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**Office of Inspector General**  
**United States Department of State**

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ISP-I-21-20

Office of Inspections

June 2021

**Inspection of the Bureau  
of Legislative Affairs**

DOMESTIC OPERATIONS

UNCLASSIFIED



# HIGHLIGHTS

Office of Inspector General  
United States Department of State

ISP-I-21-20

## What OIG Inspected

OIG inspected the executive direction, policy implementation and knowledge management, statutory and regulatory reporting responsibilities, resource management, and information management operations at the Bureau of Legislative Affairs.

## What OIG Recommends

OIG made 14 recommendations to the Bureau of Legislative Affairs.

In its comments on the draft report, the Department concurred with all 14 recommendations. OIG considers all 14 recommendations resolved. The Bureau of Legislative Affairs' response to each recommendation, and OIG's reply, can be found in the Recommendations section of this report. The bureau's formal written response is reprinted in its entirety in Appendix B.

June 2021

OFFICE OF INSPECTIONS  
DOMESTIC OPERATIONS

## Inspection of the Bureau of Legislative Affairs

### What OIG Found

- The Bureau of Legislative Affairs delivered results on high priority foreign policy objectives but struggled to accomplish more routine tasks.
- The bureau's organizational structure was not well-aligned with operational needs and impeded its mission.
- Bureau leadership and supervisors did not effectively address inappropriate workplace behavior or consistently hold employees accountable.
- The Bureau of Legislative Affairs lacked effective processes to identify and mitigate internal control risks and failed to conduct annual strategic reviews.
- The bureau lacked a comprehensive knowledge management system, which contributed to problems in efficiently tracking communications and meeting congressionally mandated reporting deadlines.
- The Executive Office did not record and track service requests or administrative support and lacked standards for response times to service requests.
- The bureau did not follow Department of State procedures for software application development.
- Spotlights on Success: The Bureau of Legislative Affairs effectively coordinated with Congress to repatriate more than 101,000 American citizens and legal permanent residents during the first 6 months of the COVID-19 pandemic. It also successfully worked with the Department and other U.S. Government agencies to advance support for human rights and democracy in Hong Kong. Finally, the bureau effectively coordinated more than 600 congressional trips in FY 2019, a 50 percent increase since FY 2012.

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## CONTEXT

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The Bureau of Legislative Affairs (H Bureau), established in 1949, coordinates legislative activity for the Department of State (Department) and advises the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries on legislative strategy. H Bureau facilitates communication between Department officials and Members of Congress and their staffs. H Bureau works with authorizing, appropriations, and oversight committees of the House and Senate, such as the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the House and Senate Appropriations Committees. The bureau also works with individual Members of Congress who have an interest in the Department or foreign policy issues.

The bureau advances its mission by seeking passage of relevant foreign policy legislation and appropriations, obtaining congressional advice and consent to treaties, and ensuring confirmation of the President's departmental and ambassadorial nominees by the Senate. H Bureau manages Department testimony before House and Senate hearings, organizes Member and staff briefings, and facilitates congressional travel to overseas missions for Members and staff. In addition, H Bureau reviews proposed legislation and coordinates Department and administration views through Statements of Administration Policy on legislation affecting the conduct of U.S. foreign policy.

The Secretary of State is the Department's principal congressional relations officer. The H Bureau Assistant Secretary reports directly to the Secretary and is responsible for supervising and coordinating all legislative and non-legislative relationships between the Department and Congress. The Assistant Secretary advises the Secretary on legislative matters, directs the Bureau of Legislative Affairs, and acts as the Department's principal liaison with Congress. In addition to the Assistant Secretary, H Bureau is authorized to have a Principal Deputy Assistant Secretary (PDAS) and three Deputy Assistant Secretaries (DAS). At the time of the inspection, the Assistant Secretary position was filled in an acting capacity and 64 of the bureau's 83 authorized positions were filled.<sup>1</sup> In addition, the bureau had six detailees from the U.S. Air Force and four contractors. H Bureau's FY 2022 budget request was \$13.2 million, an increase of \$1.8 million from FY 2021, to fund nine new, full-time positions and information technology (IT) upgrades. H Bureau, in coordination with the Executive Office, Office of the Legal Adviser and Bureau of Legislative Affairs (L-H/EX), managed nearly \$18 million in travel funding on behalf of Congress in FY 2019.

