductions and cost savings. To comply with the directive, the Department of State revealed that it would leverage ongoing attrition and targeted buyouts to cut Foreign Service and Civil Service on-board employment by nearly 2,000, or approximately 8%, by the end of FY2018.[76] In June 2017, then-Secretary Tillerson testified that these personnel reductions would largely focus on the Civil Service, whose numbers would decline by around 12%, while the Foreign Service's numbers would decline by approximately 4%.[77] In November 2017, press reports indicated that department officials expected personnel levels to decline by approximately 1,341 through attrition by the end of FY2018. The department publicly confirmed at this time that it would offer $25,000 voluntary buyouts to selected personnel to reduce staffing by an additional 641 positions.[78] The State Department said that it would offer these buyouts through the Voluntary Separation Incentive Payment (VSIP) program, as stipulated by OMB M-17-22.[79] VSIP payments are currently capped at $25,000, as required by statute.[80]

Some Members of Congress and others questioned the Trump Administration's efforts to reduce Department of State personnel levels. During a hearing of the Senate Committee on Foreign Relations on June 13, 2017, Senator Johnny Isakson said he hoped the reduction would not result in "a brain drain that we couldn't make up for pretty quickly down the line."[81] Others focused on what they perceived as worrying reductions in Senior Foreign Service personnel numbers and

[74] Letter from Senator Benjamin L. Cardin and Senator Todd Young, to John Sullivan, Deputy Secretary of State, December 5, 2017.

[75] U.S. Department of State, Director General of Human Resources, "Department of State Facts about Our Most Popular Asset – Our People (End of Fiscal Year Counts)," November 29, 2017, https://www.state.gov/documents/organization/276140.pdf; Department of State, Office of the Secretary, "The U.S. and Europe: Strengthening Western Alliances."

[76] U.S. Department of State, "Fiscal Year 2018 Congressional Budget Justification: Department of State, Foreign Operations, and Related Programs," https://www.state.gov/documents/organization/271013.pdf, p. 18.

[77] Testimony of Secretary of State Rex Tillerson, in U.S. Congress, Senate Committee on Foreign Relations, Review of the FY2018 State Department Budget Request, 115th Congress, 1st sess., June 13, 2017, https://www.foreign.senate.gov/hearings/review-of-the-fy-2018-state-department-budget-request-061317r.

[78] Gardiner Harris, "State Department to Offers Buyouts in Effort to Cut Staff," *New York Times*, November 10, 2017, https://www.nytimes.com/2017/11/10/us/politics/state-department-buyouts.html. This report noted that "some employees will not be eligible for the buyouts, including many members of the security, information technology, medical and building staffs, areas in which the department is trying to hire more people or is offering bonuses for them to stay."

[79] U.S. Office of Management and Budget, M-17-22, "Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce," p. 10.

[80] See 5 U.S.C. §3523. See also U.S. Office of Personnel Management, "Workforce Restructuring, Voluntary Separation Incentive Payments," https://www.opm.gov/policy-data-oversight/workforce-restructuring/voluntary-separation-incentive-payments/.

[81] Remarks of Senator Johnny Isakson, in U.S. Congress, Senate Committee on Foreign Relations, Review of the FY2018 State Department Budget Request, 115th Congress, 1st sess., June 13, 2017, https://www.foreign.senate.gov/hearings/review-of-the-fy-2018-state-department-budget-request-061317r.

promotions to and within the Senior Foreign Service. The American Foreign Service Association (AFSA) expressed concern that "the rapid loss of so many senior officers has a serious, immediate and tangible effect on the capacity of the United States to shape world events." AFSA also noted that increasing promotions was necessary to strengthen the Foreign Service as an institution through promoting deserving performers up the ranks.[82] Department of State officials and other proponents of the Administration's initiatives argued that personnel reductions would make the department more efficient and accountable, that the Department of State's Senior Foreign Service and Foreign Service employment levels were virtually the same as those in place during the Obama Administration, and that if the cuts were fully implemented, the number of department personnel would still exceed that which existed at the onset of the Obama Administration.[83]

