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State Department Personnel: Background and Selected Issues for the 117th Congress

Updated July 7, 2021

Congressional Research Service

<https://crsreports.congress.gov>

R45203



R45203

July 7, 2021

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State Department Personnel: Background and Selected Issues for the 117th Congress

Congress has played a significant role in the management of the Department of State's workforce since 1789, when it established the State Department pursuant to statute and established salaries for the Secretary of State and other personnel. Beginning in the early 20th century, Congress passed a series of laws intended to address corruption and graft in the State Department's diplomatic and consular services by merging them into the modern-day Foreign Service, a professional diplomatic corps. Today, the Foreign Service Act of 1980 (P.L. 96-465) serves as the framework through which the Department of State organizes and administers the Foreign Service. This law 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 Foreign Service Act includes a finding stating that "the members of the Foreign Service should be representative of the American people," and further provides that it intends 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."

President Biden has stated his intention to leverage the State Department's personnel to advance U.S. foreign policy goals, saying that he will work to empower department staff and incorporate their perspectives into the policy development process. To date, much of the Biden Administration's efforts in this area have focused on improving the State Department's diversity and inclusion programs and increasing the size of the Foreign Service and Civil Service. However, in recent years several Members of Congress, former and current senior State Department officials, academics and think-tank analysts, and other stakeholders have published reports recommending that the State Department and Congress consider significant changes regarding the State Department's personnel practices, not only with respect to diversity and inclusion and personnel strength, but also in several other areas including training and professional development opportunities for staff, Chief of Mission authority, and persistent vacancies in senior State Department positions requiring the advice and consent of the Senate, especially ambassadorships. The proliferation of such proposals may reflect concerns among some that the State Department needs to consider reforms to restore the foreign policymaking influence that some perceive it to have lost to other government entities over the past several decades, including the National Security Council and the Department of Defense.

In recent Congresses, Members have demonstrated interest in applying the legislative branch's constitutional and statutory authorities to shape policies pertaining to Department of State personnel. For example, in 2016 Congress passed the Department of State Authorities Act, Fiscal Year 2017 (P.L. 114-323). This law provided new authorities to the State Department on matters such as security training for personnel assigned to high-risk, high-threat posts; compensation for locally employed staff; the expansion of opportunities for Civil Service personnel to serve overseas; and means of lateral entry into the Foreign Service for mid-career professionals. The 117th Congress is currently considering H.R. 1157, the Department of State Authorization Act of 2021 that, if enacted, would weigh in on a wide variety of personnel matters, including diversity and inclusion, filling Foreign Service vacancies, and workforce planning.

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Introduction

The Biden Administration has indicated a commitment to “revitalizing the foreign policy workforce” following what some view as a tumultuous period for the State Department’s personnel.¹ For example, the State Department Office of Inspector General’s (OIG) most recent report identifying the department’s most significant management and performance challenges noted recent incidents that, according to the OIG, hindered some employees’ trust in the State Department’s leadership. These included a case where the department “ended the detail of a career employee [in the Office of the Secretary] after significant discussion concerning the employee’s perceived political views, association with former administrations, and perceived national origin.”² The State Department’s Assistant Secretary of State for International Organization Affairs and Chief of Protocol also resigned in November 2019 and June 2019, respectively, following allegations involving the mistreatment of personnel and leadership and management deficiencies.³ Additionally, in 2018 Congress directed the OIG to review the effects of the State Department’s hiring freeze, which lasted from January 2017 through April 2018, on the department’s operations.⁴ The OIG released its report in August 2019 and found, among other conclusions, that implementation of the hiring freeze “was not guided by strategic goals,” impacted the State Department’s capacity to address its most significant management challenges, and negatively affected workforce morale.⁵

Consistent with the Biden Administration’s broader commitment to strengthening the foreign policy workforce, Secretary of State Antony Blinken has stated that he will prioritize “reinvigorat[ing] the [State] Department,” by “investing in its greatest asset: the Foreign Service Officers, civil servants, and locally employed staff who animate American diplomacy around the world.”⁶ Much of Secretary Blinken’s efforts to date have focused on addressing concerns regarding the perceived lack of diversity in the State Department’s workforce, especially with regard to the Foreign Service, including through appointing Ambassador Gina Abercrombie-Winstanley to serve as the State Department’s first Chief Diversity and Inclusion Officer (CDIO). Additionally, as part of its FY2022 International Affairs budget request, the Biden Administration is seeking funding for an additional 485 Foreign Service and Civil Service Officers to work in areas such as countering Chinese, Russian, and Iranian malign influence; protecting U.S. critical infrastructure; and advancing the Biden Administration’s science and technology priorities.⁷

¹ U.S. Department of State, *Congressional Budget Justification, Department of State, Foreign Operations, and Related Programs, Fiscal Year 2022*, at https://www.state.gov/wp-content/uploads/2021/05/FY-2022-State_USAID-Congressional-Budget-Justification.pdf p. 17.

² U.S. Department of State, Office of Inspector General *Inspector General Statement on the Department of State’s Major Management and Performance Challenges* (FY 2020), OIG-EX-21-01, December 8, 2020, at https://www.stateoig.gov/system/files/fy_2020_ig_letter_on_department_management_challenges_final.pdf, pp. 15, 17.

³ Colum Lynch, “Senior State Official Accused of Mismanagement to Step Down,” *Foreign Policy*, October 18, 2019, at <https://foreignpolicy.com/2019/10/18/pompeo-senior-diplomat-accused-of-mismanagement-to-step-down-international-organizations/>; Josh Lederman, “Trump’s chief of protocol pulled off the job ahead of G-20,” *NBC News*, June 25, 2019, at <https://www.nbcnews.com/politics/national-security/trump-s-chief-protocol-pulled-job-ahead-g-20-n1021781>.

⁴ Joint Explanatory Statement Accompanying Division K of Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018 (Division K of P.L. 115-141), at <https://docs.house.gov/billsthisweek/20180319/DIV%20K%20SFROPSSOM%20FY18-OMNI.OCR.pdf>, p. 9.

⁵ U.S. Department of State, Office of Inspector General, *Review of the Effects of the Department of State Hiring Freeze*, ISP-I-19-23, August 2019, at <https://www.stateoig.gov/system/files/aud-mero-20-09.pdf>, pp. 2-3.

⁶ Antony J. Blinken, “Statement for the Record before the United States Senate Committee on Foreign Relations,” January 19, 2021, at https://www.foreign.senate.gov/imo/media/doc/011921_Blinken_Testimony.pdf.

⁷ U.S. Department of State, “FY2022 Budget Request: Department of State and USAID,” Slide Presentation, May 28, 2021, p. 14.

Members of the 117th Congress have demonstrated interest in leveraging their authorities to shape policies pertaining to Department of State personnel. For example, Congress is currently considering H.R. 1157, the Department of State Authorization Act of 2021 that, if enacted, would weigh in on a wide variety of personnel matters, including diversity and inclusion, filling Foreign Service vacancies, and workforce planning. Additionally, Members of Congress, former and current senior State Department officials, academics and think-tank analysts, and other stakeholders have published several reports with increased frequency over the past decade recommending that the State Department and Congress consider significant changes regarding the State Department’s personnel practices. Proposed changes address diversity and inclusion and personnel strength, but also several other issues including training and professional development opportunities for staff, Chief of Mission authority, and persistent vacancies in senior State Department positions requiring the advice and consent of the Senate, especially ambassadorships. In some cases, these issues have persisted across many Administrations and may present considerable challenges should the Biden Administration and Congress seek remedies.

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.⁸ 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.⁹

The Emergence of a Professional Foreign Service and Key Related Statutes¹⁰

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 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

⁸ Elmer Plischke, *U.S. Department of State: A Reference History* (Westport, Connecticut: Greenwood Press, 1999), p. 45.

⁹ Elmer Plischke, *U.S. Department of State: A Reference History*, pp. 46-47, 56.

¹⁰ This section draws on previous CRS analysis charting historical movement toward a merit-based diplomatic service. See CRS Memo DL095495, *The Foreign Service and the Senate’s advice and consent authority*, by Kennon H. Nakamura.

[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.¹¹

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 in 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 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

¹¹ American Foreign Service Association, “In the Beginning: The Rogers Act of 1924,” at <http://www.afsa.org/beginning-rogers-act-1924>.

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, giving 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.

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

Rank-In-Person Merit Classification

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.

- 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.”¹² 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.¹³ 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.”¹⁴

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 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.”¹⁵

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

¹² 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>.