H Bureau's FY 2018 to FY 2022 Functional Bureau Strategy (FBS), approved in November 2018, outlined the following goals:

- Advance the Department's foreign policy and legislative goals in Congress.
- Support congressional oversight: hearings, congressional travel, letters, and inquiries.
- Maintain a talented, resilient workforce.

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<sup>1</sup> From January 2017 to October 2020, the bureau had three confirmed Assistant Secretaries and four leaders in an acting capacity.

- Fully implement the Managing for Results framework.<sup>2</sup>

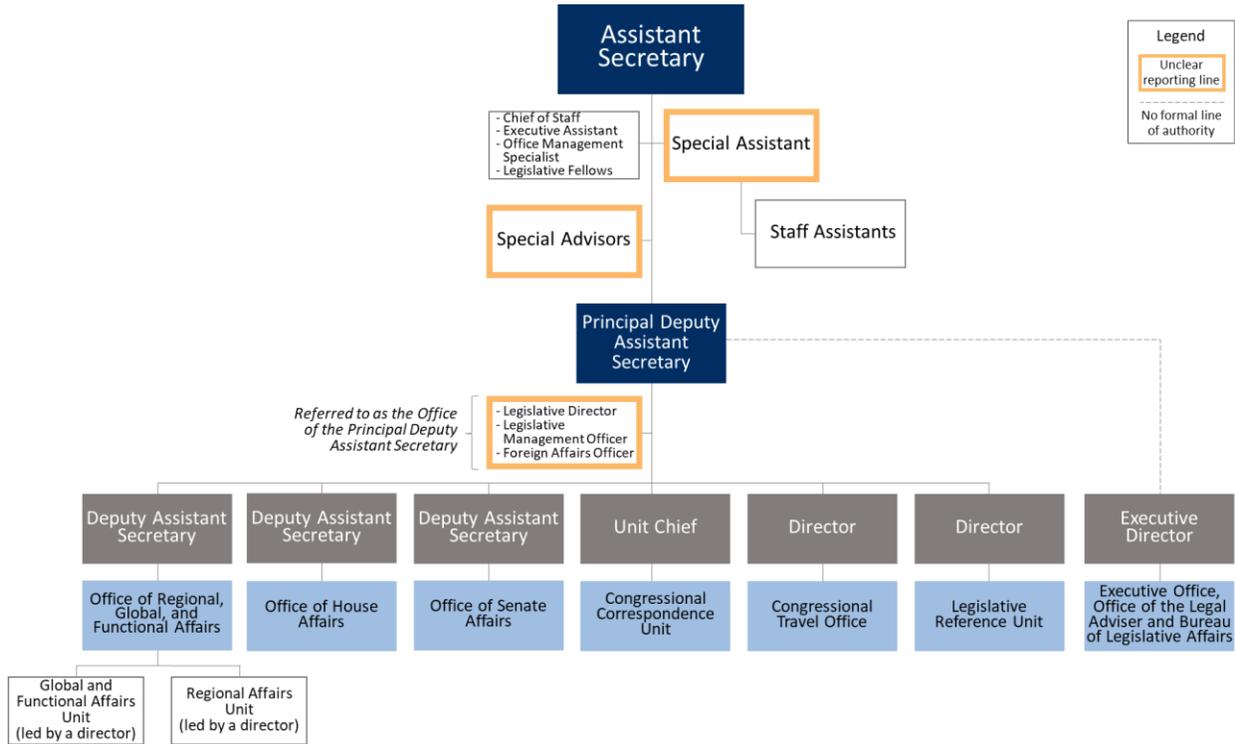
Deputy Assistant Secretaries lead three bureau offices. The Office of Senate Affairs interacts with Senate Members, committees, and staff on foreign policy-related legislation, manages the Department's nominations and confirmation process, and oversees ratification of treaties. The Office of House Affairs facilitates hearings, briefings for House Members and staff, outreach to oversight committees, and communication between the House of Representatives and the Department. The Office of Regional, Global, and Functional Affairs interacts with Congress on the Department's full range of policy issues of interest to Congress. The office's Congressional Advisors are the principal substantive liaison officers between Department bureaus and congressional offices.