Following his confirmation by the Senate on April 26, 2018, Secretary Pompeo appears to be taking different approach toward the department's personnel levels. He lifted the hiring freeze on AEFMs on May 1, 2018 and rescinded the hiring freeze for all Foreign and Civil Service Officers on May 15, 2018. He said that rescinding the hiring freeze would give the department "the flexibility to fill positions that are essential to promoting the department's mission and the United States' foreign policy goals."[84] The Department of State issued subsequent guidance indicating that it planned to return Foreign Service and Civil Service staffing levels to those in place on December 31, 2017. It added that such hiring would be consistent with the language and funding Congress included in the Consolidated Appropriations Act, 2018 (P.L. 115-141).[85] Section 7081 of this law stipulates that the Department of State shall not "expand or reduce the size of the Civil Service, Foreign Service, eligible family member, and locally employed staff workforce of the Department of State and USAID from the on-board levels as of December 31, 2017" without prior consultation with Congress. This law also appropriated $2.77 billion to the Human Resources category of the State Department's Diplomatic & Consular Programs account, which is used to pay salaries for the department's domestic and overseas American employees. In FY2017, Congress appropriated $2.53 billion in the Human Resources category, an increase from the $2.18 billion appropriated for FY2016.[86]

Congressional Responses and Options

- Congress exercises the power of the purse, which includes authority to set the amount of funding that agencies receive, as well as determining how specific to make such appropriations. If Congress appropriates specific funds for the hiring of Foreign or Civil Service officers and those funds have not been disbursed before a hiring freeze, for example, that freeze might contradict the terms of the appropriation. Similarly, the Impoundment Control Act obligates the President to spend appropriated funds absent a bill rescinding those funds. Without the passing of such a bill, it could be argued that a hiring freeze that prevented

[82] Barbara Stephenson, "Pulling America's Diplomats from the Field," *Foreign Service Journal*, April 2018, advance copy transmitted from AFSA to CRS via email on March 16, 2018. Barbara Stephenson, "President's Views: Time to Ask Why," *Foreign Service Journal*, December 2017, http://www.afsa.org/time-ask-why.

[83] Will Racke, "The Media Narrative on Tillerson's 'Dismantling' of the State Department is Overheated," *The Daily Caller*.

[84] Email from Secretary of State Mike Pompeo to Department of State staff, May 15, 2018.

[85] Department of State guidance obtained by CRS.

[86] See Division K, Title I of P.L. 114-113. Division J, Title I of P.L. 115-31, and Division K, Title I of P.L. 115-141.

appropriated funds from being spent could violate the act.[87] After initially seeking to reduce personnel levels at the onset of the Trump Administration, the Department of State is now seeking to increase personnel levels in a manner consistent with congressional funding and directives provided in the Consolidated Appropriations Act, 2018 (P.L. 115-141). If Congress sought to impel the Department of State to further increase hiring, it could consider appropriating more funds to the Human Resources category of the department's Diplomatic & Consular Programs account, which is used to pay salaries for the department's domestic and overseas American employees. Congress could also provide guidance to the department modeled in part on Section 7081 of P.L. 115-141, which stipulates that no funds appropriated for the Department of State shall be used to "expand or reduce the size of the Civil Service, Foreign Service, eligible family member, and locally employed staff workforce of the Department of State and USAID from the on-board levels as of December 31, 2017" without prior consultation with Congress.

- During the hiring freeze, AFSA expressed concern that because the Foreign Service recruits officers at the entry level and develops them into senior leaders over a number of years, the Department of State would face significant difficulties replacing lost talent quickly. If it sought to assist the Department of State in plugging any perceived personnel shortages at certain ranks within the Foreign Service, Congress could consider expanding and/or adjusting the three-year pilot program authorized pursuant to the Department of State Authorities Act, Fiscal Year 2017 (P.L. 114-323), intended to facilitate mid-career entry into the Foreign Service for qualified individuals from the Civil Service and the private sector.[88]