¹³ 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/>

¹⁴ 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.

¹⁵ See Section 306 of the Foreign Service Act of 1980, as amended.

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.¹⁶

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.¹⁷ These provisions undergird the Foreign Service personnel system as a rank-in-person, rather than rank-in-position, approach. **Figure 1** illustrates one recent pay schedule providing the salary classes to which Foreign Service Officers are appointed and promoted.

Figure 1. Department of State 2020 Foreign Service Pay Schedule (Base Schedule)

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	109,366	112,647	116,026	119,507	123,092	126,785	130,589	134,506	138,542	142,180	142,180	142,180	142,180	142,180
2	88,619	91,278	94,016	96,836	99,741	102,734	105,816	108,990	112,260	115,628	119,097	122,669	126,350	130,140
3	71,808	73,962	76,181	78,467	80,821	83,245	85,743	88,315	90,964	93,693	96,504	99,399	102,381	105,452
4	58,186	59,932	61,730	63,581	65,489	67,454	69,477	71,561	73,708	75,920	78,197	80,543	82,959	85,448
5	47,148	48,562	50,019	51,520	53,065	54,657	56,297	57,986	59,726	61,517	63,363	65,264	67,222	69,238
6	42,149	43,413	44,716	46,057	47,439	48,862	50,328	51,838	53,393	54,995	56,645	58,344	60,094	61,897
7	37,680	38,810	39,975	41,174	42,409	43,681	44,992	46,342	47,732	49,164	50,639	52,158	53,723	55,334
8	33,685	34,696	35,736	36,809	37,913	39,050	40,222	41,428	42,671	43,951	45,270	46,628	48,027	49,468
9	30,113	31,016	31,947	32,905	33,892	34,909	35,956	37,035	38,146	39,291	40,469	41,683	42,934	44,222

Base Pay Cap = FS-01, Step 10, which is 142,180

EXECUTIVE SCHEDULE		SENIOR FOREIGN SERVICE (SFS) PAY RANGE		SFS PAY CAPS	
EX-I	219,200	Minimum	Maximum	OC	185,130
EX-II	197,300	131,239	197,300	MC	194,205
EX-III	181,500			CM	197,300
EX-IV	170,800				
EX-V	160,100				

Source: U.S. Department of State, *2020 Foreign Service Salary Schedule, Base Schedule*, at <https://www.state.gov/wp-content/uploads/2019/12/2020-FS-Pay-Schedules-by-Locality.pdf>. While the State Department has released the 2021 Foreign Service Pay Schedule, CRS could not locate a single, comprehensive source outlining salaries for both the Foreign Service and the Senior Foreign Service. To review the 2021 pay schedule, see U.S. Department of State, Bureau of Global Talent Management, “FS Pay Schedules,” at <https://www.state.gov/resources-bureau-of-global-talent-management/>.

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

¹⁶ See the “Senior Foreign Service” subsection for more detail regarding limited, noncareer appointments to the Senior Foreign Service.

¹⁷ See Sections 305 and 404 of Foreign Service Act of 1980, as amended.

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.¹⁸ 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.”¹⁹ 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.”²⁰ 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 individual designated for promotion on a selection board list or remove that individual from a list in “special circumstances” provided for by department regulations.²¹

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.²² 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.²³

¹⁸ See Section 607 of the Foreign Service Act of 1980, as amended.

¹⁹ See Section 602 of the Foreign Service Act of 1980, as amended.

²⁰ See Section 603 of the Foreign Service Act of 1980, as amended.

²¹ See Section 605 of the Foreign Service Act of 1980, as amended.

²² 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 United States 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.

²³ See Sections 1105, 1106, and 1107 of the Foreign Service Act of 1980, as amended.

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 “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.²⁴

Furthermore, Congress authorized and defined the Foreign Service and its employees pursuant to the Foreign Service Act of 1980.²⁵ 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.

²⁴ 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.”

²⁵ For example, see Sections 103 and 104 of the Foreign Service Act of 1980, as amended.

Table I. 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. Congress prescribes the key authorities of Chiefs of Mission in Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) 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.
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.

Category	Description
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, at <https://fam.state.gov/>; U.S. Department of State, Consular Fellows Program, “What We Do,” at <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.²⁶

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. While Congress has vested several authorities in COMs pursuant to Section 207 of the Foreign Service Act of 1980 and other laws, COM authority is also shaped through executive branch directives and regulations, including Presidential Letters of Instruction, Executive Orders, and State Department regulations.²⁷ The Section 207 authorities entail:

- exercising full responsibility for the direction, coordination, and supervision of all Government executive branch employees in that country (except for Voice of America correspondents on official assignment and employees under the command of a United States area military commander);
- keeping fully and currently informed with respect to all activities and operations of the Government within that country, and insuring that all Government executive branch employees in that country (except for Voice of America correspondents on official assignment and employees under the command of a United States area military commander) comply fully with all applicable directives of the chief of mission;

²⁶ The President’s authority to make recess appointments is derived from Article II, Section 2, clause 3 of the U.S. Constitution.

²⁷ 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. Other laws, as codified, through which Congress has vested authorities in Chiefs of Mission include 8 U.S.C. §1157 and 22 U.S.C §2656i.

- promoting United States goods and services for export to such country; and
- promoting United States economic and commercial interests in such country.²⁸

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 most recent Administrations, approximately 70% of appointees to U.S. ambassadorships have been career Foreign Service Officers, while the remainder have been non-career (political) appointees.²⁹ President Trump chose to appoint a greater proportion of political appointees, which comprised around 44% of his ambassador appointments.³⁰ 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.

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.”³¹ 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.³²

Table 2. Positions at the Rank of Ambassador-at-Large in the Department of State
(as of May 2021)

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 Global Criminal Justice	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.
U.S. Global AIDS Coordinator 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: U.S. Department of State, Organizational Chart, May 2021, at <https://www.state.gov/wp-content/uploads/2021/06/DOS-Org-Chart-May-2021.pdf>.

²⁸ See Section 207 of the Foreign Service Act of 1980, as amended.

²⁹ Dave Seminara, “In U.S., Selling Ambassadorships to Highest Bidder Has Long History,” *Washington Diplomat*, February 28, 2013, at <https://washdiplomat.com/in-us-selling-ambassadorships-to-highest-bidder-has-long-history/>.

³⁰ American Foreign Service Association, “Appointments - Donald J. Trump,” at <https://afsa.org/appointments-donald-j-trump>.

³¹ U.S. Department of State, *Foreign Affairs Manual (FAM)*, “Generic Responsibilities,” 1 FAM 014.4, at <https://fam.state.gov/>.

³² Conversation between CRS staff and Department of State officials.

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.³³ 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 1980.³⁴ The term “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.³⁵ 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.”³⁶

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.³⁷ The trial period of service for Foreign Service Generalist Career Candidates generally does not exceed five years.³⁸ 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.³⁹

³³ U.S. Department of State, “Foreign Service Officer: Career,” at <https://careers.state.gov/work/foreign-service/officer/>.

³⁴ 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 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 StateDept. wants to define them away,” *Washington Post*, April 2, 2015.

³⁵ William I. Bacchus, *Staffing for Foreign Affairs: Personnel Systems for the 1980’s and 1990’s*, (New Jersey: Princeton University Press, 1983), p. 132.

³⁶ U.S. Department of State, “Foreign Service Officer,” at <https://careers.state.gov/work/foreign-service/officer/>.

³⁷ See Sections 302(a) and 306 of the Foreign Service Act of 1980 (P.L. 96-465), as amended.

³⁸ 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.”

³⁹ 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.

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 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.⁴⁰ 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 1980.⁴¹ There are 19 different specialist jobs grouped into the following categories: administration, construction engineering, facility management, information technology, international information and English language programs, law enforcement and security, medical and health, and office management.⁴² 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.⁴³ 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.⁴⁴

⁴⁰ U.S. Department of State, “Foreign Service Specialist,” at <https://careers.state.gov/work/foreign-service/specialist/>.

⁴¹ 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).

⁴² U.S. Department of State, “Foreign Service Specialist,” at <https://careers.state.gov/work/foreign-service/specialist/career-tracks>.

⁴³ 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, at <https://fam.state.gov/>.

⁴⁴ 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.