The H Bureau also includes the Capitol Hill House Liaison Office, created in 2001, and the Senate Liaison Office, created in 2010, which provide services related to consular affairs and congressional travel. Both offices were closed during the inspection due to COVID-19 restrictions. H Bureau also has a Congressional Travel Office, a Congressional Correspondence Unit, and a Legislative Reference Unit.

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<sup>2</sup> The Managing for Results Framework is the Department's strategic performance structure for program and process design, monitoring and evaluation, data collection and learning, and change implementation to meet goals and objectives.

**Figure 1: Bureau of Legislative Affairs Organizational Chart**



**Source:** OIG generated from information obtained from H Bureau. The bureau was unable to provide OIG with a comprehensive organizational chart and instead provided individual charts for each office or unit within the bureau.

OIG evaluated the bureau’s executive direction, policy coordination, knowledge management, statutory and regulatory reporting requirements, and administrative operations consistent with Section 209 of the Foreign Service Act of 1980.<sup>3</sup>

## EXECUTIVE DIRECTION

OIG assessed H Bureau leadership on the basis of interviews, questionnaires completed by bureau staff, reviews of documents, and observations of bureau events. OIG also conducted interviews with Department and interagency partners, and surveyed H Bureau’s congressional staff interlocutors for views on the bureau’s performance in the interagency decision-making process and its interaction with Congress.

### Tone at the Top

The PDAS joined H Bureau in July 2019 and assumed the role of Acting Assistant Secretary in July 2020 upon the resignation of the Assistant Secretary. Prior to joining H Bureau, the Acting Assistant Secretary served in the White House as Special Assistant to the President for Legislative Affairs. He previously worked for 8 years as national security advisor to a U.S.

<sup>3</sup> See Appendix A.

Senator and for 3 years as aide and legislative director to a Member of Congress. The DAS for the Office of House Affairs served as Senior Bureau Official for 5 weeks during the inspection while the Acting Assistant Secretary was on leave.<sup>4</sup> Prior to joining H Bureau in July 2018, she served for 11 years in various staff positions in the House of Representatives, including as chief of staff and legislative director for a Member of Congress. The bureau did not have an Acting PDAS during the inspection.

OIG interviews of Front Office personnel generally found that the Acting Assistant Secretary set a positive tone in the office, with employees saying they had good working experiences, in accordance with 3 Foreign Affairs Manual (FAM) 1214b(4), which directs supervisors and managers to be cognizant of team morale and attitude. OIG interviews elsewhere in the bureau and in the Department found that the Acting Assistant Secretary worked long hours to advance bureau objectives. However, employees also told OIG of frequent delays in getting responses from the Front Office because the Acting Assistant Secretary assumed too many responsibilities, which often resulted in bottlenecks. OIG found that the bureau's fragmented structure also contributed to Front Office bottlenecks. Bureau structural issues are addressed in greater detail later in this report.

In OIG interviews and questionnaires, staff in H Bureau outside the Front Office gave the Acting Assistant Secretary lower marks for collaboration, self-awareness, and managing conflict, leadership principles in 3 FAM 1214b(7), (6), and (9). For example, H Bureau supervisors and others told OIG that the Acting Assistant Secretary at times undermined supervisors in handling employee performance issues by dealing directly with the employees outside of their supervisory chain or by changing his mind after supervisors followed his previous instructions. Bureau employees told OIG the Front Office, including the Acting Assistant Secretary, was insular rather than collaborative, and kept information to itself rather than sharing it with employees.

Bureau employees, on the other hand, described the Senior Bureau Official as someone who encouraged feedback and welcomed opinions, in accordance with 3 FAM 1214b(4) and (6). During the Acting Assistant Secretary's absence, she continued the bureau's FBS revision, including the addition of a new objective to promote bureau diversity and inclusion. However, bureau staff gave her lower marks in valuing and developing people, aspects of 3 FAM 1214b(8).