Pace of Presidential Appointments to Senior Positions

Under the Constitution, the power to appoint the top officers of the United States is shared by the President and the Senate.[89] Within the Department of State, there are 266 so-called PAS positions (Presidential appointments with Senate confirmation), the most of any single federal agency.[90] The appointment process for these positions consists of three stages: selection and vetting by the President and other Administration officials, Senate consideration, and appointment by the President.[91]

During 2017-2018, the Trump Administration's pace of selecting nominees for PAS positions has been widely scrutinized. Of the department's 22 Assistant Secretary of State positions requiring

[87] For more information, see CRS Legal Sidebar WSLG1850, *Workforce Reduction and Agency Funding: Executive Directive and Congressional Response*, by Thomas J. Nicola.

[88] See Section 404 of the Department of State Authorities Act, Fiscal Year 2017 (P.L. 114-323).

[89] Article II, Section 2 of the Constitution provides that "[the President] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law."

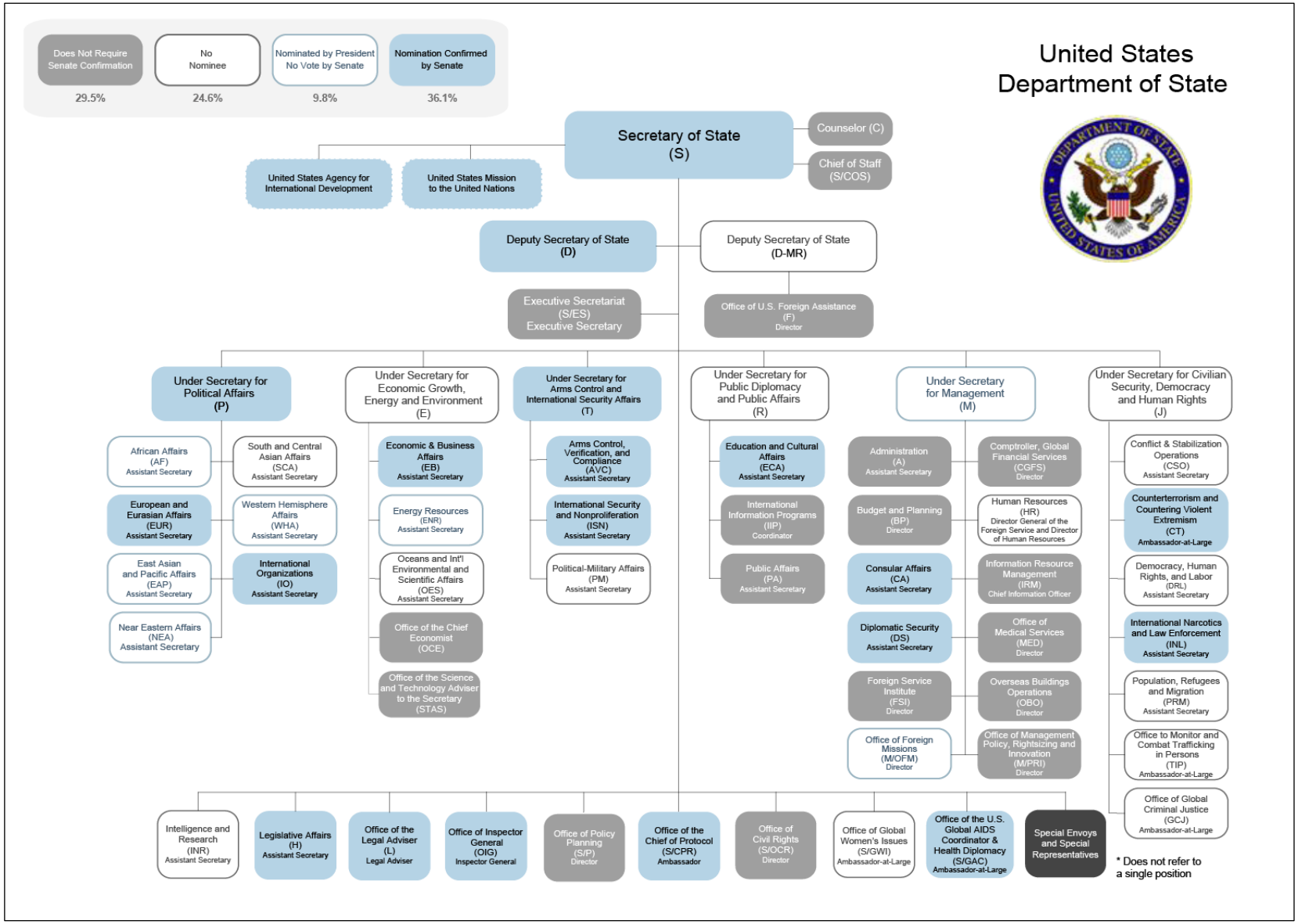
[90] U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, *United States Government Policy and Supporting Positions*, S. Prt, 114-26, 114th Cong., 2nd sess. (Washington: GPO, 2016), pp. 213-216. See also CRS Report R40119, *Filling Advice and Consent Positions at the Outset of Recent Administrations, 1981-2009*, by Henry B. Hogue, Michael Greene, and Elizabeth Rybicki.

