

BACKGROUND

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How to Make the State Department More Effective at Implementing U.S. Foreign Policy

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Abstract

In January 2017, the next President of the United States will enter office facing as daunting and diverse a set of challenges as any President in recent times. In order to address these challenges and threats, the next President will need more than new polices; he or she will need an effective and capable Department of State to implement his or her vision, including carrying out presidential instructions. The State Department, however, is not nearly as effective as it should be, to the detriment of American standing and effectiveness in the world. The Heritage Foundation's Brett Schaefer details the steps that would better equip the State Department to focus on its traditional mission, and be of true value to future U.S. foreign policy.

The next President of the United States will enter office facing as daunting and diverse a set of foreign policy challenges as any President in recent times: Chinese assertiveness in the South China Sea; an unpredictable nuclearized North Korea; Russian belligerence in neighboring nations and renewed influence in the Middle East; Iranian hegemonic ambitions; dangerous and powerful Islamist terror groups, such as ISIS and a host of al-Qaeda affiliates; instability in Syria and Libya, with the resulting refugee crises impacting not only neighboring countries, but wide swaths of Europe; rising instability and Islamist terrorism in Africa accompanied by eroding adherence to democracy; economic instability and major corruption in Venezuela; rampant criminality in Mexico; global intelligence espionage; and an ongoing economic malaise in major European economies and Japan. All of these challenges and more will confront America's next Commander in Chief literally on day one.

This paper, in its entirety, can be found at <http://report.heritage.org/bg3115>

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KEY POINTS

- The next U.S. President will enter office facing as daunting a set of challenges and threats as any President in recent times. To address them, the new President will need more than new polices; he or she will need an effective and capable State Department to implement the presidential foreign policy vision.
- There is a clear sense that U.S. influence falls short, and that the State Department—the key instrument for employing and expanding that influence—bears significant responsibility.
- Too often, those lamenting this shortfall in influence attribute it to a lack of resources. But State has a far higher budget and more personnel than at the height of the Iraq and Afghanistan wars, during the 1990s, or at the end of the Cold War.
- Deficiencies in influence, responsiveness, and effectiveness must be addressed through improved leadership, organization, and clarity of mission. Providing more resources without addressing these underlying issues will not restore influence or effectiveness.

To address them, the next President will need more than new polices; he or she will need an effective and capable Department of State to implement his or her vision, including carrying out presidential instructions. While America remains a global superpower, there is a clear sense that U.S. influence falls short of that which it should wield, and that the Department of State—the key instrument for employing and expanding that influence—has borne and continues to bear significant responsibility for this failure. As one career State Department officer summarized:

The State Department seems to lurch from disaster to distraction, responding to many crises but preventing few. Its influence in Washington, and American diplomatic influence globally, is waning....

With the rise of large, permanent defense and intelligence bureaucracies after World War II, and the more recent increase in size and stature of the National Security Council begun under Henry Kissinger and expanded since, State's role is ever more constrained. Its regional and thematic policy experts are often muscled out of big decisions by other parts of the executive branch.¹

The view that the State Department is not nearly as effective as it should be is not new. As noted in the 2001 U.S. Commission on National Security/21st Century (the Hart–Rudman Commission):

Only if the State Department's internal weaknesses are cured will it become an effective leader in the making and implementation of the nation's foreign policy. Only then can it credibly seek significant funding increases from Congress. The department suffers in particular from an ineffective organizational structure in which regional and functional policies do not serve integrated goals, and in which sound management, accountability, and leadership are lacking. For this and other reasons, the power to determine national security policy has steadily migrated toward the National Security Council (NSC) staff.²

Too often, those lamenting the problems in the Department of State attribute it primarily to a lack of resources. But Congress and the Bush and Obama Administrations have provided the State Department with significantly more resources in the 15 years since the Hart–Rudman Commission. Both in terms of budget and personnel, State is better resourced than was the case at the height of the Iraq and Afghanistan wars, during the mid-1990s, or at the end of the Cold War. Yet, the perception of State Department inadequacy remains, and indicates that the Hart–Rudman Commission was right to conclude that simply increasing resources will not address concerns about the impact, focus, and efficiency of the Department of State. Deficiencies in influence, responsiveness, and effectiveness in the State Department have to be addressed through improved leadership, structure, and organization, and clarity of mission.

Not an Issue of Resources

State Department officials and other advocates for increased resources have repeatedly argued that the State Department suffers from insufficient funding and personnel, which undermines its effectiveness, and forces the department to prioritize between various efforts and initiatives in a way that undermines key U.S. interests abroad. Frequently, they seek to substantiate their argument by pointing to the relatively small portion of the overall U.S. budget that goes to the State Department. For instance, in 2015 testimony to the House Foreign Affairs Committee, Secretary of State John Kerry stated:

In the United States, we get 1 percent of the entire budget of the United States of America. Everything we do abroad within the State Department and USAID [U.S. Agency for International Development] is within that 1 percent—everything....

I guarantee you more than 50 percent of the history of this era is going to be written out of that 1 percent and the issues we confront in that 1 percent. And I ask you to think about that as you contemplate the budgets. Because we've been rob-

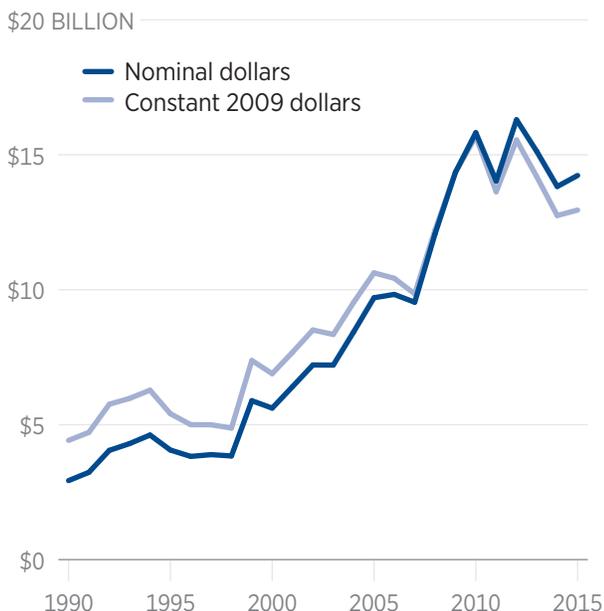
1. Joseph Cassidy, "10 Ways to Fix America's Ailing State Department," *Foreign Policy*, July 20, 2015, <http://foreignpolicy.com/2015/07/20/state-department-kerry-obama/> (accessed March 18, 2016).

2. The United States Commission on National Security/21st Century, "Road Map for National Security: Imperative for Change," Phase III Report, February 15, 2001, p. x, <http://govinfo.library.unt.edu/nssg/PhaseIII/FR.pdf> (accessed March 18, 2016).

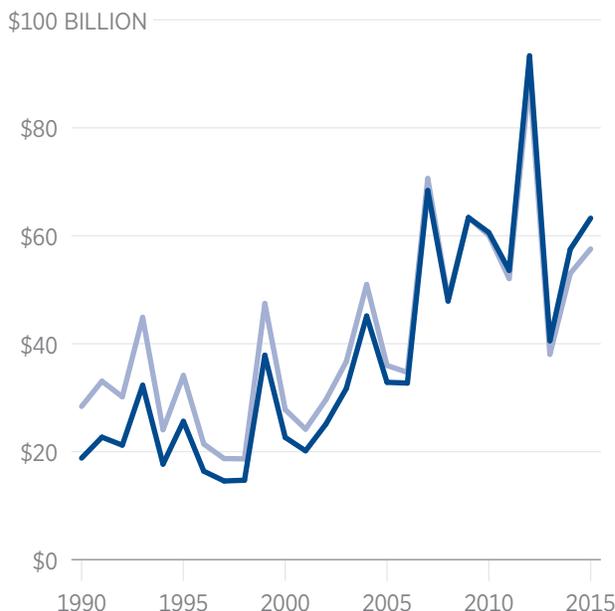
CHART 1

State Department Funding: Significant Increases Since 1990

CONDUCT OF FOREIGN AFFAIRS



INTERNATIONAL AFFAIRS



NOTE: Conduct of Foreign Affairs is a subset of International Affairs.

SOURCE: U.S. Office of Management and Budget, "Historical Tables: Table 5.1—Budget Authority by Function and Subfunction: 1976–2020," <https://www.whitehouse.gov/omb/budget/Historicals> (accessed March 21, 2016).

