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The U.S. Department of State: Background and Selected Issues for the 118th Congress

Background

Created by an act of Congress in 1789, the U.S. Department of State (DOS) is the executive branch's lead foreign affairs agency and oldest cabinet agency. DOS's stated mission is "to protect and promote U.S. security, prosperity, and democratic values and shape an international environment in which all Americans can thrive." The Secretary of State, appointed by the President with Senate advice and consent, is DOS's senior officer and the President's principal foreign affairs adviser. The Secretary is supported by over 79,000 DOS employees, including around 14,000 Foreign Service personnel, 12,000 Civil Service employees, and 50,000 Locally Employed Staff (largely host country nationals working at overseas posts).

DOS's organizational structure includes over 30 regional and functional bureaus. Six regional bureaus, along with the Bureau of International Organization Affairs, oversee 279 overseas posts, including 175 embassies and 88 consulates. Congress vests authority in DOS Chiefs of Mission (COMs, usually U.S. ambassadors), under presidential direction, with "full responsibility" for leading all executive branch employees within their country of assignment, with the exception of Voice of America correspondents and employees under a United States area military commander.

Key Laws Governing State Department Operations

Congress has provided statutory frameworks for aspects of DOS's operations through laws such as the following:

- the **State Department Basic Authorities Act of 1956 (P.L. 84-885)**, which authorizes DOS's organizational structure, including senior positions such as the Secretary of State and the Deputy Secretary of State, and requires the Secretary to supervise and direct DOS;
- the **Foreign Service Act of 1980 (P.L. 96-465)**, which is the statutory means through which the State Department administers the Foreign Service, providing for appointment, promotion, and separation procedures; this law also authorizes COMs to direct U.S. diplomatic efforts; and
- the **Omnibus Diplomatic Security and Antiterrorism Act of 1986 (P.L. 99-399)**, which tasks the Secretary of State with, among other responsibilities, protecting U.S. government personnel on official duty abroad.

Congress has utilized State Department authorization bills to authorize funding for DOS and oversee department operations. Congress uses these bills to amend previously described key laws or provide new measures. Congress has not passed a standalone, comprehensive State Department

authorization since 2002. However, Congress has attached DOS authorization measures to the three most recent National Defense Authorization Acts (including Division F of P.L. 118-31, the FY2024 NDAA). Among other matters, these laws authorized appropriations for various purposes (e.g., the most recent measure authorized \$150 million to build the cybersecurity capacity of partner countries and advance related priorities), authorized senior DOS positions and operating units, and established a new legislative commission to recommend how DOS can modernize to better advance U.S. interests.

Strategic Planning

DOS utilizes a core strategic planning process intended to prioritize resources, coordinate with interagency partners, and make informed decisions to achieve what it calls "the most effective U.S. foreign policy outcomes." The objectives DOS derives from its strategic planning are used for purposes including preparing the DOS annual budget request to Congress.

DOS's core strategic planning takes place at several levels. Congress, through the Government Performance and Results Act (GPRA) Modernization Act of 2010 (P.L. 111-352), requires DOS and other agencies to prepare quadrennial strategic plans outlining their goals and objectives. DOS and the U.S. Agency for International Development (USAID, which is under DOS's policy guidance) fulfill this requirement through publication of shared Joint Strategic Plans (JSPs). JSPs seek to align DOS's priorities with the executive branch's top-level strategic documents (such as the National Security Strategy) and guide bureau and mission planning.

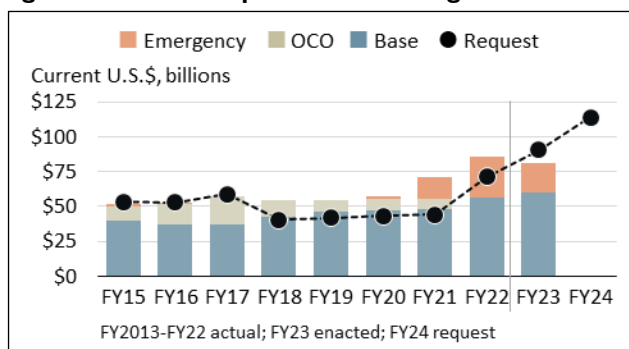
DOS bureaus develop Joint Regional and Functional Bureau Strategies (JRS or FBS), while overseas missions prepare country-level Integrated Country Strategies (ICS). Regional bureaus are required to develop their JRS with the applicable USAID regional bureau. These strategies must include *bureau and mission goals*, or long-term ambitions that are unlikely to be fully accomplished within four years yet communicate priorities to stakeholders; *bureau and mission objectives* that are specific, measurable end-states that may be achieved within four years; and shorter-term (12-18 month) *sub-objectives* tied to the day-to-day work of the bureau or mission.

