



Foreign Relations Reauthorization: Background and Issues

Introduction

The Constitution gives Congress the power to provide funding, authorize programs, and conduct oversight with respect to the implementation of foreign policy. In exercising these powers, Congress has enacted several laws requiring foreign affairs appropriations to be authorized prior to expenditure. These include Section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. §3094(a)(1)); Section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. §2680); Section 10 of An Act to amend the Foreign Military Sales Act, and for other purposes (22 U.S.C. §2412); and Section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. §6212). Foreign affairs authorizing bills are intended in part to assert the role of the foreign affairs authorizing committees in budgetary decisionmaking. Congress also utilizes them to address a range of foreign affairs policies, make changes to agencies or functions, and establish reporting requirements.

Authorization-Appropriations Process

An avenue for exercising Congress's power of the purse is the authorization and appropriation of federal spending. The formal process generally consists of: (1) enactment of an authorization measure that may create or continue an agency, program, or activity as well as authorize the subsequent enactment of appropriations; and (2) enactment of appropriations to provide funds for the authorized agency, program, or activity. For additional detail, see CRS Report RS20371, *Overview of the Authorization-Appropriations Process*, by Bill Heniff Jr., and CRS Report R46497, *Authorizations and the Appropriations Process*, by James V. Saturno.

Historically, Congress adhered to authorization requirements by enacting two types of foreign affairs authorizing legislation on a regular basis. One, covering day-to-day State Department (DOS) operations, diplomacy, and international broadcasting, is termed foreign relations authorization or State Department authorization. The second, which is not the focus of this product, is referred to as foreign assistance authorization and authorizes spending on matters such as economic development programs, selected security assistance, disaster assistance, and multilateral aid. The House Foreign Affairs Committee (HFAC) and Senate Foreign Relations Committee (SFRC) have jurisdiction over both authorization measures. In addition to establishing, terminating, and otherwise shaping foreign affairs programs and activities, these bills traditionally authorized funding levels to guide congressional appropriators.

Congress last passed a foreign relations reauthorization law that authorized appropriations for the State Department's

administration of foreign affairs across numerous appropriations accounts in 2002 (the Foreign Relations Authorization Act, Fiscal Year 2003; P.L. 107-228). Since 2016, Congress has passed five authorizing laws that include new DOS authorities, congressional oversight provisions, and authorizations of funding levels for select programs. Factors inhibiting the passage of more comprehensive reauthorization laws may include disagreements among Members over certain foreign affairs issues and reticence among some Members to vote multiple times for overseas spending that may be unpopular with constituents. Congress typically includes a provision in annual Department of State, Foreign Operations, and Related Programs (SFOPS) appropriations measures that waives statutory reauthorization requirements, allowing programs to be funded (see **Table 1**).

Table 1. Reauthorization Actions Since FY2003

FY	Action	P.L.	Div.	Title	Sec.
2003	Enacted	P.L. 107-228	—	—	—
2004	Waived	P.L. 108-199	B	IV	407
2005	Waived	P.L. 108-447	B	IV	410
2006	Waived	P.L. 109-108	—	IV	407
2007	Waived	P.L. 110-5	B	I	108
2008	Waived	P.L. 110-161	J	I	110
2009	Waived	P.L. 111-8	H	VII	7023
2010	Waived	P.L. 111-117	F	VII	7023
2011	Waived	P.L. 112-10	B	I	1108
2012	Waived	P.L. 112-74	I	VII	7022
2013	Waived	P.L. 113-6	F	I	1108
2014	Waived	P.L. 113-76	K	VII	7022
2015	Waived	P.L. 113-235	J	VII	7022
2016	Waived	P.L. 114-113	K	VII	7022
2017	Enacted	P.L. 114-323	—	—	—
2018	Waived	P.L. 115-141	K	VII	7022
2019	Waived	P.L. 116-6	F	VII	7022
2020	Waived	P.L. 116-94	G	VII	7022
2021	Enacted	P.L. 117-81	E	—	—
2022	Enacted	P.L. 117-263	I	—	—
2023	Enacted	P.L. 118-31	F	—	—
2024	Waived	P.L. 118-47	F	VII	7022
2025	Enacted	P.L. 118-159	G	—	—

Notes: FYs where “Enacted” is italicized indicate that while an authorization was enacted, Congress still provided a waiver in a separate measure. Italicized FYs indicate authorization measures that referred to a calendar year. Congress enacted an authorization measure in calendar year 2024 that is applicable to FY2025.