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bing Peter to pay Paul.... We've been diminishing our capacity to be able to have the kind of impact we ought to be having in this more complicated world.³

This budgetary argument is a red herring. Adequate or inadequate funding of the State Department has nothing to do with spending on other departments or programs. Arguments can be made that more funding is necessary to meet certain goals or to sustain current operations, but this has nothing to do with overall federal spending except in the obvious context that resources are finite.

A more useful metric is whether the State Department is receiving more or less funding than it has previously. Analysis of budget data trends indicates that current State Department funding is considerably higher than in previous years.

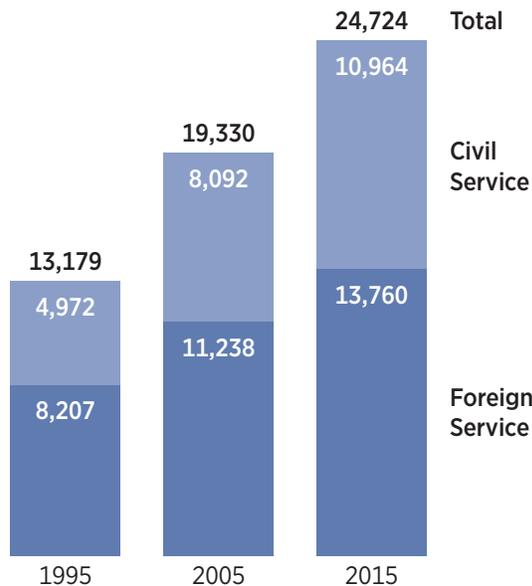
Even with the slight decline in recent years due to sequestration, funding for the total International Affairs budget—the overall 150 account which funds the State Department; foreign information and exchange services; international financial programs; and most humanitarian, economic, and security assistance—was 92.6 percent higher than in fiscal year (FY) 2005 (60 percent in constant 2009 dollars); 146.9 percent higher than in FY 1995 (68.7 percent in constant 2009 dollars); and 236.4 percent higher than in FY 1990 at the end of the Cold War (102.8 percent in constant 2009 dollars).

Likewise, Conduct of Foreign Affairs—the part of the budget that funds the costs and operations of the Department of State—was 46.7 percent higher in FY 2015 than in FY 2005 (21.9 percent in constant 2009 dollars); 250.6 percent higher than in FY 1995 (139.6 percent in constant 2009 dollars);

3. "Advancing U.S. Interests in a Troubled World: The FY 2016 Foreign Affairs Budget," testimony by Secretary of State John Kerry before the House Foreign Affairs Committee, February 25, 2015, <http://www.state.gov/secretary/remarks/2015/02/237898.htm> (accessed March 18, 2016).

CHART 2

State Department Core Staffing Nearly Doubled Since 1995



SOURCES: 1995 data: U.S. Department of State, “Accountability Report for Fiscal Year 1999: Overview of the Department of State,” p. 2, <http://1997-2001.state.gov/www/dept/fmp/99accountability/overview.pdf> (accessed March 21, 2016). 2005 data: U.S. Department of State, “Performance and Accountability Report Fiscal Year 2005,” p. 11, <http://www.state.gov/documents/organization/58408.pdf> (accessed March 21, 2016). 2015 data provided by the U.S. Department of State; correspondence available upon request.

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and 386.1 percent higher than in FY 1990 at the end of the Cold War (193.1 percent in constant 2009 dollars).⁴

There is also a common perception that the State Department is understaffed, which inhibits its performance, and requires hiring more Foreign Service and Civil Service employees.⁵ Foreign Service and Civil Service employees at the State Department do valuable and serious work, including shaping and implementing America’s foreign policy, engaging in diplomatic relations and negotiations, processing visas, and offering day-to-day support of Americans abroad. These employees are essential, and U.S. foreign policy depends on sufficient trained personnel. However, the data clearly indicate that personnel levels in the State Department have grown significantly over the past two decades.⁶

According to the FY 2016 Congressional Budget Justification, the State Department and the Broadcasting Board of Governors (BBG) employ more than 72,000 people in the U.S., and 280 missions and facilities in nearly every country in the world.⁷ A large number of these employees are locally employed staff, including Foreign Service Nationals, but, as illustrated in Chart 2, the number of core staff that manages and fulfills the responsibilities of the State Department—Foreign Service and Civil Service employees—has significantly increased. In fact, total employment of those two employee categories has risen by more than 87 percent between 1995 and 2015.⁸

In summary, the data indicate that the State Department has significantly more resources at its

4. Office of Management and Budget, “Historical Tables: Table 5.1—Budget Authority by Function and Subfunction: 1976–2021 and Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables: 1940–2021,” <https://www.whitehouse.gov/omb/budget/Historicals> (accessed March 18, 2016).
5. For instance, see U.S. Global Leadership Coalition, “Report on Reports: Smart Power Agenda for Advancing America’s Global Interests,” June 4, 2013, <http://www.usglc.org/downloads/2013/06/Report-on-Reports-Final-060713.pdf> (accessed March 18, 2016).
6. Unfortunately, the State Department was not willing to provide annual data dating back to the 1980s without a Freedom of Information Act (FOIA) request; personnel data between 2007 and 2014 and prior to 1993 was not available online. The FOIA process was not complete by the time of publication. Thus, this paper is not able to provide personnel data in the same manner or time frame as was possible for the budgetary data.
7. U.S. Department of State, “Congressional Budget Justification Appendix 1: Department of State Diplomatic Engagement Fiscal Year 2016,” p. 375, <http://www.state.gov/documents/organization/236393.pdf> (accessed March 18, 2016).
8. This does not include locally employed staff at overseas posts (48,544 as of December 31, 2015) because comparable data for previous years was not provided by the State Department, and the FOIA process was not complete by the time of publication. U.S. Department of State, “Performance and Accountability Report Fiscal Year 2005,” p. 11, <http://www.state.gov/documents/organization/58408.pdf> (accessed March 18, 2016); U.S. Department of State, “Accountability Report for Fiscal Year 2000: Management’s Discussion and Analysis,” p. 2, <http://www.state.gov/documents/organization/3259.pdf> (accessed March 18, 2016); and U.S. Department of State, “Accountability Report for Fiscal Year 1999: Overview of the Department of State,” p. 2, <http://1997-2001.state.gov/www/dept/fmp/99accountability/overview.pdf> (accessed March 18, 2016).

disposal than was the case at the end of the Cold War, in the mid-1990s, and at the height of the Iraq and Afghanistan wars. The deficiencies of the State Department cannot be attributed to shrinking or static resources. The reason for the perceived failings and ineffectiveness of the State Department, instead, lie elsewhere. While poor leadership and misguided policies can obviously impede even the best organizations, consideration must also be given to how existing and expanded resources have been allocated—particularly the expansion of the State Department’s focus beyond its traditional remit and the emphasis on those non-traditional responsibilities. Providing more resources without addressing these issues will not resolve the lack of effectiveness of the State Department.

Re-establishing Clear Lines of Authority on Foreign Policy

Correctly or incorrectly, the State Department has been perceived as having internal political biases and entrenched institutional policy preferences and positions that make it difficult for Presidents to elicit enthusiastic support for policies that do not comport with those preferences. These general frustrations have been exacerbated by the urgency of pressures faced by modern Presidents. Recent Administrations have addressed this issue through increased political appointments, which are resented by career State Department employees who see it as limiting opportunities for their own advancement and, generally, eroding professionalism, effectiveness, and availability of institutional and practical skills and experience.⁹ To increase their direct control over foreign policy and their perceived capacity to deal with fast-evolving crises, modern Presidents have also increasingly empowered and expanded the size of the National Security Council (NSC).

The original NSC, established in 1947, comprised only a handful of key advisers to the President. It

grew slowly at first. Total NSC staff did not exceed 20 until the 1970s, or 60 until the mid-1990s.¹⁰ The size of the NSC spiked in the late 1990s and stabilized at roughly 100 staff in the post-9/11 period. NSC growth resumed in the latter part of the George W. Bush Administration, and this trend has accelerated under President Barack Obama. Currently, the NSC staff is estimated to be over 400 people, more than twice the number at the end of the Bush Administration.¹¹ This growth has been a direct result of the President relying more on the NSC to devise and implement his foreign policy than on the Department of State.