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.”⁴⁵ 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 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.)⁴⁶

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.⁴⁷

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, 2020, the Department of State employed 50,451 individuals classified as Locally Employed Staff (LES), who comprise approximately 66% of total State Department personnel.⁴⁸ LESs include several subcategories of employees, including Foreign Service Nationals (FSNs), Appointment Eligible Family Members (or AEFMs, categorized as locally-

⁴⁵ U.S. Department of State, *Foreign Affairs Manual (FAM)*, “Senior Foreign Service,” 3 FAM 2233, at <https://fam.state.gov/>.

⁴⁶ 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/>.

⁴⁷ See Section 305 of the Foreign Service Act of 1980, as amended.

⁴⁸ U.S. Department of State, Bureau of Global Talent Management, “HR Fact Sheet: Facts About Our Most Valuable Asset – Our People,” fact sheet, December 31, 2020, at https://www.afsa.org/sites/default/files/1220_state_dept_hr_factsheet.pdf.

employed staff for some but not all purposes), locally resident U.S. citizens, and third-country nationals.⁴⁹ 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."⁵⁰ 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 considered members of the Foreign Service.⁵¹ FSNs are appointed by individual overseas posts.⁵² 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 Global Talent Management, is responsible for developing and implementing human resources policies pertaining to FSNs at overseas posts, including matters regarding recruitment, position evaluation, and compensation.⁵³

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.⁵⁴

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.⁵⁵ The Department of State can employ AEFMs through family member appointments, which are limited, non-career 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.⁵⁶

⁴⁹ According to 6 FAH 5 H-352.2, AEFMs are counted as locally employed staff for some, but not all, purposes.

⁵⁰ U.S. Department of State, "Local Employment in U.S. Embassies and Consulates," at <https://careers.state.gov/work/foreign-service/local-employment/>.

⁵¹ See Section 103 of the Foreign Service Act of 1980, as amended.

⁵² U.S. Department of State, *Foreign Affairs Manual (FAM)*, "Appointment," 3 FAM 7240, at <https://fam.state.gov/>.

⁵³ U.S. Department of State, "Local Employment in U.S. Embassies and Consulates," at <https://careers.state.gov/work/foreign-service/local-employment/>.

⁵⁴ See Section 408 of the Foreign Service Act of 1980, as amended.

⁵⁵ U.S. Department of State, *Foreign Affairs Manual (FAM)*, "Definitions," 3 FAM 7121, at <https://fam.state.gov/>

⁵⁶ *Ibid*; also see Section 309 of the Foreign Service Act of 1980, as amended.

Civil Service Personnel

The Department of State employed 10,639 Civil Service (CS) employees as of December 31, 2020.⁵⁷ These employees are among the 2.09 million civilian non-postal employees that the federal government employs.⁵⁸ 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.”⁵⁹ **Table 4** shows the 11 Civil Service job categories within the department and describes each category.

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

⁵⁷ U.S. Department of State, Bureau of Global Talent Management, “HR Fact Sheet: Facts About Our Most Valuable Asset – Our People,” fact sheet, December 31, 2020, at https://www.afsa.org/sites/default/files/1220_state_dept_hr_factsheet.pdf.

⁵⁸ 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 June 28, 2021.

⁵⁹ U.S. Department of State, *Fiscal Year 2020 Agency Financial Report*, at <https://www.state.gov/wp-content/uploads/2021/01/FY-2020-Agency-Financial-Report.pdf>, p. 8.

Job Category	Description
Management Analysis	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 United States 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,” at <https://careers.state.gov/work/civil-service/job-categories/>.

Selected Issues for Congress

Members of Congress, former and current senior State Department officials, academics and think-tank analysts, and other stakeholders have 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. Several such reports have been released over the past year, including those published by the Council on Foreign Relations, the Harvard Kennedy School, and the Truman Center.⁶⁰ In general, these and other reports maintain that efforts to strengthen the capacity of the State Department’s personnel to advance U.S. foreign policy and national security goals must be holistic in scope and recognize the interrelated nature of existing management challenges. For example, some analysts who have expressed concern regarding the absence of mid-level entry programs in the Foreign Service recommend that the State Department leverage such programs to simultaneously target mid-career professionals from racial and ethnic groups that are currently underrepresented in the department’s workforce, and those with requisite expertise to fill previously unanticipated mid-level skill gaps in areas such as science and technology. Similarly, analysts note persistent overseas Foreign Service vacancies may contribute to difficulties that the State Department’s Chiefs of Mission currently face in exercising their statutory authorities. Thus, efforts to expand the size of the Foreign Service workforce or fill these vacancies through other means, such as Civil Service overseas rotation programs, might also enhance the ability of COMs to direct and coordinate U.S. government activities abroad.

To date, the 117th Congress’s engagement on State Department personnel matters has focused in large part on diversity and inclusion issues. For example, in May 2021 the House of Representatives passed H.R. 1157, the Department of State Authorization Act of 2021, which includes several provisions regarding diversity and inclusion matters, including measures affecting the State Department’s recruiting, training, and promotion practices. Members have also introduced several additional bills focused on this topic.⁶¹ The 117th Congress is also considering

⁶⁰ Uzra S. Zeya, and John Finer, *Revitalizing the State Department and American Diplomacy*, Council on Foreign Relations, November 2020, at <https://www.cfr.org/report/revitalizing-state-department-and-american-diplomacy>; Amb. Nicolas Burns, Amb. Marc Grossman, and Amb. Marcie Ries, *A U.S. Diplomatic Service for the 21st Century*, Harvard Kennedy School: Belfer Center for Science and International Affairs, November 2020, at <https://www.hks.harvard.edu/publications/us-diplomatic-service-21st-century>; Truman Center, *Transforming State: Pathways to a More Just, Equitable, and Innovative Institution*, March 2021, at <http://trumancenter.org/ideas/task-force-report-transforming-the-state-department/>.

⁶¹ For example, see S. 599 and H.R. 1096.

the Biden Administration’s FY2022 International Affairs budget request, which includes a call for funding to support the hiring of an additional 485 Foreign Service and Civil Service Officers at the State Department. The below sections examine the state of play regarding these and other issues, including recent congressional activity and potential policy options.

Diversity and Inclusion

Successive Secretaries of State and other senior State Department officials, regardless of Administration or political affiliation, have stated the importance of a diverse State Department workforce. In 2002, Colin Powell, the first Black Secretary of State, remarked that “[t]o advance America’s values and interests today, we must draw on the talents and the knowledge and experience of the widest possible range of Americans. The diversity of our diplomats can help us make the case all around the globe that the keys to a better future are ... societies where citizens are equal under the law, and in which their contributions are valued.”⁶² Similarly, Secretary of State Antony Blinken has asserted that “[b]ecause we’re operating in a diverse world, and America’s diversity is a source of strength that few countries can match, when we fail to build a team that reflects America, it’s like we’re engaging the world with one arm tied behind our back.”⁶³ The Foreign Service Act also includes multiple provisions addressing diversity. For example, Section 101 includes a finding stating that “the members of the Foreign Service should be representative of the American people,” and further provides that the law intends 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.”

Many stakeholders, including Secretary Blinken and some Members of Congress, argue that the State Department has long failed to make necessary progress on workforce diversity and inclusion efforts. For example, Secretary Blinken observed that a January 2020 Government Accountability Office (GAO) report on diversity in the State Department’s workforce revealed lower rates of promotion for racial and ethnic minorities and commented on what he perceived to be “the alarming lack of diversity at the highest levels of the State Department” (see **Figure 2** and **Figure 3**).⁶⁴ However, programs to promote diversity and inclusion sometimes face opposition. Broadly, critics have argued that categorizing Americans by race, ethnicity, and other means of differentiation, although sometimes required by equal opportunity laws, fosters “identity politics” that encourage people to focus on individual differences rather than common national and agency interests.⁶⁵ Additionally, some experts have argued that diversity training within organizations creates an “us versus them” response in many people that may actually increase discrimination.⁶⁶

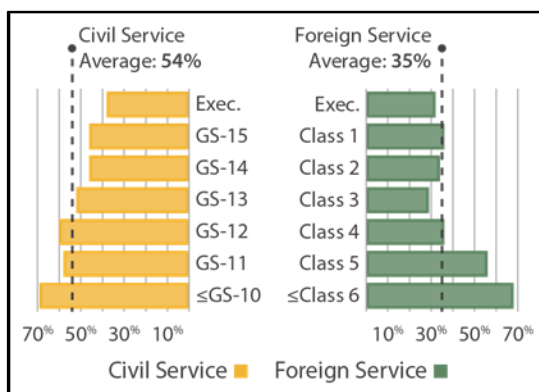
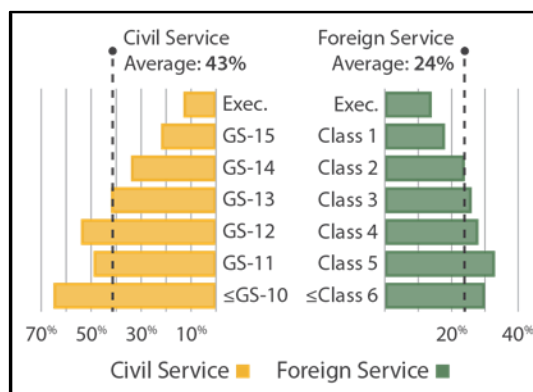
⁶² Secretary of State Colin L. Powell, “Remarks with Distinguished Guests at Ceremony Announcing Grant to Howard University,” May 17, 2002, at <https://2001-2009.state.gov/secretary/former/powell/remarks/2002/10287.htm>.

