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Foreign Relations Reauthorization: Background and Issues

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Introduction

The Constitution empowers Congress to provide funding, authorize programs, and conduct oversight with respect to foreign policy implementation. In exercising these powers, Congress has enacted several laws requiring foreign affairs appropriations to be authorized prior to expenditure, asserting the role of the foreign affairs authorizing committees in budgetary decisionmaking. 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). In addition to authorizing appropriations, Congress utilizes foreign affairs authorizing bills to address 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. Senate and House authorizing committees are responsible for authorizing legislation related to agencies under their jurisdiction, while the Senate and House Appropriations Committees have jurisdiction over appropriations measures. For additional details, see CRS Report RS20371, *Overview of the Authorization-Appropriations Process*, by Bill Heniff Jr.

During the 119th Congress, some Members of Congress and other observers have expressed concerns that the executive branch was conducting foreign policy without sufficient recognition of congressional prerogatives. Among the areas where Congress can assert its authority with regard to U.S. foreign policy is the regular passage of comprehensive foreign relations authorization laws. Passing such laws may have several implications, including fulfilling a key responsibility of the House Foreign Affairs Committee (HFAC) and Senate Foreign Relations Committee (SFRC); serving as a means for HFAC and SFRC to provide funding guidance to the appropriators for Department of State (DOS) operations and activities; creating a consistent legislative vehicle for Congress to participate in shaping foreign policy priorities and/or reforming, reorganizing, creating, or eliminating agencies, offices, or functions; and providing Congress more opportunities to consult with DOS to coordinate foreign policy.

Factors inhibiting the passage of more comprehensive authorization 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.

History of Foreign Relations Reauthorization

Historically, Congress adhered to authorization requirements by enacting two types of foreign affairs authorizing legislation on a regular basis. The first measure, which covers DOS operations, diplomacy, and international broadcasting, is termed foreign relations reauthorization or DOS 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, selected security assistance, disaster assistance, and multilateral aid. HFAC and SFRC have jurisdiction over both authorization measures. In addition to establishing, terminating, and otherwise shaping foreign affairs structures, programs, and activities, these bills may authorize funding levels to guide congressional appropriators.

Congress last enacted a comprehensive DOS authorization that authorized appropriations for DOS's administration of foreign affairs across multiple appropriations accounts in 2002, applicable to FY2003 (the Foreign Relations Authorization Act, Fiscal Year 2003; P.L. 107-228). Since then, Congress has enacted six authorizing laws that included new DOS authorities, congressional oversight provisions, and authorizations of funding levels for select programs (see **Table 1**).

Table 1. DOS Reauthorization Laws: FY2003-Present

FY	P.L.	Div.
2003	P.L. 107-228	—
2017	P.L. 114-323	—
2021	P.L. 117-81	E
2022	P.L. 117-263	I
2023	P.L. 118-31	F
2025	P.L. 118-159	G
2026	P.L. 119-60	E

Notes: Italicized FYs indicate authorization measures that referred to a calendar year rather than a fiscal year.

Since at least FY1999, Congress has included a provision in annual DOS appropriations measures that waives authorization requirements, allowing programs to be funded in the absence of an authorization of appropriations. For FY2026, for example, such a provision was included in P.L. 119-75, Division F, §7022. In addition to such waivers, appropriators now include foreign affairs policy directives and reporting requirements in appropriations laws that some may argue are better suited for

authorizing measures. Some may assert that this has resulted in appropriators taking a primary role in aspects of congressional foreign policy engagement that would otherwise fall under SFRC and HFAC jurisdiction.