The expanding responsibilities of the NSC can undermine several of its critical functions: serving as an honest broker of differing perspectives and equities among the various parts of the executive branch, managing the President’s scarce time to focus on the most important issues, and providing medium-term and long-term strategic thinking and perspective to the President. The Hart–Rudman Commission noted this problem 15 years ago: “The power to determine national security policy has migrated toward the National Security Council (NSC) staff. The staff now assumes policymaking and operational roles, with the result that its ability to act as an honest broker and policy coordinator has suffered.”¹² While not new, this problem has grown since then. As explained by former Assistant Secretary of State and current Heritage Foundation fellow Kim Holmes,

The 24-hour news cycle has thrust many issues, no matter how trivial, into the limelight, making them the President’s responsibility. The news media expect every tactical detail, from the timing of a raid on a terrorist bunker to the targets of drone attacks, to be known and controlled by the President. As a result, the NSC staff gets overly involved not only in the minutiae of operations,

9. American Academy of Diplomacy, “American Diplomacy at Risk,” April 2015, http://www.academyofdiplomacy.org/publications/ADAR_Full_Report_4.1.15.pdf (accessed March 22, 2016).

10. Brookings Institution, “NSC Staff Size,” http://www.brookings.edu/~media/Projects/nsc/Graph_of_the_NSC_Staff_Size_per_Year.PDF (accessed March 22, 2016).

11. Karen DeYoung, “White House Tries for a Leaner National Security Council,” *The Washington Post*, June 22, 2015, https://www.washingtonpost.com/world/national-security/white-house-tries-for-a-leaner-national-security-council/2015/06/22/22ef7e52-1909-11e5-93b7-5eddc056ad8a_story.html (accessed March 22, 2016).

12. The United States Commission on National Security/21st Century, “Road Map for National Security: Imperative for Change,” The Phase III Report of the U.S. Commission on National Security/21st Century, p. 47.

but also in politics. It begins to operate more as a personal White House staff than as an advisory and policy coordination staff, sometimes even to the point of acting like a Praetorian Guard for the President's political fortunes, which is particularly inappropriate given that many people on the staff are career civil servants from national security agencies rather than political appointees. The results are quite often disastrous.¹³

Along the same lines, Presidents have also felt the need at times to appoint personal confidants or representatives to address pressing issues. When the President relies too often or too heavily on individual "czars" or "envoys" to address discrete issues, however, he risks undermining clarity and consistency of policy, distorting the importance of issues in the overall spectrum of U.S. foreign policy interests, and confusing both U.S. and foreign officials about the chain of command through the multiple lines of communication to the President.

Historically, the most prudent and effective approach is to allow the Secretary of State to be the chief foreign policy adviser and diplomat with appropriate input from other advisers and, when their equities are involved, other departments and agencies. To address this issue, the next Administration should:

- **Appoint the appropriate Secretary of State for the President.** Obviously, every President should endeavor to appoint a competent and knowledgeable person as Secretary of State. But other qualities are vitally important as well. In particular, if foreign policy is to be led from the State Department, the Secretary must enjoy the trust and confidence of the President. Similarly, the Secretary should trust his or her team to competently fulfill its responsibilities. The personal presence or participation of the Secretary of State in negotiations should be the rare exception, not a common occurrence. If the Secretary spends as much time traveling as in Washington managing the department, it is a sign that some-

thing is amiss. Moreover, the Secretary of State should be willing and, ideally, eager, to work as part of the overall foreign policy team—as the primary lead—to avoid the turf wars and infighting that can paralyze the interagency process and tempt the President to rely disproportionately on the National Security Advisor or other advisers and czars.

- **Reduce the operational role of the NSC and place those responsibilities chiefly on Under and Assistant Secretaries of State.** If the State Department is to resume its historical role in foreign policy and the NSC to revert to its traditional advisory and coordinating function, the need for a large NSC staff recedes. Instead, the operational lead should be the responsibility of the State Department's Under and Assistant Secretaries. These positions should be filled by experienced career and political appointees capable of briefing the President on situations and presenting policy recommendations arrived at through interagency coordination.
- **Return the Policy Planning Staff to its original purpose, or eliminate it.** The Policy Planning Staff was set up in 1947 to serve as an internal source of independent policy analysis and advice for the Secretary—similar to an internal State Department think tank. Indeed, the main purpose of the Policy Planning Staff, according to former Secretary of State Dean Acheson, was to “anticipate the emerging form of things to come, to reappraise policies which had acquired their own momentum and went on after the reasons for them had ceased, and to stimulate and, when necessary, to devise basic policies crucial to the conduct of our foreign affairs.”¹⁴ The Policy Planning Staff has not realized this purpose and, instead, has become more of a glorified speech writing staff and parking place for political assistants. If more speechwriters and political assistants are necessary, they should be employed in the Office of the Chief of Staff or the Executive

13. Kim R. Holmes, “Memo to a New President: How Best to Organize the National Security Council,” Heritage Foundation *Background* No. 3098, April 14, 2016, p. 2, <http://www.heritage.org/research/reports/2016/04/memo-to-a-new-president-how-best-to-organize-the-national-security-council>.

14. U.S. Department of State, “Policy Planning Staff: Mission Statement,” <http://www.state.gov/s/p/> (accessed March 22, 2016).

Secretariat. As to the original intended purpose, if the Policy Planning Staff actually operated as a dedicated research and advisory staff on diplomacy and foreign policy, it could be useful. However, there is an abundance of independent diplomatic and foreign policy analysis and advice in the current era both from private-sector think tanks and academia and from government-funded institutions, such as the Institute of Peace. If it is to be retained, the Policy Planning Staff should provide unique value or fill critical gaps, not seek to replicate skills or work that is available elsewhere in government or outside of it.

- **Refuse to accord cabinet rank to the U.S. Ambassador to the United Nations.** Periodically, the U.S. Ambassador to the U.N. has been accorded cabinet-level rank even though he or she does not head a major department, and despite the fact that the Secretary of State is already a member of the cabinet.¹⁵ As noted by former U.S. Ambassador to the U.N. and later President, George H. W. Bush, when explaining his decision not to elevate the U.S. Ambassador to cabinet-level rank, it is a mistake in terms of practicality and of accountability:

There is no point in the United Nations Ambassador sitting around, as I did for a while, talking about ag policy. If there's an N.S.C. meeting or a Cabinet meeting that impacts on the mission at the United Nations, Ambassador Pickering will be at the table.... I want to have an orderly flow in foreign policy making [and] the Ambassador should report, in my view, to the President through the Secretary of State.¹⁶

As a practical matter, President George H. W. Bush was aware that cabinet-level rank inevitably leads

the Ambassador to spend a significant amount of time in Washington, often on issues well outside his or her direct remit, taking away from responsibilities in New York. Another concern, however, is the risk of encouraging the Ambassador to view himself as a policymaking peer to the Secretary of State. This can foment tension and divisiveness and undermine department hierarchy. As observed by former U.S. Ambassador to the U.N. John Bolton, “[Y]ou shouldn’t have two secretaries in the same department.”¹⁷ Indeed, to better coordinate policy and re-establish proper lines of authority, the Permanent Representatives and the Missions to the United Nations should be brought under the authority of the Assistant Secretary of State for International Organization Affairs.

- **Curtail the use of special envoys and special representatives.** Special envoys have a long history, dating back to the earliest days of the republic when John Monroe helped negotiate the Louisiana Purchase at the behest of President Thomas Jefferson.¹⁸ Historically, Presidents periodically have sought to tap the expertise of high-level, experienced diplomats who can apply clout, perspective, and relationships to better resolve particularly challenging matters. Under the current Administration, however, there has been a proliferation of special envoys and representatives of relatively minor stature to address a host of issues great and small, narrow and expansive. Currently, more than 60 special envoys, special representatives, coordinators, special advisers, and other senior officials are charged with leading numerous discrete issues. Some of these appointees focus on current crises, such as in Syria and Libya. Others, however, focus on broad the-

15. Under the Ford, Carter, Reagan, Clinton, and Obama Administrations, the position was accorded cabinet rank. President George H. W. Bush, who served as U.S. Ambassador to the U.N. under President Nixon, reversed this decision. Under President George W. Bush, the U.S. Ambassador also did not have cabinet rank.

16. The American Presidency Project, “George Bush, XLI President of the United States: 1989-1993: The President-Elect’s News Conference in Washington, DC,” December 6, 1988, <http://www.presidency.ucsb.edu/ws/index.php?pid=85210> (accessed March 22, 2016).

17. Peter Bakernov, “Choice for U.N. Backs Action Against Mass Killings,” *The New York Times*, November 30, 2008, http://www.nytimes.com/2008/12/01/us/politics/01rice.html?_r=0 (accessed March 22, 2016).