[91] Ibid.

Senate confirmation, President Trump as of May 14, 2018 was yet to transmit nominations to the Senate for seven such positions: the Assistant Secretary of State for South and Central Asian Affairs; the Assistant Secretary of State for Democracy, Human Rights, and Labor; the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs; the Assistant Secretary of State for Political-Military Affairs; the Assistant Secretary of State for Conflict Stabilization Operations; the Assistant Secretary of State for Intelligence and Research; and the Assistant Secretary of State for Population, Refugees, and Migration (see **Figure 2**). As of May 14, 2018, the Senate had confirmed 10 Assistant Secretary of State nominations transmitted by President Trump, and was yet to act on five additional nominations he has transmitted. President Trump was also yet to submit nominations to the Senate for ambassadorships to countries frequently viewed as strategically important to U.S. national security and foreign policy interests, including Egypt, Georgia, Jordan, Qatar, Saudi Arabia, South Korea, Turkey, and the United Arab Emirates.

Figure 2. Status of Selected Department of State PAS Positions

(as of May 14, 2018)



Source: U.S. Department of State, "Department of State Organization Chart: November 2016," https://www.state.gov/r/pa/ei/rls/dos/99484.htm, accessed April 3, 2018. CRS edited this Organization Chart to display the status of each position. Status of each position determined by CRS through searches of http://lis.gov/nomis/ on April 23, 2018 (status of each position will be subject to change).

President Trump, some Members of Congress, and other observers have noted that the pace at which PAS positions are being filled is lagging relative to recent precedent. Secretary of State Pompeo has committed to prioritize filling senior vacancies, noting that doing so is "critical to strengthening the finest diplomatic corps in the world.... America and the world need us to be that."[92] Opinions vary with respect to the implications of this situation regarding the pace of appointments, and whether responsibility lies primarily with the President, the Senate, or the department. President Trump has stated that he does not believe filling all positions requiring presidential appointment is necessary and remarked that the Senate is responsible for the slower pace of filling PAS positions.[93] On March 11, 2018, Senate Committee on Foreign Relations Ranking Member Robert Menendez issued a statement asserting that the Administration "has failed to fulfill its duties to nominate individuals" for Senate-confirmed positions at the Department of State.[94] Separately, in a hearing of the House Committee on Foreign Affairs on September 26, 2017, Representative Dana Rohrabacher made inquiries regarding the number of nominees for which the Senate Committee on Foreign Relations had not provided advice and consent, adding that "if our elections, democratic process, mean anything, the president has to have his people in there to help direct policy because that's who the people voted for."[95] Others, including some Members of Congress, point to reports of disagreements between the White House and the State Department regarding appropriate nominees that they say play a significant role in slowing down the process.[96]

While President Trump has suggested that many PAS positions are perhaps unimportant, others contend that the Administration's delay in transmitting nominees to the Senate for several Under Secretaries of State, Assistant Secretaries of State, and ambassadorships for countries frequently viewed as important U.S. allies or partners is undermining the Department of State's ability to protect and advance American foreign policy and national security interests worldwide.[97] Some

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[92] Prepared Remarks of Secretary of State Mike Pompeo, in U.S. Congress, Senate Committee on Foreign Relations, Nomination, hearings, 115th Cong., 2nd sess., April 12, 2018, https://www.foreign.senate.gov/download/pompeo-testimony-041218.