⁶³ U.S. Department of State, Office of the Spokesperson, “At the Announcement of Ambassador Gina Abercrombie-Winstanley as Chief Diversity and Inclusion Officer,” April 12, 2021, at <https://www.state.gov/secretary-antony-j-blinken-at-the-announcement-of-ambassador-gina-abercrombie-winstanley-as-chief-diversity-and-inclusion-officer/>.

⁶⁴ *Ibid.*

⁶⁵ For examples, see Mike Gonzales, “It Is Time to Debate—and End—Identity Politics” The Heritage Foundation, October 9, 2018, <https://www.heritage.org/civil-society/commentary/it-time-debate-and-end-identity-politics>; and Francis Fukuyama, *Identity: The Demand for Dignity and the Politics of Resentment*, Farrar, Straus, and Giroux; 1st Edition (September 11, 2018).

⁶⁶ David Rock, “Is Your Company’s Diversity Training Making You More Biased?” *Psychology Today*, June 7, 2017, at <https://www.psychologytoday.com/us/blog/your-brain-work/201706/is-your-company-s-diversity-training-making-you-more-biased>.

Figure 2. Department of State Minority Workforce by Rank, 2018**Figure 3. Department of State Female Workforce by Rank, 2018**

Source: CRS, adapted from data from GAO, State Department: Additional Steps Are Needed to Identify Potential Barriers to Diversity, GAO-20-237, January 27, 2020.

Notes: Percentages calculated in-grade as the share of that grade comprised of minority and female employees.

Both the White House and the State Department have announced new initiatives intended to promote diversity and inclusion. On June 25, 2021, President Biden signed an executive order requiring, among other priorities, that all federal agencies review whether employees from underserved groups face barriers to employment, promotion, or professional development and, separately, establish Chief Diversity Officers within their organizations.⁶⁷ The State Department has already fulfilled the latter requirement, as Secretary Blinken appointed Ambassador Gina Abercrombie-Winstanley to serve as the State Department's first Chief Diversity and Inclusion Officer (CDIO) in April 2021. Secretary Blinken noted that the CDIO will report directly to him and be tasked with aligning and advancing diversity and inclusion efforts across the State Department and finalizing and implementing the State Department's forthcoming Diversity and Inclusion Strategic Plan.⁶⁸

Following the death of George Floyd and ensuing protests in 2020, calls for the State Department to improve and expand its diversity and inclusion efforts intensified.⁶⁹ Many observers argue that to improve diversity and inclusion, the State Department must implement reforms throughout its personnel management cycle, including with respect to recruitment, training, assignment procedures, promotion, retention, and other areas.⁷⁰ For example, some have recommended that the State Department conduct more targeted recruiting efforts to engage with high school and college students throughout the United States, including those at historically Black colleges and

⁶⁷ The White House, "FACT SHEET: President Biden Signs Executive Order Advancing Diversity, Equity, Inclusion, and Accessibility in the Federal Government," June 25, 2021, at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/25/fact-sheet-president-biden-signs-executive-order-advancing-diversity-equity-inclusion-and-accessibility-in-the-federal-government/>.

⁶⁸ U.S. Department of State, Office of the Spokesperson, "At the Announcement of Ambassador Gina Abercrombie-Winstanley as Chief Diversity and Inclusion Officer," April 12, 2021, at <https://www.state.gov/secretary-antony-j-blinken-at-the-announcement-of-ambassador-gina-abercrombie-winstanley-as-chief-diversity-and-inclusion-officer/>.

⁶⁹ Conor Finnegan, "State Department expands diversity fellowships amid pressure to better support diplomats of color," *ABC News*, September 3, 2020, at <https://abcnews.go.com/Politics/state-department-expands-diversity-fellowships-amid-pressure-support/story?id=72754381>.

⁷⁰ For example, see "Diversity and Inclusion in the U.S. Foreign Service: Recommendations for Action," *Foreign Service Journal*, January/February 2021.

universities.⁷¹ Additionally, both Members of Congress and former State Department officials have called for a significant expansion of paid internship opportunities, including at U.S. embassies and consulates abroad.⁷² Others have advocated for Congress to create a program similar to the U.S. military's Reserve Officers' Training Corps (ROTC) that would provide a new avenue for students, including those from underrepresented backgrounds, to pursue a career in either the Foreign or Civil Service.⁷³

Many analysts have also emphasized that the State Department should place particular emphasis on measures to retain and promote existing staff from underrepresented backgrounds, as the previously mentioned 2020 GAO report found that the proportion of racial and ethnic minorities and women were generally smaller in the State Department's higher ranks, while promotion rates for such groups were sometimes lower than those for Whites.⁷⁴ Suggested actions include revising promotion criteria to ensure that advancing diversity and inclusion is a factor for promotion to supervisory positions and expanding the use of oral exit interviews to obtain feedback from departing employees regarding the State Department's diversity and inclusion efforts.⁷⁵ Others have called on the State Department to appoint an independent academic expert to conduct a "diversity review" of its personnel practices, including promotion and retention.⁷⁶ At the most senior levels, some called on the State Department to more strongly prioritize diversity and gender parity for appointments to such positions.⁷⁷ Secretary Blinken's decision to include Ambassador Abercrombie-Winstanley in the State Department's "D Committee," which is responsible for reviewing candidates to serve in senior positions including Chiefs of Mission, may lead to change in this area.⁷⁸

Congressional Responses and Options

- On May 18, 2021, the House of Representatives passed H.R. 1157, the Department of State Authorization Act of 2021. This bill has been received in the Senate and was referred to the Senate Foreign Relations Committee. It includes several provisions regarding diversity and inclusion. If enacted, this bill would require the State Department to publicly disclose more detailed demographic data and other information regarding the diversity of the State Department's workforce, expand its recruiting efforts to better target individuals from underrepresented groups, increase training for staff on anti-harassment and anti-discrimination, and implement performance and advancement requirements that reward and recognize the efforts of individuals in senior positions to foster an inclusive environment.

⁷¹ Amb. Nicolas Burns, Amb. Marc Grossman, and Amb. Marcie Ries, *A U.S. Diplomatic Service for the 21st Century*, November 2020, p. 27.

⁷² *Ibid*; See also Truman Center, *Transforming State: Pathways to a More Just, Equitable, and Innovative Institution*, p. 31.

⁷³ Anne-Marie Slaughter, "Reinventing the State Department," *Democracy Journal*, September 15, 2020, at <https://democracyjournal.org/magazine/reinventing-the-state-department/>.

⁷⁴ William J. Burns and Linda Thomas-Greenfield, "The Transformation of Diplomacy: How to Save the State Department," *Foreign Affairs*, September 23, 2020.

⁷⁵ Amb. Nicolas Burns, Amb. Marc Grossman, and Amb. Marcie Ries, *A U.S. Diplomatic Service for the 21st Century*, November 2020, p. 27; Uzra S. Zeya, and John Finer, *Revitalizing the State Department and American Diplomacy*, November 2020, p. 15.

⁷⁶ Truman Center, *Transforming State: Pathways to a More Just, Equitable, and Innovative Institution*, March 2021, p. 31.

⁷⁷ Uzra S. Zeya, and John Finer, *Revitalizing the State Department and American Diplomacy*, November 2020, p. 15.

⁷⁸ Jory Heckman, "Elevated State Dept. chief diversity officer looks to move needle on decades-long challenges," *Federal News Network*, May 3, 2021, at <https://federalnewsnetwork.com/hiring-retention/2021/05/elevated-state-dept-chief-diversity-officer-looks-to-move-needle-on-decades-long-challenges/>.