18. Miller Center, “James Monroe: Life Before the Presidency,” <http://millercenter.org/president/biography/monroe-life-before-the-presidency> (accessed March 22, 2016).

19. U.S. Department of State, “Alphabetical List of Bureaus and Offices: Other Senior Officials,” <http://www.state.gov/r/pa/ei/rls/dos/1718.htm> (accessed March 22, 2016).

matic causes, such as global food security, international labor affairs, international disability rights, global youth issues, and climate change.¹⁹ Most of these senior officials are appointed by the President without need for Senate confirmation or consultation—and, hence, little oversight and accountability to the American people.

There are benefits of these political appointees: They can focus on discrete issues, they demonstrate executive branch dedication to the issue, they can circumvent existing lines of authority when there are disputes among agencies, and their special status can grant access not available to lower-level officials.²⁰ However, these senior officials frequently see themselves as direct representatives of the Secretary or even the President with the authority to act outside of normal State Department lines of authority.²¹ This can foment tensions with the existing State Department bureaucracy with overlapping responsibilities, undermine the authority of U.S. Ambassadors, and create confusion for foreign governments as to who actually represents the President.²²

Moreover, the proliferation of special envoys and other appointees is symptomatic of the dysfunction and dissatisfaction with the performance of the Department of State. If the President was confident in the ability of the State Department to address these matters effectively through the existing structure, there would be infrequent need for creating these types of appointments outside the core bureaucracy. More practically, the proliferation of special envoys and other senior appointments is duplicative and adds additional costs because even if they are unpaid, most require separate, additional funds for support staff, offices and equipment, travel, and other expenses.

While these positions can be of use in some instances,²³ they should not be used as an alternative to existing, but underperforming, options within the existing bureaucracy. Moreover, they should focus on immediate crises requiring intervention by a high-level presidential representative and should be eliminated upon resolving the current issue, or if progress is deemed unlikely or can be better or equally addressed through existing structures. The default option should be to assign responsibility to Ambassadors or officials whose responsibilities encompass or overlap with the matter at hand.

- **Ensure that all candidates for ambassadorial appointments are qualified.** The U.S. has a long history of allowing the President to appoint political supporters as Ambassadors, and the practice continues even after the 1924 Rogers Act established a professional foreign service. In 1980, the Foreign Service Act established broad qualifications for individuals “appointed or assigned to be a chief of mission,” including that they should “possess clearly demonstrated competence to perform the duties of a chief of mission, including, to the maximum extent practicable, a useful knowledge of the principal language or dialect of the country in which the individual is to serve, and knowledge and understanding of the history, the culture, the economic and political institutions, and the interests of that country and its people.”²⁴

There are sometimes good reasons for Presidents to appoint confidants and trusted advisers to key positions in important countries overseas. Indeed, in a number of instances, an Ambassador known to be a direct, personal representative of the Secretary of State or the President can be more effective than even the most knowledge-

20. John K. Naland, “U.S. Special Envoys: A Flexible Tool,” U.S. Institute for Peace *Peacebrief* No. 102, August 15, 2011, <http://www.usip.org/sites/default/files/resources/PB102.pdf> (accessed March 22, 2016), and Princeton N. Lyman and Robert M. Beecroft, “Using Special Envoys in High-Stakes Conflict Diplomacy,” U.S. Institute for Peace *Special Report*, October 2014, http://www.usip.org/sites/default/files/SR353-Using_Special_Envoys_In_High-Stakes_Conflict_Diplomacy.pdf (accessed March 22, 2016).

21. American Academy of Diplomacy, “American Diplomacy at Risk.”

22. Michael Fullilove, “All the Presidents’ Men,” *Foreign Affairs*, Vol. 84, No. 2 (March/April 2005).

23. For some examples, see Lyman and Beecroft, “Using Special Envoys in High-Stakes Conflict Diplomacy.”

24. In addition, based on these qualifications, “positions as chief of mission should normally be accorded to career members of the Service, though circumstance will warrant appointments from time to time of qualified individuals who are not career members of the Service.” American Foreign Service Association, “Foreign Service Act of 1980,” <http://www.afsa.org/foreign-service-act-1980> (accessed March 22, 2016).

TABLE 1

Ambassadorial Appointments by Administration

As of February 22, 2016

	CAREER APPOINTMENTS		POLITICAL/CIVIL APPOINTMENTS		TOTAL
	Number	Percentage	Number	Percentage	
Gerald Ford	60	61.86%	37	38.14%	97
Jimmy Carter	149	73.76%	53	26.24%	202
Ronald Reagan	262	62.38%	158	37.62%	420
George H.W. Bush	147	68.69%	67	31.31%	214
Bill Clinton	300	71.94%	117	28.06%	417
George W. Bush	317	68.91%	143	31.09%	460
Barack Obama	291	68.31%	135	31.69%	426
Totals	1,526	68.25%	710	31.75%	2,236

SOURCE: American Foreign Service Association, Ambassador Tracker, <http://www.afsa.org/list-ambassadorial-appointments> (accessed February 22, 2016).

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able and experienced career Foreign Service Officer. Early in the post-election transition, the next Administration should identify critical postings that merit placement of experienced high-level foreign policy hands or personal confidants of the President.

This process should *not* devolve into rewarding political supporters. The temptation to succumb to political patronage and reward unqualified individuals with plum posts in desirable locations has affected every Administration to a greater or lesser degree and, sometimes, to the detriment of the nation.²⁵ The historical ratio of 68 percent career Foreign Service Officers versus 32 percent political appointees should serve as a guide on these matters. (See Table 1.) Ultimately, however, the most important factor is to appoint the most

capable Ambassadors, whether career or political, and vet appointees to ensure that they are well-qualified even if they are nominated for ceremonial positions or ambassadorships in countries of minimal importance.²⁶ Needless to say, this would enhance the effectiveness of America's foreign policy, improve morale among those in the State Department who work with and support U.S. Ambassadors, and foster respect among foreign governments and people.

- **Reinforce the authority of U.S. Ambassadors.** Modern technology has allowed increasingly direct input and oversight from Washington over U.S. policy and relations in individual nations. Too much intervention from Washington can erode the credibility of the Ambassador. As recommended by the Hart–Rudman Commission,

25. Juliet Eilperin, "Obama Ambassador Nominees Prompt an Uproar with Bungled Answers, Lack of Ties," *The Washington Post*, February 14, 2014, https://www.washingtonpost.com/politics/obama-ambassador-nominees-prompt-an-uproar-with-bungled-answers-lack-of-ties/2014/02/14/20fb0fe4-94b2-11e3-83b9-1f024193bb84_story.html (accessed March 22, 2016), and Aaron Blake, "No, Obama's Ambassador Picks Aren't Qualified. But that's Nothing New," *The Washington Post*, February 14, 2014, <https://www.washingtonpost.com/news/the-fix/wp/2014/02/14/no-obamas-ambassador-picks-arent-qualified-but-thats-nothing-new/> (accessed March 22, 2016).

26. The American Foreign Service Association has drafted a useful metric in its "Guidelines for Successful Performance as a Chief of Mission," http://www.afsa.org/sites/default/files/Portals/0/com_guidelines.pdf (accessed March 22, 2016).

“Ambassadors should be responsible for planning and coordinating the activities of all the agencies at each mission, including U.S. assistance and law enforcement activities.”²⁷

- **Increase Foreign Service assignments from three to five years.** Assignments for State Department Foreign Service employees typically last for three years. This is done to allow those in undesirable assignments to move on relatively quickly and to provide the broadest number of distinct work experiences while still ensuring that individuals are able to make substantive contributions. However, this relatively short duration hinders productive capacity. A substantial portion of the first year is spent learning the ropes, while a substantial portion of the final year is spent seeking and securing the most desirable new assignment possible. In essence, a three-year deployment involves only 18 months to 24 months of full-time contribution from a fully capable employee. Five-year assignments would increase the productive time per assignment.
- **Conduct an in-depth evaluation of standards, training, and qualifications for both the Foreign Service and Civil Service.** There has been an increasing tendency to blur the lines between the Foreign Service and Civil Service in the State Department.²⁸ This may not always be appropriate as some positions demand specified skills and training. A thorough evaluation should be conducted to determine which positions require Foreign Service expertise and which can or should be filled by Civil Service employees and reserve them as appropriate. In addition, an independent analysis should be conducted to determine if the five Foreign Service career tracks or “cones” (Consular Officers, Economic Officers, Management Officers, Political Officers, and Public Diplomacy Officers) remain relevant and properly oriented to meet

the current and anticipated needs of the Department of State. In addition, a more rigorous system should be developed for performance evaluation, career education and re-certification, and pre-entry requirements, including emphasizing three years to five years of work experience in the military, private sector, or in the legislative or judiciary branches of government to expand the professional diversity of State Department officials.