[93] Louis Nelson, "Trump says he won't fill 'a lot' of vacant appointments," *Politico*, October 10, 2017, https://www.politico.com/story/2017/10/10/trump-federal-government-appointments-vacant-243627; Ian Schwartz, "Trump Full Interview With Ingraham: Dossier, Justice Department, Immigration, DNC Primary & Sanders," *Real Clear Politics*, November 2, 2017, https://www.realclearpolitics.com/video/2017/11/02/trump_full_interview_with_ingraham_dossier_justice_department_immigration_dnc_primary__sanders.html; President Donald Trump (realDonaldTrump), ".@foxandfriends Dems are taking forever to approve my people, including Ambassadors. They are nothing but OBSTRUCTIONISTS! Want approvals," June 5, 2017, 6:35 a.m.; President Donald Trump (realDonaldTrump), "Hundreds of good people, including very important Ambassadors and Judges, are being blocked and/or slow walked by the Democrats in the Senate. Many important positions in Government are unfilled because of this obstruction. Worst in U.S. history!" March 14, 2018, 8:42 a.m.

[94] U.S. Senate Committee on Foreign Relations, Chairman's Press, "Menendez responds to Pres. Trump on his Administration's failure to fill diplomatic vacancies," press release, March 11, 2018, https://www.foreign.senate.gov/press/ranking/release/menendez-responds-to-pres-trump-on-his-administrations-failure-to-fill-diplomatic-vacancies.

[95] Remarks of Representative Dana Rohrabacher, in U.S. Congress, House Committee on Foreign Affairs, The Department of State Redesign, hearings, 115th Cong., 1st sess., September 26, 2017, http://plus.cq.com/doc/congressionaltranscripts-5186656?7.

[96] Josh Dawsey, Eliana Johnson, and Alex Isenstadt, "*Tillerson blows up at top White House aide,"* Politico, June 28, 2017, https://www.politico.com/story/2017/06/28/tillerson-blows-up-at-white-house-aide-240075; Letter from Senators Benjamin L. Cardin, Robert Menendez, et al., to Rex Tillerson, Secretary of State, December 6, 2017.

[97] The Department of State has six Under Secretaries of State: the Under Secretary for Political Affairs; the Under Secretary for Economic Growth, Energy, and the Environment; the Under Secretary for Arms Control and International Security Affairs; the Under Secretary of Public Diplomacy and Public Affairs; the Under Secretary for Management; and the Under Secretary for Civilian Security, Democracy, and Human Rights. To date, the Under Secretary of State for Political Affairs and Under Secretary of State for Public Diplomacy and Public Affairs positions are filled by

Members of Congress and other observers generally agree with assertions made by former Secretary Tillerson and others that the career State Department officials who fill these senior positions in an acting capacity are appropriately qualified and experienced to do so. However, some observers argue that acting officials lack a long-term mandate and the explicit endorsement of the President—two sources of leverage they say benefit confirmed appointees when they engage with foreign officials, align their bureau's priorities to reflect the Administration's agenda, and work to enhance their bureau's ability to address emerging foreign policy challenges.[98] Others assert that the lack of appointees makes it difficult for the department to conduct regular business, as the Secretary of State's office is required to directly consider proposed measures that would otherwise be the responsibility of other officials.[99] Secretary Pompeo commented that vacancies have caused the department's personnel to be stretched thin, making it more difficult for them to deliver on their mission.[100] With respect to continued vacancies for important country ambassador positions, observers say that perceived Administration inaction in designating nominees could signal to such countries that the United States is devaluing key alliances and partnerships abroad, refraining from using its voice to preach American values on the international stage, or even abdicating its global leadership role.[101]

Congressional Responses and Options

The Senate has the authority, pursuant to Article II, Section 2 of the Constitution, to provide advice and consent for presidential appointments of ambassadors and other public ministers and consuls. Congress has leveraged this authority with respect to the Department of State, as the 266 positions within the department that are required by law to be subject to advice and consent exceeds the number of positions designated as such in any other federal agency. As described below, Congress has taken, or may consider to take, some actions to alleviate concerns that Department of State PAS positions are not being filled expeditiously or, in other cases, are not being filled at all.