- During the 117th Congress, Members of Congress have introduced several additional bills seeking to advance diversity and inclusion programs at the State Department. S. 599, the Department of State Student Internship Program Act, for example, would expand the availability of paid internship programs and require the State Department to transition all of its unpaid internship programs to programs offering compensation. Separately, the Represent America Abroad Act of 2021 (H.R. 1096), if enacted, would require the State Department to establish a new mid-level entry program enabling the Foreign Service to recruit mid-career professionals from minority groups (for more information regarding mid-level entry programs, see the “Training and Professionalism” subsection).
- Some analysts have recommended that the Senate establish a confidential channel through which the State Department’s personnel could share information with Senate leadership regarding actions by nominees to senior positions requiring Senate advice and consent that amount to bullying, discrimination, or harassment.⁷⁹ The Senate Foreign Relations Committee may wish to explore whether such a channel would prove necessary or beneficial.

Personnel Staffing Levels

The Biden Administration has indicated a commitment to “revitalizing the foreign policy workforce.”⁸⁰ As part of its FY2022 International Affairs budget request, it is seeking funding for an additional 255 Foreign Service Officers and 230 Civil Service personnel. The request includes Foreign Service positions in Asia, Africa, Latin America, and elsewhere that the Biden Administration maintains are critical to advancing U.S. prosperity and countering Chinese, Russian, and Iranian malign influence. It also includes Civil Service positions to protect U.S. critical infrastructure, expand the State Department’s cybersecurity and risk management programs, and advance the Biden Administration’s science and technology priorities.⁸¹ These requested positions broadly align with staffing priorities Secretary Blinken articulated at his nomination hearing in January 2021. At the hearing, Secretary Blinken asserted that the State Department needed additional personnel with expertise in critical areas such as global health, climate change, and technology.⁸²

Some analysts have termed the size of the State Department’s workforce a “foundational issue,” arguing that it is currently too small to most effectively shape and execute U.S. foreign policy priorities.⁸³ Yet many others caution that increasing the size of the Foreign Service workforce is not a panacea. One former State Department official noted, for example, that while the size of the diplomatic corps increased by around 50% from 2003 through 2012, the State Department still faced numerous challenges delivering on its mission.⁸⁴ Another observer has similarly asserted that management challenges are not attributable to the State Department’s personnel strength, but

⁷⁹ Truman Center, *Transforming State: Pathways to a More Just, Equitable, and Innovative Institution*, March 2021, p. 16.

⁸⁰ U.S. Department of State, *Congressional Budget Justification, Department of State, Foreign Operations, and Related Programs, Fiscal Year 2022*, p. 17.

⁸¹ U.S. Department of State, “FY2022 Budget Request: Department of State and USAID,” Slide Presentation, May 28, 2021, p. 14.

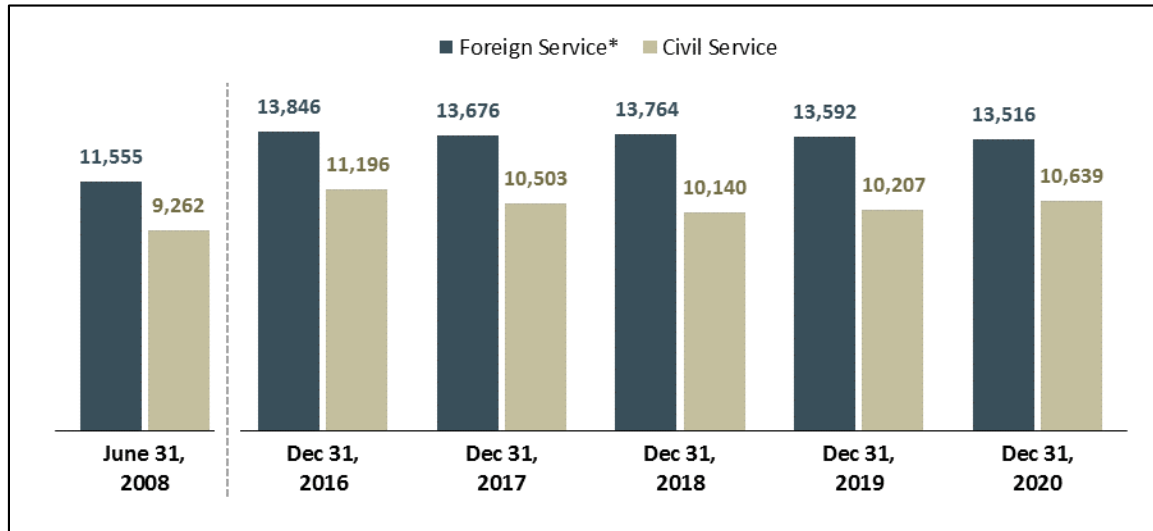
⁸² Testimony of Secretary of State-designate Antony Blinken, Senate Committee on Foreign Relations, *Nomination Hearing*, 117th Cong., 1st sess., January 19, 2021.

⁸³ Amb. Nicolas Burns, Amb. Marc Grossman, and Amb. Marcie Ries, *A U.S. Diplomatic Service for the 21st Century*, November 2020, p. 36.

⁸⁴ Kori Schake, “State of Disrepair,” *Foreign Policy*, April 11, 2012, at <https://foreignpolicy.com/2012/04/11/state-of-disrepair/>.

rather the allocation of resources and personnel to several tertiary priorities outside the State Department’s traditional remit.⁸⁵ The number of Foreign Service and Civil Service personnel declined during the Trump Administration, which instituted a hiring freeze from January 2017 to April 2018. However, these declines did not approach the lower numbers of Foreign and Civil Service personnel in place near the end of the George W. Bush Administration (see **Figure 4**).

Figure 4. Department of State Foreign Service and Civil Service Personnel Levels



Source: Chart created by CRS with data from 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 (later known as the Bureau of Global Talent Management), “HR Fact Sheet: Facts About Our Most Valuable Asset – Our People,” fact sheet, December 31, 2016–December 31, 2020.

While many analysts and other observers believe the size of the Foreign Service (or the State Department workforce more broadly) should increase, there are many competing proposals regarding precisely how the State Department should supplement existing personnel levels. Some observers have called on the State Department to gradually hire as many as 3,800 additional career Foreign Service personnel through traditional hiring mechanisms to both provide for an adequate training float (see “Training and Professionalism” below) and address projected future vacancies.⁸⁶ Other proposals include calls for Congress to establish a Diplomatic Reserve Corps that would provide the State Department with a diplomatic surge capacity that could be deployed to respond to crises or emergencies abroad; address, on a short-term basis, human capital deficits in emerging areas such as quantum computing and cybersecurity; and fill critical vacancies at overseas posts.⁸⁷ Additionally, some have espoused the idea of a more robust Foreign Service

⁸⁵ Brett D. Schaefer, *How to Make the State Department More Effective at Implementing U.S. Foreign Policy*, Heritage Foundation, Backgrounder no. 3115, April 20, 2016, at <https://www.heritage.org/political-process/report/how-make-the-state-department-more-effective-implementing-us-foreign>.

⁸⁶ Amb. Nicolas Burns, Amb. Marc Grossman, and Amb. Marcie Ries, *A U.S. Diplomatic Service for the 21st Century*, November 2020, p. 37; Joaquin Castro, “How to Bring American Diplomacy Back from the Brink,” *Foreign Affairs*, October 28, 2020, at <https://www.foreignaffairs.com/articles/2020-10-28/how-bring-american-diplomacy-back-brink>.