Strengthening the State Department’s Traditional Bilateral and Multilateral Diplomacy

The State Department consists primarily of regional and functional bureaus and offices. The regional bureaus deal with bilateral relations between the U.S. and other countries and also lead initiatives that are regionally focused. The functional bureaus typically deal with thematic issues, such as economics, arms control, human rights, migration, environmental issues, counterterrorism, and other issues that do not have a particular national or regional focus.

Although there is general consistency over time, particularly in the regional bureaus, there has been a gradual shift in the State Department structure to expand the number, size, and resources of the non-regional bureaus. This shift has resulted in a proliferation of the number of functional and managerial bureaus, departments, and offices. Additions in recent presidencies, for instance, include the Deputy Secretary of State for Management and Resources, the Bureau of Energy Resources, the Office of Global Women’s Issues, the Office of the U.S. Global AIDS Coordinator, the Bureau of Conflict and Stabilization Operations, the Office to Monitor and Combat Trafficking in Persons, and the Office of Global Criminal Justice.²⁹

This shift in emphasis likely contributes to the perception that the State Department is chronically short of resources and personnel. In other

27. The United States Commission on National Security/21st Century, “Road Map for National Security: Imperative for Change,” The Phase III Report of the U.S. Commission on National Security/21st Century, p. 61.

28. American Academy of Diplomacy, “American Diplomacy at Risk.”

29. U.S. Department of State, “Department Organization Chart: March 2014,” <http://www.state.gov/r/pa/ei/rls/dos/99494.htm> (accessed March 22, 2016); U.S. Department of State, “Department of State Organization Chart,” June 13, 2013, <http://2001-2009.state.gov/r/pa/ei/rls/dos/7926.htm> (accessed March 22, 2016); U.S. Department of State, “U.S. Department of State Organization Chart,” July 6, 2000, http://1997-2001.state.gov/www/dept/org_chart.html (accessed March 22, 2016); and U.S. State Department, “Department Organization Chart: 1990-1997,” http://dosfan.lib.uic.edu/ERC/about/org_chart/orgchart.html (accessed March 22, 2016).

TABLE 2

State Department Personnel Trends

Number of Positions for Selected Bureaus

REGIONAL BUREAUS	2006	2014
African Affairs	1,270	959
East Asian and Pacific Affairs	1,582	905
European and Eurasian Affairs	2,726	1,651
International Organization Affairs	382	379
Near Eastern Affairs	1,205	1,018
South and Central Asian Affairs	862	726
Western Hemisphere Affairs	2,230	1,063
FUNCTIONAL AND ADMINISTRATIVE BUREAUS	2006	2014
Administration	700	709
Democracy, Human Rights and Labor	119	161
Diplomatic Security	873	786
Economy, Energy and Business Affairs/Economic and Business Affairs and Energy Resources	208	267
Human Resources	439	533
Intelligence and Research	305	334
International Security and Nonproliferation	255	261
Legislative Affairs	71	82
Oceans and International Environmental and Scientific Affairs	168	212
Office of the Legal Advisor	254	276
Office to Monitor and Combat Trafficking in Persons	26	44
Office of the Secretary	470	532
Political Military Affairs	194	287
Public Affairs	225	240

SOURCES: U.S. Department of State, “Congressional Budget Justification Appendix 1: Department of State Diplomatic Engagement Fiscal Year 2016,” February 27, 2015, <http://www.state.gov/s/d/rm/rls/statecbj/2016/pdf/index.htm> (accessed March 21, 2016), and U.S. Department of State, “Congressional Budget Justification: United States Department of State Fiscal Year 2008,” February 27, 2015, <http://www.state.gov/s/d/rm/rls/statecbj/2016/pdf/index.htm> (accessed March 21, 2016).

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words, the perceived shortfall is the result of placing additional resources appropriated to State over the past quarter century into these non-traditional policy priorities and the resulting need to provide staff and resources to those functions. For instance, trends over the past decade show that every regional bureau has seen reductions in positions, while many other bureaus have seen increases. (See Table 2.) This emphasis is not without consequence. As noted by the Hart–Rudman Commission:

The State Department’s own effort to cover all the various aspects of national security policy—economic, transnational, regional, security—has produced an exceedingly complex organizational structure. Developing a distinct “State” point of view is now extremely difficult and this, in turn, has reduced the department’s ability to exercise any leadership.

Over the past decade, the impulse to create individual functional bureaus was useful substan-

tively and politically; e.g., in the cases of human rights, democracy, law enforcement, refugees, political-military affairs, and nonproliferation. The problem is that overall organizational efficiency and effectiveness have been lost in the process....

As a result of these many deficiencies, confidence in the department is at an all-time low. A spiral of decay has unfolded over many years in which the Congress, reacting to inefficiencies within the department, has consistently underfunded the nation's needs in the areas of representation overseas and foreign assistance. That underfunding, in turn, has deepened the State Department's inadequacies. This spiral must be reversed.³⁰

As discussed, Congress and successive Administrations have increased resources. But there has been a distinct failure to address the underlying structural problems. Moreover, this is a world of finite resources. If funds and personnel are increased in one area then, by definition, they are not being allocated elsewhere to the extent that would otherwise be possible. In order to restore the historical emphasis of the State Department on policy, the next President should:

- **Establish an Under Secretary for Multilateral Affairs.** Although the U.S. might prefer otherwise, diplomatic, economic, and security matters are increasingly discussed, negotiated, implemented, and acted upon through multilateral initiatives or in international organizations. This reality is reflected in the proliferation of functional bureaus assigned to address many of these issues, which at times lead to conflict and competition with the Bureau of International Organization Affairs (located in the current structure among the regional bureaus under the authority of the Under Secretary for Political Affairs) that is charged with addressing many of these matters through U.S. policy in the United Nations system. The bureaucratic separation of these matters from the traditional diplomatic engagement of the regional bureaus

can create gaps and conflicts in policy priorities. There needs to be better coordination of U.S. policy on multilateral matters that balances thematic and ideological efforts with practical diplomatic concerns and an empowerment of U.S. professionals engaged in these critical activities. To realize this, the next President should create an Under Secretary for Multilateral Affairs who would coordinate and direct U.S. policy in international organizations and on multilateral efforts, responsibility for which is primarily placed in the functional bureaus, as is currently the case for human rights, democracy promotion, refugees, and international environmental issues. In addition, to better coordinate multilateral policy, the U.S. Missions to the United Nations in New York, Geneva, and elsewhere should report to and through this Under Secretary via the Assistant Secretary of International Organization Affairs.

In addition to improving coordination, this restructuring would also elevate the value of experience in multilateral diplomacy. U.S. Foreign Service Officers are encouraged to accumulate broad, disparate experiences to advance within the department. This can be a great asset as it provides a wide-ranging knowledge base, but the failure to emphasize multilateral diplomacy can be a disadvantage when facing counterparts who may have served decades in the same organization focusing on narrow or technical matters with the historical knowledge that such experience provides. To make clear their respective roles, the position of Under Secretary for Political Affairs should be retitled to Under Secretary for Bilateral Affairs.

- **Shift the responsibilities of most functional bureaus to the Under Secretary for Bilateral Affairs and the Under Secretary for Multilateral Affairs.** To address the disconnect and division between the regional and functional bureaus, the Hart-Rudman Commission suggested creating five regional Under Secretaries along with Under Secretaries for Global Affairs and Management. The functional bureaus were

30. The United States Commission on National Security/21st Century, "Road Map for National Security: Imperative for Change," The Phase III Report of the U.S. Commission on National Security/21st Century, p. 53.

to be subsumed into this structure. That recommendation correctly identified a key problem, but perhaps proposed an overly radical restructuring. Requiring closer coordination among the offices leading U.S. policy on these issues would better ensure that they are incorporated into a broader U.S. diplomatic and foreign policy framework without creating a zero-sum game in terms of resource allocation between bureaus. Indeed, organizational consolidation could create a positive budgetary impact through the elimination of unnecessary positions. Moreover, it would also likely increase efficiency and effectiveness in the bureaucracy by simplifying the spaghetti bowl of competing lines of authority within the State Department. Finally, the organizational consolidation could rebound favorably by elevating the influence of newly empowered State officials in the interagency process.