- Congress could expand on action in recent years to reduce the number of positions for which advice and consent is required to expedite the process for considering nominees. Enacted in 2012, the Presidential Appointment Efficiency

officeholders confirmed by the Senate. President Trump has transmitted nominations for the positions of Under Secretary for Arms Control and International Security Affairs, Under Secretary for Arms Control, Verification, and Compliance, and Under Secretary for Management, but the Senate has not provided advice and consent. President Trump has not transmitted nominations to the Senate for the Under Secretary for Economic Growth, Energy, and the Environment, or the Under Secretary for Civilian Security, Democracy, and Human Rights. Of the department's six regional Assistant Secretaries of State, the Senate has confirmed President Trump's nominee for Assistant Security for Europe and Eurasian Affairs, and President Trump has transmitted the nomination for the Assistant Secretary of State for East Asian and Pacific Affairs. The President has not transmitted nominations for the Assistant Secretary for Africa Affairs, the Assistant Secretary for Near Eastern Affairs, the Assistant Secretary for South and Central Asian Affairs, or the Assistant Secretary for Western Hemisphere Affairs.

[98] Robbie Gramer, Dan De Luce, and Colum Lynch, "How the Trump Administration Broke the State Department." *Foreign Policy*, July 31, 2017, at http://foreignpolicy.com/2017/07/31/how-the-trump-administration-broke-the-state-department/.

[99] Ibid.

[100] Testimony of Secretary of State Mike Pompeo, in U.S. Congress, Senate Committee on Foreign Relations, Nomination, hearings, 115th Cong., 2nd sess., April 12, 2018, https://plus.cq.com/doc/congressionaltranscripts-5297768?3.

[101] Tamara Keith, "Trump Leaves Top Administration Positions Unfilled, Says Hollow Government By Design," NPR, October 12, 2017, https://www.npr.org/2017/10/12/557122200/trump-leaves-top-administration-positions-unfilled-says-hollow-government-by-des; U.S. Senate Committee on Foreign Relations, Chairman's Press, "Menendez responds to Pres. Trump on his Administration's failure to fill diplomatic vacancies."

and Streamlining Act (P.L. 112-166) eliminated the requirement for advice and consent for 163 positions, including selected positions within the Department of State.[102] In doing so, the legislation amended each section of the *U.S. Code* that established the 163 positions across the federal government generally by striking the phrase "by and with advice and consent of the Senate," thus allowing the President to fill these positions on his own. In addition, in 2011, the Senate passed S.Res. 116, which created a new process for Senate consideration of nominations to 272 positions, wherein the nominations would bypass formal committee consideration unless any single Senator objected.[103] Congress could take similar actions to further reduce the number of Department of State positions for which advice and consent is required.[104]

- The Senate could also change its procedural rules with the intent of increasing the likelihood that it will provide advice and consent for the President's nominees or expediting the pace at which the President's nominees are considered.[105] On November 21, 2013, the Senate reinterpreted the "cloture rule" (Senate Rule XXII) to lower the threshold for invoking cloture, in effect allowing a simple majority of Senators voting (as opposed to three-fifths of the full Senate pursuant to the previous interpretation of the rule) to restrict the time for considering a nomination or other items of business. As a result, a nominee requires the support of only a simple majority of Senators voting for his or her nomination to receive a subsequent up or down vote. (A simple majority is required for the Senate to provide advice and consent, provided that a quorum is present.)[106] Other proposals for changing the cloture process include reductions in the time costs associated with certain cloture-related actions or new or additional restrictions on debate in certain circumstances. Some Members of Congress and other observers have argued against such proposals, maintaining that the ability of any Senator to speak at length about virtually any topic at any time is a unique characteristic of the Senate that allows the chamber to play a vital role in the legislative process. If this deliberative function is removed, they believe the Senate would become a shadow of the larger House of Representatives, and would specifically surrender

[102] Those positions within the Department of State for which the advice and consent requirement was eliminated were the Assistant Secretary of State for Administration and the Assistant Secretary of State for Public Affairs. The law also eliminated the advice and consent requirement for the Assistant Administrator for Management of the U.S. Agency for International Development.