Recent Congressional Action

In 2016 (114th Congress), Congress enacted the Department of State Authorities Act, Fiscal Year 2017 (P.L. 114-323), the first DOS authorization enacted since 2002. While this law did not authorize appropriations, it included new authorities and oversight measures pertaining to foreign policy matters, including diplomatic security, embassy construction, and DOS personnel management. Standalone DOS authorization measures introduced in the 115th (H.R. 5592, S. 1631) and 116th (H.R. 3352) Congresses did not become law. In the 117th Congress, Congress began attaching DOS authorization measures to National Defense Authorization Acts (NDAAs), enabling more frequent enactment of DOS authorizations (see **Table 1**). Among other actions, these laws have

- **authorized appropriations** for selected purposes, including for the Embassy Security, Construction, and Maintenance appropriations account; promoting U.S. citizen employment at the United Nations and other international organizations and advancing U.S. interests in such organizations; and expanding DOS's Regional China Officer Program;
- **authorized senior DOS positions and operating units and/or specified their responsibilities**, including the Under Secretary for Management, the Under Secretary for Political Affairs, and the Under Secretary for Public Diplomacy, along with many of the positions and operating units reporting to these officials; and
- authorized DOS to enter into contracts and agreements to **modernize the passport issuance process** and called on DOS to ensure modernization efforts brought about a streamlined experience for passport applicants.

Issues for Congress

Following passage of an FY2026 DOS authorization measure during the first session of the 119th Congress, some Members are seeking to advance an FY2027 measure during the second session. On June 24, 2026, SFRC Chair Risch and Ranking Member Shaheen submitted an amendment (S.Amdt. 6559) to an FY2027 NDAA (S. 4784) that included a DOS authorization. This measure would, among other provisions,

- redesignate the Office of the Inspector General for the U.S. Agency for International Development as the Office of the Inspector General for Foreign Assistance within DOS;
- extend the maximum duration of limited noncareer appointments for personnel providing passport and visa services (such as Consular Fellows) from five years to eight years; and
- require DOS to disclose in each report transmitted to HFAC and SFRC whether artificial intelligence tools were used to produce any part of the report and certify the report was reviewed and verified by a human user.

Separately, HFAC has considered several bills Congress could incorporate into a DOS authorization package, including those aimed at modernizing the authorities governing the Foreign Service (H.R. 9086) and repealing or modifying numerous DOS reporting requirements (H.R. 8668). As Congress weighs these or other measures, it could also consider the following issues:

Role of Congress in Foreign Policy Management. Some observers have expressed concern with what they view as Congress's undue influence in some aspects of foreign policy, which some argue has constrained DOS's capacity to adapt to emerging foreign policy issues. Others argue that congressional input helps ensure that U.S. foreign policy addresses the full range of issues of interest to the American people and that a lack of congressional oversight of DOS has contributed to management challenges and programs that they contend do not reflect U.S. interests. As it considers new authorization legislation, Congress may weigh these arguments and shape DOS programs and activities through legislation that also makes allowances for what DOS may view as its own executive prerogatives. Alternatively, Congress could seek to enact a more prescriptive authorization it views as consistent with its constitutional and statutory duties to oversee U.S. foreign policy yet may conflict with the executive branch's perspective of Congress's appropriate constitutional role.

Appropriate Legislative Vehicle. Since 2021, Congress has enacted five DOS authorization laws, in part by attaching them to an NDAA. Given the regular passage of defense authorization laws over the past six decades, many view the attaching of DOS authorization bills to these measures as an appropriate practice to better ensure DOS authorizations are enacted each year. The recent enactment of five such laws may indicate the effectiveness of this practice. However, Congress's decision to refrain from attaching a DOS authorization measure to the FY2021 NDAA, reportedly due to disagreements over the Women's Global Development and Prosperity Initiative, may suggest limitations to this approach. Additionally, some stakeholders have expressed concern that this practice may provide other congressional committees that generally do not exercise jurisdiction over DOS undue influence in determining the scope and content of DOS authorizing measures. Congress could 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 such laws, could garner requisite support. Further, some Members of Congress who voted for DOS authorization laws attached to NDAAs may have been more interested in ensuring passage of an NDAA than in passing a DOS authorization. Such Members may be more disposed to vote against a stand-alone DOS authorization bill with provisions they find objectionable or unnecessary.

Cory R. Gill, Analyst in Foreign Affairs

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