Budget

Congress funds DOS primarily through Department of State, Foreign Operations, and Related Programs (SFOPS) appropriations bills. Since FY2021, Congress has appropriated approximately \$70-\$85 billion annually for SFOPS, including emergency funds for contingencies such

as the COVID-19 pandemic and Russia’s invasion of Ukraine (**Figure 1**).

Figure 1. SFOPS Requests and Funding



Source: Appropriations laws and SFOPS budget requests.

Notes: Includes rescissions. Requests = Administration Budget Requests. OCO = Overseas Contingency Operations, which largely replaced emergency funds to support extraordinary foreign affairs budget needs from FY2012 to FY2021.

Within SFOPS, the Diplomatic Programs account is DOS’s main operating appropriation. It funds priorities including most domestic and overseas Foreign Service and Civil Service salaries, public diplomacy programs, and diversity and inclusion initiatives. The Embassy Security, Construction, and Maintenance account funds DOS’s share of costs involved with the design, construction, and maintenance of U.S. diplomatic facilities. SFOPS bills also fund foreign assistance. Agencies such as USAID and the Department of Defense administer the majority of these funds. Yet DOS manages some aid directly, including a portion of the Global Health Programs account that funds the U.S. President’s Emergency Plan for AIDS Relief (PEPFAR) and maintains policy authority over most humanitarian and military assistance.

Selected Issues for Congress

During the 118th Congress, Members may consider the following select issues, among many others:

Passport Services. While DOS restored passport application processing times to pre-COVID-19 pandemic levels in December 2023, Congress continues to conduct oversight of the provision of passport services. The 2023 State Department authorization law included several measures related to passports, including authorities for the Secretary of State to appoint or designate additional passport personnel and a requirement obligating DOS to regularly update Congress on its efforts to meet demand for urgent passport services. Congress may consider additional legislation related to passport services during the 118th Congress (e.g., H.R. 6610 and H.R. 5817) and/or provide resources through SFOPS measures to enable DOS to meet high passport demand.

Modernization. Congress is conducting oversight of Secretary of State Antony Blinken’s “Modernization Agenda,” which seeks to better position DOS to address what Secretary Blinken describes as emerging foreign policy challenges, such as climate change and global health

security. Per the 2022 State Department authorization law, Congress created a commission tasked with examining “the changing nature of diplomacy” and offering recommendations for modernizing DOS’s structure and operational practices to best advance U.S. interests. The law provides that up to 4 of the commission’s 16 members may be Members of Congress. As the commission begins its work, Members who are not part of the commission may wish to follow its proceedings, participate in commission briefings to Congress, and/or share their views regarding potential commission recommendations.

Diversity, Equity, Inclusion, and Accessibility (DEIA).

While the Foreign Service Act calls for a Foreign Service that is “representative of the American people,” some Members argue that DOS faces persistent challenges maintaining diverse Foreign and Civil Service workforces. The 2022 and 2023 State Department authorization laws sought to enhance DOS’s DEIA programming through, among other methods, improving the quality and availability of the data DOS collects to illustrate its workforce demographics and, separately, streamlining reporting processes regarding allegations of discrimination and harassment. During the 118th Congress, Members may continue overseeing DOS implementation of its Diversity and Inclusion Strategic Plan and consider other measures, including legislation to authorize the Office of the Chief Diversity and Inclusion Officer in law (see S. 3426 and H.R. 4589, 117th Congress) or to abolish such office (see S. 3252, 118th Congress).

Diplomatic Security and Risk Management. Congress included several diplomatic security and embassy construction-related measures in the 2022 State Department authorization law intended to enable the department to weigh security risks with the priority of allowing American diplomats to engage with foreign stakeholders. As DOS implements these provisions, Members may seek to ensure that DOS’s risk calculus is aligned with congressional intent through overseeing its efforts to incentivize and train U.S. diplomats to properly manage risk, locate new posts in areas that provide diplomats requisite security and access to foreign officials and other key stakeholders, and control costs associated with the construction of new, secure posts.

Related CRS Products

CRS In Focus IF10293, *Foreign Relations Reauthorization: Background and Issues*, by Cory R. Gill

CRS Report R46995, *Congressional Oversight of the State Department: Review of Selected Organizational Reform Efforts*, by Cory R. Gill

CRS Report R47579, *Department of State, Foreign Operations, and Related Programs: FY2024 Budget and Appropriations*, by Emily M. McCabe and Cory R. Gill

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