[103] These positions were included in Cabinet agencies, certain oversight boards and advisory councils, and independent agencies. Many of these positions must remain advice and consent positions because of the responsibilities of the boards and councils under the Appointments Clause of the Constitution. Foreign relations-related positions subject to the expedited process are the Assistant Secretary of State for Legislative Affairs, the Department of State Chief Financial Officer, the Chairman and, separately, the members (8) of the Advisory Board for Cuba Broadcasting, the members (7) of the Africa Development Foundation Board of Directors, the members (9) of the Inter-American Foundation Board of Directors, the members (15) of the National Peace Corps Advisory Council, the members (8) of the Overseas Private Investment Corporation Board of Directors, the Assistant Secretary for Legislative and Public Affairs of the U.S. Agency for International Development, and the members (4) of the Board of Directors of the Millennium Challenge Corporation.

[104] For more information see CRS Report R41872, *Presidential Appointments, the Senate's Confirmation Process, and Changes Made in the 112th Congress*, by Maeve P. Carey.

[105] For more information on the procedural mechanisms by which the Senate might carry out rule changes, see CRS Report R42929, *Procedures for Considering Changes in Senate Rules*, by Richard S. Beth.

[106] For more information on reinterpretations of Senate Rule XXII, see CRS Report R44819, *Senate Proceedings Establishing Majority Cloture for Supreme Court Nominations: In Brief*, by Valerie Heitshusen.

its unique role as a check on the executive branch through its role in executive business—that is, nominations and treaties.[107]

Diversity

Senior officials at the Department of State, some Members of Congress, and others have long maintained that the demographic makeup of the Foreign Service is not sufficiently representative of the American people with respect to race, gender, socioeconomic background, and regional origin. The Foreign Service Act of 1980 provides that "the members of the Foreign Service should be representative of the American people" and includes provisions intended to foster "the development and vigorous implementation of policies and procedures, including affirmative action programs," to encourage "entry into and advancement in the Foreign Service by persons from all segments of American society." Section 105 of the Foreign Service Act of 1980 requires the Secretary of State to establish a minority recruitment program for the Foreign Service and provide annual reports to Congress on the department's equal employment opportunity and affirmative action programs and its minority recruitment programs. In addition, in 1990 Congress amended the State Department Basic Authorities Act of 1956 to provide the Secretary of State new authorities to "make grants to postsecondary educational institutions or students for the purpose of increasing the level of knowledge and awareness of and interest in employment with the Foreign Service," with "special emphasis to promoting such knowledge and awareness of, and interest in employment with, the Foreign Service among minority students."

Using these authorities, the department has provided grants for implementation of the Thomas R. Pickering Foreign Affairs and Charles B. Rangel International Affairs Fellowship Programs since they were initiated in 1992 and 2002, respectively. Both programs offer up to $37,500 annually in funding for graduate school expenses and opportunities for student internships in exchange for a commitment from fellows to serve for at least five years at the department following completion of the fellowship. Section 706 of the Department of State Authorities Act, Fiscal Year 2017 (P.L. 114-323), expanded the number of individuals annually selected for these programs by 10 apiece (before this law was enacted, there were 30 Pickering Fellows and 30 Rangel Fellows). Section 410 of this law also called on the department to enhance its recruitment activities at minority-serving institutions and required it to report to Congress on its efforts to promote equal opportunity in the Foreign Service.