⁸⁷ Amb. Nicolas Burns, Amb. Marc Grossman, and Amb. Marcie Ries, *A U.S. Diplomatic Service for the 21st Century*, November 2020, p. 44–45; Uzra S. Zeya, and John Finer, *Revitalizing the State Department and American Diplomacy*, November 2020, p. 30; William J. Burns and Linda Thomas-Greenfield, “The Transformation of Diplomacy: How to Save the State Department,” *Foreign Affairs*, September 23, 2020; American Academy of Diplomacy, *Strengthening the Department of State*, May 2019, at <https://www.academyofdiplomacy.org/publication/strengthening-the->

mid-level entry program, or alternatively, new hiring authorities, to allow the Foreign Service to bring in personnel from the private sector or other government agencies to meet unanticipated mid-level skill gaps in priority disciplines, while also improving diversity.⁸⁸

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. In recent years, Congress has inserted directives in appropriations laws requiring the State Department to obligate funds to support the department's workforce at specified levels. For example, Section 7073 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (Division F of P.L. 116-6) provided that the State Department could not use appropriated funds to expand or reduce the size of the State Department Civil Service, Foreign Service, eligible family member, and locally employed staff workforce from the on-board levels as of December 31, 2017, without consultation with Congress. Congress has also included reporting requirements obligating the State Department to submit regular reports detailing on-board personnel levels, hiring, and attrition of the Civil Service, Foreign Service, eligible family members, and locally employed staff workforce.⁸⁹ Congress could continue to include such measures in annual appropriations laws to provide guidance and oversight with respect to the State Department's personnel levels.
- Congress could choose to establish a Diplomatic Reserve Corps or a mid-level hiring program through amending the Foreign Service Act or another legislative vehicle. There is precedent for both actions—for example, in 2008, Congress authorized both a Response Readiness Corps and a Civilian Reserve Corps to support reconstruction and stabilization assistance in contingency environments.⁹⁰ With regard to mid-level entry programs, Congress in 2016 authorized a three-year pilot program 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.⁹¹ Subsequent challenges in standing up these programs may indicate a need for Congress to provide consistent funding, expanded authorities, and robust oversight over a period of many years to ensure that the State Department has the tools at its disposal to fulfill ambitious statutory mandates.⁹²
- H.R. 1157, the Department of State Authorization Act of 2021, which passed the House of Representatives in May 2021, includes some provisions related to

department-of-state/, p. 23.

⁸⁸ Amb. Nicolas Burns, Amb. Marc Grossman, and Amb. Marcie Ries, *A U.S. Diplomatic Service for the 21st Century*, November 2020, p. 41; Uzra S. Zeya, and John Finer, *Revitalizing the State Department and American Diplomacy*, November 2020, pp. 4, 6, 9, 17, 24; Truman Center, *Transforming State: Pathways to a More Just, Equitable, and Innovative Institution*, March 2021, p. 22.

⁸⁹ For example, see Joint Explanatory Statement Accompanying Division K of Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Division K of P.L. 116-260), at <https://docs.house.gov/billssthisweek/20201221/BILLS-116RCP68-JES-DIVISION-K.pdf>, p. 93.

⁹⁰ See 22 U.S.C. §2734.

⁹¹ See Section 404 of the Department of State Authorities Act, Fiscal Year 2017 (P.L. 114-323).

⁹² For example, see archived CRS Report RL32862, *Peacekeeping/Stabilization and Conflict Transitions: Background and Congressional Action on the Civilian Response/Reserve Corps and other Civilian Stabilization and Reconstruction Capabilities*, by Nina M. Serafino (available to congressional clients upon request).

personnel strength and vacancies. If enacted, this bill would authorize the State Department to temporarily fill Foreign Service designated positions that have been vacant for over a year with non-Foreign Service personnel. Additionally, it would require the State Department to submit a comprehensive five-year strategic staffing plan to Congress that aligns with and furthers the objectives of the National Security Strategy.

Training and Professionalism

Many former State Department officials and other observers have expressed concern that State Department personnel are not sufficiently equipped with “the knowledge, skills, abilities, and outlooks needed to equip career diplomats to conduct 21st-century diplomacy.”⁹³ Others similarly note persistent tension between the need for education, training, and professional development throughout all stages of an employee’s career on the one hand, and the State Department’s immediate operational needs both overseas and domestically on the other.⁹⁴ This situation may have fomented what some have described as a cultural aversion to training within the State Department. Training assignments are often viewed, from this perspective, as potentially damaging to one’s career prospects because they do not improve chances for promotion.⁹⁵ While some express concern that the State Department’s perceived lack of emphasis on training and professional development could put its personnel at a disadvantage relative to those of other executive agencies and foreign diplomatic corps, others may argue that it constitutes a sound approach and may better ensure the advancement of the most talented and effective personnel to the senior ranks.

Those in favor of expanding the State Department’s training and professional development opportunities argue that improved programming must be available immediately when one enters the State Department and continue through promotion to senior positions. Recommendations include increasing the length of training for incoming Foreign Service Officers from 6 weeks to at least 6 months, and expanding the curricula to include additional focus on U.S. diplomatic history and practice; the respective roles of the Foreign Service, Civil Service, Locally Employed Staff, and other personnel; leadership and management skills; and how to best utilize on-the-job training.⁹⁶ Others have called for the State Department to adopt more collaborative entry-level training modules in which Foreign Service Officers, Foreign Service Specialists, and Civil Service personnel participate together in order to promote a more unified State Department and reduce stove-piping between the Foreign Service and Civil Service personnel systems.⁹⁷

As personnel move through the State Department’s ranks, some argue that the department should afford them more opportunities to go on temporary details to other executive agencies, think tanks, state and local governments, congressional offices, and private sector firms. Supporters of this policy argue that it will enable both Foreign Service and Civil Service personnel to

⁹³ Atlantic Council, *State Department Reform Report*, August 2017, pp. 15-16.

⁹⁴ American Academy of Diplomacy, *Strengthening the Department of State*, p. 44.

⁹⁵ William J. Burns and Linda Thomas-Greenfield, “The Transformation of Diplomacy: How to Save the State Department,” September 23, 2020; Uzra S. Zeya, and John Finer, *Revitalizing the State Department and American Diplomacy*, November 2020, p. 26.

⁹⁶ Amb. Nicolas Burns, Amb. Marc Grossman, and Amb. Marcie Ries, *A U.S. Diplomatic Service for the 21st Century*, November 2020, p. 33; Atlantic Council, *State Department Reform Report*, August 2017, p. 18; American Academy of Diplomacy, *Strengthening the Department of State*, May 2019, p. 46.

⁹⁷ Amb. Nicolas Burns, Amb. Marc Grossman, and Amb. Marcie Ries, *A U.S. Diplomatic Service for the 21st Century*, Harvard Kennedy School: Belfer Center for Science and International Affairs, November 2020, p. 33; American Academy of Diplomacy, *Strengthening the Department of State*, May 2019, p. 47.

strengthen their skills in core areas of increasing importance to 21st century statecraft, including business and commercial advocacy, cybersecurity, and information and communications technology, while also (in the case of additional details to Capitol Hill) improving relations with Congress.⁹⁸ Stakeholders have similarly called on the State Department to provide more opportunities for staff to study at outside academic institutions, noting that personnel accepted to prestigious universities to earn advanced degrees relevant to their work are currently offered leave without pay only under limited circumstances.⁹⁹ Others note the importance of increasing in-house training programs for mid-level personnel in areas such as the federal budget, the roles and missions of other federal agencies involved with national security policy, and inter-agency policymaking and implementation processes.¹⁰⁰

For the State Department's senior leadership, analysts note that recent Secretaries of State successfully demanded that the Foreign Service Institute establish a school for leadership and management training in large part to provide these personnel more access to professional development programs in such disciplines. Some argue that the State Department must strengthen and expand requirements that Foreign Service and Civil Service personnel seeking promotion into the senior ranks complete training modules in these areas.¹⁰¹ Others have suggested that senior leaders should receive as much as six months of training upon promotion, including in areas such as current and emerging policy issues, strategic foresight, and diplomatic skills and tradecraft.¹⁰²

All of the aforementioned proposals are generally predicated on the notion that the State Department should advance the further professionalization of its workforce. However, this idea does not enjoy universal adherence, as some have argued that changes to the international political environment since the end of the Cold War demand that the State Department “deprofessionalize” its workforce.¹⁰³ This point of view reflects an assumption that in the post-Cold War era, the most acute geopolitical challenges facing the United States have transcended traditional bilateral relations and now involve complex multidisciplinary issues such as climate change, disinformation, global health security, mass migration, and natural resource shortages. To address these challenges effectively, national governments must, this argument follows, partner with broad coalitions including stakeholders within the business community, academia, the philanthropy sector, local governments, and faith groups.¹⁰⁴ Supporters of this view argue that the State Department can most effectively leverage these coalitions by deprofessionalizing its workforce and creating a new “Global Service” comprised of personnel with backgrounds working on global issues in a wide range of capacities serving on non-career, renewable five-year appointments. Given the diverse backgrounds of such personnel, proponents of this approach predict that they will offer new perspectives to addressing national security and foreign policy

⁹⁸ Joaquin Castro, “How to Bring American Diplomacy Back from the Brink,” October 28, 2020,.; Uzra S. Zeya, and John Finer, *Revitalizing the State Department and American Diplomacy*, November 2020, pp. 8, 10; Atlantic Council, *State Department Reform Report*, August 2017, p. 17; Truman Center, *Transforming State: Pathways to a More Just, Equitable, and Innovative Institution*, March 2021, pp. 23, 35; American Academy of Diplomacy, *Strengthening the Department of State*, May 2019, p. 51.