- **Rename the Bureau of Economic and Business Affairs as the Bureau for Economic Development.** The purpose of this change is to consolidate the economic and development responsibilities currently spread among different parts of the State Department. As observed by the Hart–Rudman Commission,

Development aid is not an end in itself, nor can it be successful if pursued independently of other U.S. programs and activities.... To be effective, U.S. development assistance must be coordinated with other diplomatic activities, such as challenging corrupt government practices or persuading governments to adopt more sensible land-use policies. Only a coordinated diplomatic and assistance effort will advance the nation's goals abroad.³¹

The Under Secretary of State for Economic Development should serve as the administrator of the U.S. Agency for International Development. The new bureau should encompass USAID; many of the current responsibilities of the current Bureau of Economic and Business Affairs; and primary responsibility (currently led by the Department of the Treasury) for U.S. policy at the World Bank and the regional

development banks. If the next Administration decided to make the State Department the lead trade negotiator, it would make sense to move the Office of the U.S. Trade Representative out of the Executive Office of the President and place it under the authority of the Under Secretary of State for Economic Development. Otherwise, the bureau should minimize its activities on economic sanctions, trade policy and export promotion, and production of reports like the Country Commercial Guides, and restrict activities for which the U.S. Trade Representative, the Department of Commerce, and the Department of the Treasury have primary responsibility.

- **Eliminate the Under Secretary for Civilian Security, Democracy, and Human Rights.** Most of the functional bureaus and offices overseen by this Under Secretary involve global concerns and matters that are also addressed by various international organizations, such as refugees and trafficking, international law enforcement, and human rights. These issues are important, but the current structure creates an artificial separation from the policy bureaus that can lead to counterproductive disputes or result in disregard through “out of sight, out of mind” behavior. Instead, issues like human rights and counterterrorism should be incorporated into the policy bureaus where they can receive due consideration and be weighed against other priorities to help develop a more robust and well-rounded U.S. policy position. Therefore, most of these responsibilities should be shifted under the new Under Secretary for Multilateral Affairs where they can be incorporated and reconciled with similar and related U.S. multilateral policy priorities and objectives. A notable exception is the Bureau of Counterterrorism, which should shift to the Under Secretary for International Security Affairs. While overarching responsibility for issues like human rights and trafficking should shift to the Under Secretary for Multilateral Affairs, the bilateral aspects of these activities should not be overlooked, and democracy and human rights country offices should be integrated into the regional bureaus.

31. *Ibid.*, p. 56.

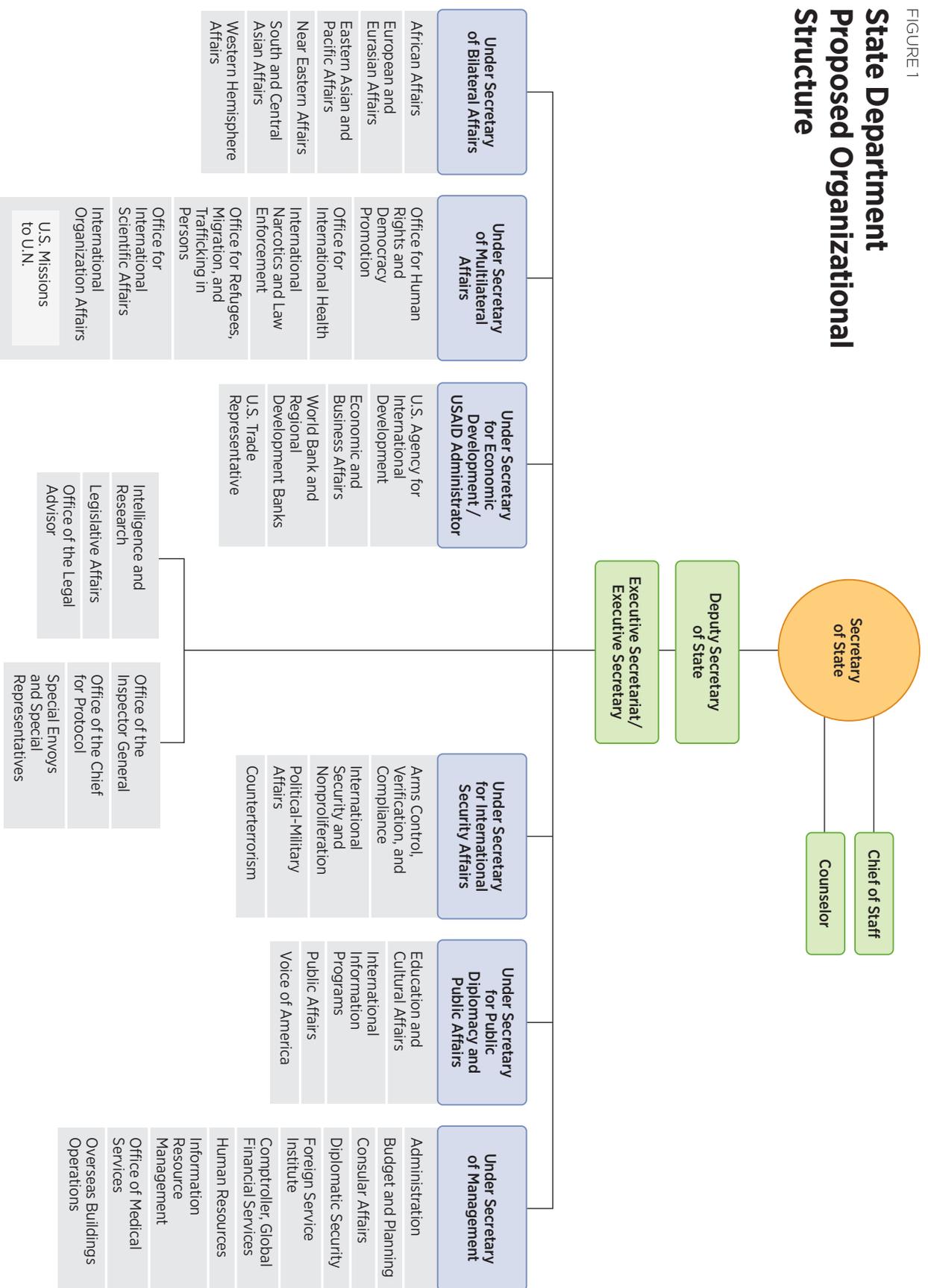
- **Eliminate the position of Deputy Secretary for Management and Resources.** There is no need for a second Deputy Secretary to oversee matters that can be, and until 2009 were, handled by the Deputy Secretary, the Executive Secretary, and the Under Secretary for Management.
 - **Merge complementary offices and bureaus and emphasize their overarching purpose.** There has been an unfortunate tendency in recent years to elevate individual aspects of broader policy priorities and give them independent authority. This can create counter-productive firewalls, competition over resources or prioritization among what should be complementary initiatives, and confusion over who ultimately is in charge of policy. Effective policy addressing these matters requires a complementary approach, and those charged with addressing closely related issues should be located in the same office or bureau. For instance, trafficking in persons, a terrible and growing problem, relates closely to and frequently overlaps with refugee and migration concerns, so it makes sense to merge these responsibilities under the same office. Similarly, promoting human rights makes no sense if it is not linked to promoting representative government, so it makes sense to continue this linkage within an updated State Department structure.³² Likewise, women's issues, civil rights, labor rights, religious liberty, and most basic human rights are complementary and mutually reinforcing. They should be viewed and pursued as part of a comprehensive human rights agenda, not as distinct or discrete efforts, and should be merged into the overarching office for human rights and democracy promotion. Along those same lines, as seen with Ebola, SARs, HIV/AIDS, and the Zika virus, just to name a few examples, communicable diseases that span global borders pose significant threats. To better address these threats, a reformed Department of State should include an office for international health, which should incorporate existing health-related offices, such as the Office of the Global AIDS Coordinator, and responsibilities, such as coordinating U.S. international policy to address or respond to transnational health threats in coordination with the Centers for Disease Control and Prevention. Other mergers and reorganizations should be considered and weighed against the current structure to determine if there are missed opportunities to capitalize on mutually reinforcing and harmonizing policies, programs, and agendas.
 - **Reconsider lines of authority for non-U.N. multilateral organizations.** For instance, the U.S. Permanent Representative to NATO is placed in the Bureau for European and Eurasian Affairs. It is worth considering whether this security organization would be better placed with the Under Secretary for International Security Affairs, whose responsibilities would be more explicitly focused on international security threats, including counterterrorism, or even shifted to the Department of Defense with only a State liaison.
 - **Treat former U.S. territories as the independent nations they have become.** Relations with former U.S. territories that are now independent (the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau) continue to primarily be handled through the U.S. Department of the Interior through its Office of Insular Affairs, which coordinates federal policy for those territories and is "responsible for administering and overseeing U.S. federal assistance to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau."³³ These territories are now independent nations and should be treated as such, with U.S. assistance being provided through the Department of State and USAID, rather than through legacy programs in the Department of the Interior.
- Figure 1 presents a revised State Department organization chart illustrating these changes.