In addition to regularly waiving foreign affairs authorization requirements, appropriators include foreign affairs policy directives and reporting requirements in appropriations laws that some may argue are better suited for authorizing measures. Some assert that this has resulted in appropriators taking a primary role in aspects of congressional foreign policymaking that would otherwise fall under SFRC’s and HFAC’s jurisdiction.

Relevance of Foreign Relations Reauthorization

In recent years, some Members of Congress and other observers have expressed concerns that the executive branch conducts foreign policy without sufficient recognition of congressional prerogatives. Among the areas where Congress can assert its authority in this regard is the regular passage of comprehensive foreign relations reauthorization laws. Proponents argue that such action would have several potential implications, including

- fulfilling a key responsibility of HFAC and SFRC;
- serving as a means for HFAC and SFRC to provide funding guidance to the appropriators for DOS operations and activities;
- creating a consistent legislative vehicle for Congress to participate in establishing foreign policy priorities and/or reforming, reorganizing, creating, or eliminating agencies, offices, or functions; and
- providing Congress more opportunity to consult with DOS to coordinate foreign policy.

Recent Congressional Action

In 2016, Congress enacted the Department of State Authorities Act, Fiscal Year 2017 (P.L. 114-323). While this law did not authorize any appropriations, it included new authorities and oversight measures pertaining to matters including diplomatic security, embassy construction, and DOS personnel management. DOS authorization measures introduced in the 115th and 116th Congresses (e.g., see H.R. 5592, 115th Congress, and H.R. 3352, 116th Congress) enjoyed bipartisan support yet did not become law. In the 117th Congress, Congress began attaching DOS authorization measures to National Defense Authorization Acts (NDAA; see **Table 1**). Among other provisions, these laws

- authorized appropriations for the Embassy Security, Construction, and Maintenance appropriations account and purposes such as promoting U.S. citizen employment and advancing U.S. interests at the United Nations and other international organizations;
- authorized senior DOS positions and operating units and specified their responsibilities, including the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs and the Bureau of Cyberspace and Digital Policy;

- established a Commission on Reform and Modernization of the Department of State to offer recommendations to the legislative and executive branches as to how DOS can modernize to advance U.S. interests;
- addressed diplomatic security and embassy construction with the intention of enabling DOS to expedite opening new diplomatic missions abroad and appropriately weigh security risks with the priority of allowing broad U.S. diplomatic engagement around the world;
- sought to bolster DOS’s support for subnational diplomacy as a means of deepening ties with foreign allies and partners by authorizing DOS to strengthen subregional cooperation between U.S. state and municipal leaders and their counterparts across Africa and the Western Hemisphere; and
- facilitated DOS’s work to modernize the passport issuance process by authorizing DOS to enter into contracts and agreements to advance modernization and calling on DOS to ensure modernization efforts bring about a streamlined experience for passport applicants.

Issues for Congress

As the 119th Congress weighs possible DOS authorization measures, Members may consider the following issues:

Scope of Authorizing Legislation. While Congress has enacted DOS authorization laws on a more regular basis in recent years, it last passed legislation that authorizes appropriations across a broad range of SFOPS accounts in 2002. In the 119th Congress, Members might seek to build upon recently enacted laws and work to pass a broader measure that establishes congressional priorities for and oversight of a wider range of DOS expenditures. To do so may require Congress to resolve disputes that have stymied past efforts to enact more comprehensive reauthorization legislation.

Appropriate Legislative Vehicle. Since 2021, Congress has regularly attached DOS authorization laws to the annual NDAA. This practice may afford congressional committees that generally do not exercise jurisdiction over DOS influence in determining the scope and content of DOS authorizing measures. Congress could seek to address this concern by passing stand-alone DOS authorizing laws. Given the absence of stand-alone laws in recent decades, it is unclear whether the leadership of HFAC and SFRC, along with other Members supportive of passing regular DOS authorizing laws, could garner requisite support. Further, some Members of Congress who may have supported DOS authorization laws largely in the interest of ensuring continued annual passage of an NDAA may be more disposed to vote against a stand-alone measure they find objectionable or unnecessary.

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