⁹⁹ Amb. Nicolas Burns, Amb. Marc Grossman, and Amb. Marcie Ries, *A U.S. Diplomatic Service for the 21st Century*, November 2020, p. 31; Joaquin Castro, “How to Bring American Diplomacy Back from the Brink,” October 28, 2020.

¹⁰⁰ Atlantic Council, *State Department Reform Report*, August 2017, p. 18.

¹⁰¹ Amb. Nicolas Burns, Amb. Marc Grossman, and Amb. Marcie Ries, *A U.S. Diplomatic Service for the 21st Century*, November 2020, pp. 30-31; Uzra S. Zeya, and John Finer, *Revitalizing the State Department and American Diplomacy*, November 2020, p. 27; American Academy of Diplomacy, *Strengthening the Department of State*, pp. 31, 40.

¹⁰² Amb. Nicolas Burns, Amb. Marc Grossman, and Amb. Marcie Ries, *A U.S. Diplomatic Service for the 21st Century*, November 2020, pp. 32-33.

¹⁰³ Anne-Marie Slaughter, “Reinventing the State Department,” *Democracy Journal*, September 15, 2020, at <https://democracyjournal.org/magazine/reinventing-the-state-department/>.

¹⁰⁴ *Ibid.*

challenges. They would also be expected to “cross civic, corporate, and government boundaries with ease” and reach out to their professional networks to mobilize the coalitions and resources necessary to address contemporary national security threats.¹⁰⁵

Congressional Responses and Options

- Those who have called on the State Department to develop and offer a more comprehensive suite of training, education, and professional development opportunities often acknowledge that their proposals are not feasible unless the State Department hires at least 2,000 additional Foreign Service Officers.¹⁰⁶ This would enable the State Department to create a “training float” of 15% above the level required to staff all authorized positions to allow Foreign Service personnel to participate in long-term training programs without posts and bureaus having to endure widespread vacancies.¹⁰⁷ Such an effort would require congressional action. Most State Department positions are funded through congressional appropriations, and Congress has inserted directives in recent appropriations laws requiring the State Department to obligate funds to support the State Department’s workforce at certain levels (see the “Personnel Staffing Levels” subsection).
- Congress has frequently passed laws instituting training requirements for State Department personnel and could elect to do so again should it identify any areas where training and professional development opportunities are currently lacking. For example, in 2019 Congress amended Section 708 of the Foreign Service Act to provide additional training on economic and commercial diplomacy to Foreign Service personnel, including Chiefs of Mission. Specifically, such training is focused on “market access and other elements of an enabling framework for United States businesses, commercial advocacy, and United States foreign economic policy, in addition to awareness about the support of the United States Government available to United States businesses.”¹⁰⁸ In legislating such training requirements, Congress would need to provide concomitant funding to the State Department if it wanted to ensure that their implementation did not amount to an unfunded mandate.

Chief of Mission Authority

As previously discussed, “Chief of Mission” 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. In their capacity as the President’s personal representatives, COMs are responsible for exercising the authorities vested in them by both law and executive branch directives and regulations (for additional detail, see the “Ambassadors, Chiefs of Mission, and Ambassadors-at-Large” subsection of this report).

¹⁰⁵ Ibid.

¹⁰⁶ Amb. Nicolas Burns, Amb. Marc Grossman, and Amb. Marcie Ries, *A U.S. Diplomatic Service for the 21st Century*, November 2020, p. 6.

¹⁰⁷ Ambassador Charles Ray, “America Needs a Professional Foreign Service: Speaking Out,” *Foreign Service Journal*, July/August 2015, at <https://www.afsa.org/america-needs-professional-foreign-service>.

¹⁰⁸ See Section 708(d) of the Foreign Service Act of 1980, as amended.

Former senior State Department officials and other analysts have recently expressed concern that many COMs have proven unable to effectively exercise their authorities. They often fear that deficiencies in this area not only contribute to perceptions among the State Department's inter-agency partners that it is ineffective in developing, coordinating, and implementing policy, but also foment confusion and a lack of cohesiveness among personnel at U.S. overseas posts.¹⁰⁹ Similar concerns regarding the need for the executive branch to strengthen the capacity of COMs to leverage their authorities have been expressed for many decades. In 1949, for example, the Hoover Commission on Organization of the Executive Branch (created by Congress in 1947 and tasked with recommending changes to promote economy and efficiency within the executive branch) recommended that in light of the State Department's own limited resources and personnel, it should focus on coordinating the overseas work of other agencies endowed with the capacity and budgets needed to implement significant programs.¹¹⁰ Yet subsequent reports issued in 1975, 1998, and 2010 similarly identified the need for effective coordination of inter-agency activities abroad, with some judging the State Department incapable of fostering improvements in this area.¹¹¹

Many analysts attribute the current state of affairs to an unwillingness of both other agencies and Washington-based State Department personnel to allow the COM to manage interagency activities within his or her jurisdiction; an absence of explicit authorities to empower COMs to better unify the efforts of interagency groups that include the heads of non-State government agencies represented at overseas posts (also known as country teams); the limited authorities provided to COMs to manage budget and personnel issues; and, in some cases, the inability of COMs to apply basic leadership and management practices required to exercise their statutory authorities.¹¹² In recent years, the State Department has worked to improve the training afforded to COMs and provide more guidance on the details of COM authority.¹¹³ However, some believe the State Department must take far more action to bolster the standing of each individual COM and, by extension, the ability of the State Department to act as the lead U.S. foreign affairs agency abroad. For example, three retired U.S. Ambassadors recently called on the President to exercise leadership in this area by clearly designating the State Department as the lead agency in executing American foreign policy and ensuring that each COM's role is "clear, paramount, safeguarded, and unassailable."¹¹⁴ Others have advocated for the State Department to adopt a more agile policy coordination framework that ensures overseas posts are able to make significant contributions to policy development processes that are often centered in Washington, develop means to more promptly and efficiently transmit instructions to posts in the field to implement policy, and afford overseas personnel under the COM's supervision more autonomy.¹¹⁵ COMs could be further empowered, these analysts maintain, if the State Department committed to

¹⁰⁹ Amb. Nicolas Burns, Amb. Marc Grossman, and Amb. Marcie Ries, *A U.S. Diplomatic Service for the 21st Century*, , November 2020, p. 12; Uzra S. Zeya and John Finer, *Revitalizing the State Department and American Diplomacy*, p. 19.

¹¹⁰ Hoover and Acheson, p. 144, 155-158. See also Harry Kopp, "Blue-Ribbon Blues: Why So Many Great Reports and Good Ideas Go Nowhere," *Foreign Service Journal*, September 2018, at <https://www.afsa.org/blue-ribbon-blues-why-so-many-great-reports-and-good-ideas-go-nowhere>.

¹¹¹ Ibid. The reports referred to are Ambassador Robert D. Murphy's 1975 Commission on the Organization of the U.S. Government for the Conduct of Foreign Policy, a 1998 Stimson Center report titled "Equipped for the Future," and the State Department's 2010 Quadrennial Diplomacy and Development Review.

¹¹² Ibid. See also CRS Report R43422, *U.S. Diplomatic Missions: Background and Issues on Chief of Mission (COM) Authority*; Uzra S. Zeya and John Finer, *Revitalizing the State Department and American Diplomacy*, November 2020, p. 20.

¹¹³ *U.S. Diplomatic Missions: Background and Issues on Chief of Mission (COM) Authority*, p. 14.

¹¹⁴ Amb. Nicolas Burns, Amb. Marc Grossman, and Amb. Marcie Ries, *A U.S. Diplomatic Service for the 21st Century*, November 2020, p. 12.