32. See for instance, Mark Green, "Democracy and Human Rights," in *Choosing to Lead* (Arlington, VA: John Hay Initiative, 2015), <http://www.choosingtolead.net/book/> (accessed March 22, 2016).

33. U.S. Department of the Interior, "Office of Insular Affairs: Islands We Serve," <https://www.doi.gov/oia> (accessed March 22, 2016).

FIGURE 1

State Department Proposed Organizational Structure



Improving America's Public Diplomacy

In a world where information warfare is being conducted by major powers as well as by unconventional enemies of the United States, the U.S. government must have the tools to engage in the ongoing war of ideas. The challenges the United States faces in this sphere are as intense as they were during the Cold War, yet they are more diverse and complex. The United States is not just engaged in one war of ideas with the Communist Soviet Union. The United States must counter—with truth and news—the lies and false promises of a whole range of global actors, who represent threats to the United States, its allies, and the Western way of life.

From Russia, the United States and its allies are bombarded with anti-American and reality-distorting propaganda. From China, more subtle influence operations include a global news network, funding of American universities, and well-produced and widely distributed publications in English. Terrorist groups, especially ISIS, are media savvy and produce slick propaganda aimed at radicalizing Muslims here and throughout the world.

Abdicating the U.S. role in information warfare would send a huge signal to the world that the United States is assuming an isolationist position. It is not the kind of signal the country can afford to send when the world desperately needs U.S. leadership. Instability, conflict, and political repression in disparate areas of the world underscore the need for America to promote its policies and provide objective news and clear calls for freedom, representative governance, and mutual tolerance.

Unfortunately, America's vehicles for communication are muffled by poor management and unclear missions and objectives. The lack of clearly defined missions leads to overlap, duplication, and unnecessary competition for resources, airtime, and responsibilities in U.S. international broadcasting (USIB). Budget constraints have also led the BBG to narrow the number of languages that USIB uses. In recent years, Mandarin and Cantonese have been slated for elimination by the BBG. Time and again, Congress

has had to step in to prevent crippling cuts in services. In addition, USIB has been increasingly focused on Internet and television at the expense of radio. While radio may sound quaint, it remains a popular broadcast vehicle in the poorer areas of the globe and is harder to block than more modern technologies. In addition to providing adequate funding, in order to improve the focus, effectiveness, and responsiveness of USIB and public diplomacy in evolving situations, the next Administration should:

- **Reform the Broadcasting Board of Governors.** Although the BBG was created to provide a firewall against political influence on its news broadcasting, its structure and lax observance of bylaws and agreed practices invites internal conflict and the creation of fiefdoms by individual governors.³⁴ Even though it oversees multiple organizations and activities with a budget of close to \$750 million, the BBG operates on a part-time basis; the nine members of the board, which include the Secretary of State *ex officio*, have other jobs, and meet once a month or less, and the absence of day-to-day leadership has impeded effective governance of the various entities overseen by the BBG.³⁵ If there is to be a broadcasting board, it should reserve itself to overseeing the performance of the Chief Executive Officer for International Broadcasting, providing independent perspective and medium-term and long-term planning suggestions to the Chief Executive Officer for International Broadcasting and Congress, and serving as an independent vessel for staff to register complaints or constructive suggestions for improvement.
- **Make the new position of Chief Executive Officer for International Broadcasting permanent.** Established in 2014, the CEO answers only to the BBG. The position was created to fill the day-to-day leadership gaps created by a part-time BBG. However, the CEO position lacks the permanence and resulting authority that would

34. Helle C. Dale and Brett D. Schaefer, "Time to Reform U.S. International Broadcasting," Heritage Foundation *Backgrounder* No. 4206, April 24, 2014, <http://www.heritage.org/research/reports/2014/04/time-to-reform-us-international-broadcasting>.

35. For instance, in 2013, a State Department Inspector General's report concluded: "The Board's bylaws and self-adopted governance policies are inadequate to govern appropriately the conduct of Board business." U.S. Department of State and the Broadcasting Board of Governors, Office of Inspector General, "Inspection of the Broadcasting Board of Governors," January 2013, p. 1, <https://oig.state.gov/system/files/203193.pdf> (accessed March 28, 2016).

arise from legislated reform. The CEO, appointed by the President and confirmed by Congress, should replace the leadership role performed by the BBG and be instructed to coordinate with the State Department on U.S. public diplomacy messaging and targeting.

- **Underscore that the mission of USIB is to promote and explain U.S. foreign and national security policy and provide news in areas of the world where there are no alternative free media sources.** USIB has on occasion inappropriately downplayed its American message. It should be made clear that the purpose of USIB is not to be a U.S. government-funded CNN or BBC, but to support U.S. interests. When there is no pre-existing free and independent media, this mission encompasses the provision of objective news content. Specifically, USIB should focus on countries where representative government or a free and independent media are absent or inadequate, where there is conflict and political instability, or where U.S. interests justify a robust public diplomacy presence.
- **Disaggregate the broadcasting services according to their functions.** Voice of America (VOA) should become an explicit arm of U.S. public diplomacy overseen by the Under Secretary for Public Diplomacy and Public Affairs. Surrogate USIB media, such as Radio Free Europe/Radio Liberty and Radio Free Asia, should remain under the authority of the CEO for USIB and the BBG. They should more closely coordinate and share resources in order to increase efficiency and enjoy economies of scale, and should focus on bolstering America's democracy promotion by providing unbiased news coverage, policy and political discussion, and, where governments constrain political speech, alternative outlets for political dissidents and minority parties. The USIB surrogates could benefit from an affiliation with the National Endowment for Democracy, whose mission they share.
- **Regularly re-evaluate capabilities to ensure that foreign language services address enduring, pressing, and evolving needs.** Short-sighted decisions have currently left the United States short of assets with which to coun-

ter the new Russian revanchism, the aggressive Chinese global media advances, and the ideological threats from militant Islam, to name a few of the critical challenges currently faced by this country.

Engaging Congress

Too often, the executive branch sees Congress as an adversary to be steamrolled, managed, or ignored. This is a mistake. Forging good relations and working with Congress can generate critical support for policies, facilitate and speed up confirmations, and solidify useful or necessary reforms into law. The next Administration should:

- **Work with Congress to enact a State Department authorization bill.** It has been over a decade since a State Department authorization bill has been enacted, and the statutory foundation undergirding the department is showing its age with new offices and bureaus established without express congressional input, staff and budget expanded based on annual appropriations bills, and statutes habitually circumvented through appropriations riders for convenience rather than examined and changed through deliberative debate and process. The next Administration should engage Congress at an early stage to update and adjust the State Department's authorizing language in order to better equip the department to meet the pressing challenges facing the nation from abroad.
- **Consult closely with Congress on the appointment of special envoys, special representatives, special advisers, and other senior appointees.** One motive behind the increasing number of special envoys, special representatives, special advisers, and other senior appointees in recent years may be the slow pace of Senate confirmations. Unlike Ambassadors and senior State Department appointees, most special envoys are not subject to Senate confirmation and thus can be put into place more quickly. But the non-confirmable appointees also circumvent congressional oversight and accountability and could, ironically, serve to irritate individual Senators or the Senate Foreign Relations Committee and delay or hinder presidential appointees where Senate confirmation is required.