Former Secretary Tillerson espoused the importance of diversity among Foreign Service personnel on several occasions, noting that having the perspectives of those "who come with a different cultural perspective or they come with different life experiences" enriches the quality of the department's work.[108] He prioritized broadening the scope of the department's recruiting efforts; increasing diversity among senior personnel, including through instituting a rule wherein there must be at least one minority candidate for each open ambassador position; and training qualified minority personnel already employed by the department for future senior leadership positions.[109] Secretary Pompeo has stated that "the State Department's workforce must, by necessity, be diverse in every sense of the word—in terms of race, religion, background, and

[107] For more information regarding potential changes to Senate Rule XXII, see CRS Report R41342, *Proposals to Change the Operation of Cloture in the Senate*, by Christopher M. Davis and Valerie Heitshusen.

[108] U.S. Department of State, Office of the Secretary, "Remarks Addressing State Department Student Programs and Fellowship Participants," August 18, 2017, https://www.state.gov/secretary/remarks/2017/08/273527.htm.

[109] U.S. Department of State, Office of the Secretary, "Remarks Addressing State Department Student Programs and Fellowship Participants."

more. I'll work to achieve that diversity." To date, he has not commented on former Secretary Tillerson's diversity-related priorities or indicated what diversity-related priorities he may pursue.[110]

Congressional Responses and Options

- While the Rangel and Pickering Fellowships operate pursuant to a general authorization (Section 47 of the State Department Basic Authorities Act of 1956 [P.L.84-885], as amended), Congress could pass a measure explicitly authorizing either or both programs, thereby requiring the Department of State to keep them intact. The Department of State has historically funded the grants provided by the Secretary of State for the administration of these programs through the Human Resources allocation of the Diplomatic and Consular Programs account. Congress could include a line-item appropriation in future State, Foreign Operations, and Related Programs (SFOPS) appropriations laws to ensure these programs are funded at a level that reflects congressional intent. It could also increase the number of participants in these programs, as it did through Section 706 of the Department of State Authorities Act, Fiscal Year 2017 (see preceding discussion).
- Administration officials and some Members of Congress have expressed willingness to expand the Department of State's efforts to recruit veterans into the Foreign Service.[111] If Congress chooses to direct the Administration to take action in this area, it could provide a general authorization for veteran-centered recruitment programs modeled on Section 47 of the State Department Basic Authorities Act of 1956, as amended, or pass more targeted authorizations to establish specific programs.

Outlook

As noted above, several legislative vehicles and options are available to Congress, including but not limited to foreign relations authorization measures and annual appropriations bills, that would enable it to enact new laws or amending existing laws pertaining to Department of State personnel. While such measures could address aforementioned matters pertaining to implementation of the Impact Initiative, personnel staffing levels, diversity, and the provision of advice and consent by the Senate for nominees for selected State Department senior positions. Congress could also address other personnel issues through legislation. For example, the Department of State Authorities Act, Fiscal Year 2017 (P.L. 114-323), provided new authorities on matters such as security training for personnel assigned to high-risk, high-threat posts, compensation for locally employed staff, the expansion of Civil Service opportunities, and means of lateral entry into the Foreign Service for mid-career professionals. The 115th Congress is currently considering competing versions of an authorization bill for FY2018 (S. 1631 in the

[110] Prepared Statement of Secretary of State Mike Pompeo, in U.S. Congress, Senate Committee on Foreign Relations, Nomination, hearings, 115th Cong., 2nd sess., April 12, 2018, https://www.foreign.senate.gov/download/pompeo-testimony-041218.

[111] U.S. Department of State, "Veterans Program Office," https://careers.state.gov/learn/diversity-inclusion/veterans-program-office/. "So I welcome Secretary Tillerson's efforts to … strengthen the diversity of the Department's workforce – including increased recruitment of veterans and minority candidates. This is a goal the Committee has long supported." (U.S. House of Representatives, Committee on Foreign Affairs, "Remarks: Chairman Royce on State Department Redesign," September 26, 2017, https://foreignaffairs.house.gov/press-release/remarks-chairman-royce-state-department-redesign/).

Senate and H.R. 5592 in the House of Representatives) that, if enacted, would weigh in on additional personnel matters.

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