¹¹⁵ Uzra S. Zeya and John Finer, *Revitalizing the State Department and American Diplomacy*, November 2020, p. 19.

allocating more Foreign Service positions overseas, where persistent vacancies encumber both COMs themselves and personnel under their jurisdiction.¹¹⁶

Congressional Responses and Options

- Congress passed the Foreign Service Act with the intention of codifying previous executive orders providing COMs responsibility for coordinating and supervising nearly all civilian U.S. government employees abroad and ensuring these employees comply with COM directives. If Congress decided to take action to further empower COMs, it could do so by providing them with additional, more prescriptive statutory authorities. Ample precedent for such action exists—for example, Congress amended the Foreign Service Act in 2019 to require the COM to play a role in promoting U.S. economic and commercial interests abroad.¹¹⁷ Furthermore, separate laws provide specific statutory roles for the COM in several areas including the adjudication of certain visa applications and counterdrug and anticrime activities.¹¹⁸
- Many analysts note that the inability of some COMs to exercise their responsibilities owes not only to an absence of statutory authorities, but also a lack of experience among some COMs who are political appointees rather than career Foreign Service Officers.¹¹⁹ While disputes persist regarding whether and to what extent Congress can impose legal conditions affecting the President’s constitutional authority to appoint ambassadors, the Foreign Service Act notes that any individual appointed to serve as a COM “should possess clearly demonstrated competence to perform the duties of a [COM],” states that COM positions “should normally be accorded” to career Foreign Service Officers, and requires the President to submit a report on the demonstrated competence of that nominee to serve as a COM. Legislation introduced in the 116th Congress, S. 4849, would have required the President to provide more details in these reports regarding each nominee’s qualifications. Among other provisions, the bill also would have required the Department of State’s Office of Inspector General to ensure that at least 25% of its annual inspections take place at overseas posts where the chief of mission was a non-career member of the Foreign Service as of July 1 of the most recently concluded fiscal year.

Ambassador Vacancies

Under the Constitution, the President and the Senate share the power to appoint the top officers of the United States.¹²⁰ Within the Department of State, there are 255 so-called PAS positions (Presidential appointments with Senate confirmation). This figure constitutes the most of any single federal agency and includes the approximately 189 ambassadors representing the United

¹¹⁶ American Academy of Diplomacy, *Strengthening the Department of State*, May 2019, p. 18.

¹¹⁷ See Title VII, Sec. 704 of P.L. 116-94.

¹¹⁸ See 8 U.S.C. §1157 and 22 U.S.C §2656i, respectively.

¹¹⁹ Brett D. Schaefer, *How to Make the State Department More Effective at Implementing U.S. Foreign Policy*, April 20, 2016, p. 9.

¹²⁰ 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.”

States in other countries or at international organizations.¹²¹ 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.

Some Members of Congress and other observers have expressed concern about President Biden's pace of selecting nominees for PAS positions, especially ambassadorships. AFSA data indicate that as of June 23, 2021, there were approximately 85 ambassador positions (or 45% of all such positions), which were vacant and for which President Biden had not transmitted a nominee to the Senate.¹²² Senator James E. Risch, the Ranking Member of the Senate Foreign Relations Committee, has stated that, "the Senate Foreign Relations Committee has helped expedite a number of important nominees, but we can't do our job if the president doesn't send us names and files ... at this rate, it's hard to imagine we will have ambassadors at key posts until much later [in 2021]."¹²³ Analysts cite numerous potential contributing factors to what some characterize as President Biden's slow pace. They include lengthy White House vetting processes; efforts to identify a more diverse, representative cadre of nominees to serve in key roles than has previously existed; and a predilection among senior officials already in place to prioritize addressing immediate foreign policy challenges rather than personnel matters.¹²⁴

However, others argue that variables outside the Biden Administration's control are the primary cause of persistent ambassadorial vacancies. Among such factors are what some view as the slow pace of the 2020-2021 presidential transition, which they state provided President Biden less time than his predecessors to begin selecting key nominees.¹²⁵ Additionally, they add that President Trump demonstrated a predilection to select a greater share of political appointees to ambassador positions, leaving President Biden with comparatively more positions to fill.¹²⁶ Others blame "senatorial inertia" and have criticized the Senate for failing, in their view, to expeditiously schedule hearings for President Biden's nominees across the government.¹²⁷

Debate persists not only with regard to which parties are most to blame for continued ambassadorial vacancies, but also such vacancies' impact. Some have suggested that President Biden's significant reliance, in their view, on personal engagement with foreign leaders mitigates the impact of such vacancies.¹²⁸ Yet others argue that the absence of ambassadors at overseas posts undermines the United States' ability to project influence and advance its foreign policy

¹²¹ Other PAS positions include the Secretary of State, the Deputy Secretary of State, the State Department's Under Secretaries of State, and most of the State Department's Assistant Secretaries of State. See U.S. Congress, House Committee on Oversight and Reform, *United States Government Policy and Supporting Positions*, S. Prt. 114-26, 116th Cong., 2nd sess. (Washington: GPO, 2020), pp. 209-212.

¹²² AFSA, "Tracker: Current U.S. Ambassadors," accessed June 25, 2021, at <https://afsa.org/list-ambassadorial-appointments>.

¹²³ Robbie Gramer and Jack Detsch, "Biden to Announce Nominees for Key Diplomatic Posts," *Foreign Policy*, April 15, 2021, at <https://foreignpolicy.com/2021/04/15/biden-state-department-white-house-picks-diplomats/>.

¹²⁴ "America says it's back. But where are its ambassadors?," *The Economist*, June 20, 2021, at <https://www.economist.com/united-states/2021/06/20/america-says-its-back-but-where-are-its-ambassadors>.; Tyler Parger, "Biden to nominate Tom Nides as ambassador to Israel; Ken Salazar, 'Sully' Sullenberger also get posts," *Washington Post*, June 15, 2021, at <https://www.washingtonpost.com/politics/2021/06/15/biden-ambassadors/>.

¹²⁵ Anita Kumar and Nahal Toosi, "Biden under pressure to tap fewer political ambassadors than Trump, Obama," *Politico*, March 15, 2021, at <https://www.politico.com/news/2021/03/15/biden-political-ambassadors-476050>.

¹²⁶ Nahal Toosi, "Biden names 9 ambassador nominees, including for Israel, NATO," *Politico*, June 15, 2021, at <https://www.politico.com/news/2021/06/15/biden-ambassadors-494645>.

¹²⁷ "America says it's back. But where are its ambassadors?," *The Economist*, June 20, 2021.

¹²⁸ Brett Samuels, "Biden meets with foreign leaders as ambassadorships sit vacant," *The Hill*, June 13, 2021, at <https://thehill.com/homenews/administration/558080-biden-meets-with-foreign-leaders-as-ambassadorships-sit-vacant?r=1>.

priorities.¹²⁹ They have asserted, for example, that the absence of a U.S. ambassador to Israel during the outbreak of violence between Israel and Hamas in May 2021 hindered U.S. diplomatic efforts to reduce tensions.¹³⁰ Many adherents of this view acknowledge that *chargés d'affaires* assigned to serve as ambassadors on a temporary basis are often appropriately qualified and experienced to serve in senior roles. Yet they add that these officials lack “the standing as a personal emissary of the President” that ambassadors enjoy, in effect limiting their capacity to advance U.S. foreign policy goals.¹³¹

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 255 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 taking, some actions to alleviate concerns that State Department ambassador slots or other PAS positions are not being filled quickly. Some may caution Congress against taking such steps, arguing that the Senate should closely guard its current prerogatives with respect to providing advice and consent.
- 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 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.¹³² 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 Presidents to fill these positions on their own. Although eliminating the advice and consent requirement for ambassadors may not pass constitutional muster due to the Constitution’s express delegation of this responsibility to the Senate, eliminating this requirement for other positions could provide the Senate additional time and flexibility to consider ambassadorial nominees. Separately, 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 (while some foreign relations positions were subject to this new process, none were ambassador positions).¹³³ Congress could take similar actions to further reduce

¹²⁹ Ibid.

¹³⁰ Ibid; See also America says it’s back. But where are its ambassadors?,” *The Economist*, June 20, 2021.

¹³¹ 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/>.

¹³² 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.

¹³³ 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

the number of Department of State positions for which advice and consent is required or streamline the Senate’s process for considering certain nominees.¹³⁴

- 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.¹³⁵ 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.)¹³⁶ 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 its unique role as a check on the executive branch through its role in executive business—that is, nominations and treaties.¹³⁷

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 amend existing laws pertaining to Department of State personnel. Such measures could address aforementioned matters pertaining to implementation of the diversity and inclusion efforts, personnel staffing levels, and 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 117th Congress is currently considering

(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.

¹³⁴ 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.

¹³⁵ 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.

¹³⁶ 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.

¹³⁷ 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.

H.R. 1157, the Department of State Authorization Act of 2021 that, if enacted, would similarly weigh in on a wide variety of personnel matters.

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