- **Clarify and, to the extent possible, codify the treaty process.** Which international agreements do or do not constitute treaties requiring Senate advice and consent in accordance with Article II of the Constitution is often subject to dispute. This uncertainty is amply demonstrated by the debates over whether the Paris Agreement on climate change and the Joint Comprehensive Plan of Action on the Iran nuclear program constitute treaties.³⁶ This uncertainty persists despite internal regulations adopted by the State Department, originally in 1955 and updated most recently in 2006, known as the Circular 175 (C-175) procedure. The C-175 procedure lays out eight factors for determining whether an international agreement should be negotiated as a treaty subject to Senate advice and consent or as an “international agreement other than a treaty”:

(1) The extent to which the agreement involves commitments or risks affecting the nation as a whole; (2) Whether the agreement is intended to affect state laws; (3) Whether the agreement can be given effect without the enactment of subsequent legislation by the Congress; (4) Past U.S. practice as to similar agreements; (5) The preference of the Congress as to a particular type of agreement; (6) The degree of formality desired for an agreement; (7) The proposed duration of the agreement, the need for prompt conclusion of an agreement, and the desirability of concluding a routine or short-term agreement; and (8) The general international practice as to similar agreements.³⁷

While reasonable in so far as they go, these criteria leave substantial room for interpretation that ill-serves the constitutional process and America’s negotiating partners who cannot be certain of the status, permanence, and legality of an agreement with the U.S. The next Administration should work with Congress to expand factor No. 4 above by examining past practice on how various subjects have been treated historically (treaty, executive agreement, or congressional-executive agreement) and specify the issues or context that should mandate consideration of international agreements as treaties under Article II.³⁸ The purpose of this examination should be to update and modernize the C-175 procedure in order to restore its original role as an effective mechanism for distinguishing various forms of international commitments.

- **Review congressionally mandated reports.** Over the years, Congress has enacted legislation requiring the State Department and other agencies to submit dozens of periodic reports on a broad array of issues. Some of these reports have been overtaken by events and, while they address concerns that were at one time of great concern to Congress or the American people, they no longer attract much attention or are largely irrelevant to current policy. Some reporting legislation requires updating to reflect changes over time. Other reports remain highly relevant and critical even though they may only be read or used by a small number of key committees and congressional staff.

In some cases, like the important and valuable annual Country Reports on Human Rights

36. Steven Groves, “Obama’s Plan to Avoid Senate Review of the Paris Protocol,” Heritage Foundation *Backgrounder* No. 3055, September 21, 2015, <http://www.heritage.org/research/reports/2015/09/obamas-plan-to-avoid-senate-review-of-the-paris-protocol>; Matthew Weybrecht, “State Department Affirms that Iran Deal Is Only a Political Commitment,” *Lawfare*, November 28, 2015, <https://www.lawfareblog.com/state-department-affirms-iran-deal-only-political-commitment> (accessed March 22, 2016); and U.S. House of Representatives, “Expressing the sense of the House of Representatives that the Iran Nuclear Agreement Review Act of 2015 does not apply to the Joint Comprehensive Plan of Action regarding Iran and submitted to Congress on July 19, 2015, because the Joint Comprehensive Plan of Action is a treaty and, pursuant to Article II of the U.S. Constitution, the Senate must give its advice and consent to ratification if the Joint Comprehensive Plan of Action is to be effective and binding upon the United States,” House Resolution 410, introduced September 8, 2015, <https://www.congress.gov/bill/114th-congress/house-resolution/410> (accessed March 22, 2016).

37. U.S. Department of State, “11 FAM 723.3 Considerations for Selecting Among Constitutionally Authorized Procedures,” *Foreign Affairs Manual*, Vol. 11–Political Affairs, Section 11 FAM 720, pp. 4–5, May 26, 2006, <http://www.state.gov/documents/organization/88317.pdf> (accessed March 22, 2016).

38. Congressional Research Service, “Treaties and Other International Agreements: The Role of the United States Senate,” study prepared for the Committee on Foreign Relations United States Senate, January 2001, pp. 233–293.

Practices, the topics of the reports can increase stress in America's bilateral relationships and create incentives for State to downplay situations if delicate negotiations or other priorities could be affected. In order to preserve the integrity of the content and protect it from political interference, Congress should consider giving responsibility for producing these reports to an independent, bipartisan U.S. federal government commission, similar to the U.S. Commission on International Religious Freedom, to create bureaucratic distance between the report and the State Department.

Overall, however, the next Administration should engage Congress on a detailed review of existing reporting requirements to: (1) eliminate outdated or irrelevant reports that sap valuable time and resources from the State Department; (2) review and amend the terms of dated reports to make them more useful and germane to current concerns; and (3) retain and prioritize reports of special importance to authorizing or appropriating committees.

Increasing Oversight of International Organizations

The U.S. has been, and remains, the U.N. system's largest contributor, providing an average of about one-fifth of total contributions annually—totaling approximately \$60 billion in eight years.³⁹ Considering the importance of U.N. activities in support of U.S. policy priorities, from supporting international peace and security to lower-profile help coordinating international regulatory policy on mail and telecommunications, and the extent of U.S. financial contributions to the U.N. system, the next Administration should pursue several concrete steps to enhance transparency and accountability in the U.N. system and ensure that U.S. taxpayer dollars

are used prudently. Specifically, the next Administration should:

- **Establish a dedicated unit for international organizations in the Office of Inspector General for the Department of State.**⁴⁰ The U.S. remains dependent on the internal U.N. oversight mechanisms, many of which lack independence, have inadequate resources, or face problems with competence, corruption, or bias. The value of having a separate U.S. Inspector General unit that can investigate the activities funded in substantial part by U.S. taxpayers, is illustrated by reports of the U.S. Office of the Special Inspector General for Afghanistan Reconstruction (SIGAR) that has identified numerous management and oversight failings of U.N. Development Programme projects in Afghanistan.⁴¹
- **Conduct a periodic cost-benefit analysis of U.S. participation in all international organizations.** Although a number of U.N. organizations provide important contributions to U.S. diplomatic, economic, and security interests, not all do. The U.S. lacks a comprehensive analysis of whether these contributions are advancing or undermining U.S. interests or being used to maximum effect. An example of what the U.S. should do is the Multilateral Aid Review conducted by the United Kingdom's Department for International Development that assessed the relative value for U.K. aid money disbursed through multilateral organizations. This report identified those U.N. agencies providing poor value for money and led to the decision to zero out funding for four U.N. agencies. The last time the U.S. conducted a similar exercise, albeit in a far less rigorous manner, was under the Clinton Administration in 1995, which led directly to the U.S. decision to withdraw from the United

39. Brett D. Schaefer, "U.S. Should Demand Increased Transparency and Accountability as U.N. Revenues Rise," Heritage Foundation *Issue Brief* No. 4154, February 26, 2014, <http://www.heritage.org/research/reports/2014/02/as-un-revenues-rise-the-us-should-demand-increased-transparency-and-accountability>.

40. *Ibid.*

41. See, for instance, Special Inspector General for Afghanistan Reconstruction, "2011 SIGAR Review of the Law and Order Trust Fund for Afghanistan," FoxNews, April 25, 2011, <http://www.foxnews.com/world/interactive/2014/10/16/2011-review-law-and-order-trust-fund-for-afghanistan/> (accessed March 22, 2016), and Special Inspector General for Afghanistan Reconstruction, "Afghan National Police: More than \$300 Million in Annual, U.S.-Funded Salary Payments Is Based on Partially Verified or Reconciled Data," SIGAR 15-26 Audit Report, January 2015, <https://www.sigar.mil/pdf/audits/SIGAR-15-26-AR.pdf> (accessed March 22, 2016).

Nations Industrial Development Organization (UNIDO).⁴² The U.S. should not let two decades lapse before repeating this type of analysis.

- **Renew the annual reporting on all federal agency contributions to the U.N. system to be conducted by the Office of Management and Budget (OMB).** Most U.S. contributions to the U.N. system come from the State Department, but millions of dollars also flow from other parts of the federal government. Thus, relying on State Department data, such as that in State’s annual report to Congress on U.S. contributions to international organizations, presents an incomplete picture. Because the OMB is in charge of overseeing the preparation of the President’s budget, it is able to require all U.S. agencies to report the requested information. Previous legislation mandated similar reports on U.S. contributions to the U.N. system for fiscal years 2001–2010. That legislative requirement has since lapsed. Thus, the first of these reports should require information for FY 2011 through the most recently completed fiscal year to fill in the reporting gap.

Conclusion

To effectively confront the challenges facing America, the next President will need a focused and efficient State Department that is capably led, properly structured, and dedicated to implementing the President’s foreign policy initiatives. Simply increasing resources will not address the widely acknowledged shortcomings of the Department of State. The above recommendations are not comprehensive, but if embraced and implemented, would contribute to ensuring that the President is better served by a more effective and accountable State Department.

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42. The assessment concluded that “UNIDO has not been able to define its purpose and function very well, much less become effective in its programmatic activities,” and urged member states to consider phasing out the organization. Brett D. Schaefer, “The U.S. Should Not Rejoin the United Nations Industrial Development Organization,” Heritage Foundation *Issue Brief* No. 4291, October 29, 2014, <http://www.heritage.org/research/reports/2014/10/the-us-should-not-rejoin-the-united-nations-industrial-development-organization>.