### ***Bureau Leadership Did Not Communicate Effectively***

OIG found the Acting Assistant Secretary and other bureau leaders failed to adequately communicate the full range of Department priorities, positions, and documents necessary to supervise and coordinate the Department's relationship with Congress, contrary to guidance in 1 FAM 311.1e, which states that the bureau is to provide advice and information to other Department bureaus and offices on legislative matters. Bureau and Department staff told OIG

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<sup>4</sup> The DAS for the Office of House Affairs was delegated the authorities of the Assistant Secretary during the Acting Assistant Secretary's absence.

that a lack of transparency and poor communication from the Front Office hindered bureau operations and communications with other bureaus and Congress. In addition, delays in providing guidance, answering emails, and clearing documents slowed decision-making. Other bureaus told OIG that H Bureau frequently took weeks or months to deliver documents to Congress and regularly failed to update bureaus on the status or content of those documents. For example, in April and May 2020, H Bureau failed to transmit congressional notifications necessary to release program funds to all required recipients and incorrectly informed bureaus that H Bureau had properly transmitted the notifications. This mistake delayed release of more than \$500 million in funding for Department programs.

OIG also found that absent or incomplete information from the Front Office made it difficult for H Bureau Congressional Advisors to update other bureaus on Front Office interactions with Congress or to advance joint projects with other bureaus. This reduced the bureau's effectiveness and risked other bureaus contacting Congress without first coordinating with H Bureau. In August 2020, the Front Office began requiring a minimum waiting period of 7 days before responding to congressional briefing requests. Bureau leadership told OIG that such a waiting period allowed them to include these requests in their weekly memo to the Secretary so he would be aware of the bureau's interaction with Congress before the briefings occurred. However, congressional interlocutors told OIG the delays resulted in them bypassing H Bureau to seek the information elsewhere in the Department. Furthermore, congressional interlocutors told OIG that H Bureau delays inhibited congressional oversight of Department activities. For example, they told OIG of drafting legislation on assistance to Central America without Department input after repeated requests to the bureau for briefings were unfulfilled. Finally, OIG found that H Bureau's inability to easily track activities and tasks and unclear lines of authority, discussed later in the report, exacerbated these issues.

Principles in 3 FAM 1214b(4), (7), and (2) require leaders to communicate, collaborate, and plan strategically, while 1 FAM 014.2(6)6.3-6.4 requires consistent, two-way communication that meets the specific needs of employees. Failure to consistently communicate and collaborate on Department priorities risks undermining H Bureau effectiveness and delaying implementation of Department programs. The Acting Assistant Secretary took steps to address some of these concerns prior to the inspection, including expanding participation in the Front Office's daily DAS and Director call and holding regular quarterly meetings with congressional liaisons in other bureaus. The Senior Bureau Official continued the expanded daily DAS and Director calls during her 5-week tenure. OIG suggested that the Acting Assistant Secretary and the then-Senior Bureau Official continue to increase communication and collaboration across the Department, which both agreed to do. Therefore, OIG did not make a recommendation regarding this issue.

### ***Bureau's Organizational Structure Impeded Effective Fulfillment of Bureau's Mission***

OIG found that H Bureau's organizational structure impeded the effective accomplishment of its mission. Specifically, OIG found that:

- Unclear lines of authority, a Department major management challenge, hindered the bureau's execution of its mission, compromising its ability to coordinate relations efficiently and effectively with Congress.<sup>5</sup> At the time of the inspection, the bureau had no approved organizational chart that accurately reflected staffing and reporting lines. For example, staff in the Office of Regional, Global, and Functional Affairs who coordinated responses to congressional inquiries in the House and Senate reported to a different Deputy Assistant Secretary than the Deputy Assistant Secretaries for the House and the Senate. This at times resulted in conflicting messages and delayed responses. In addition, the bureau sometimes transferred staff and their job responsibilities elsewhere within the bureau without notifying the employees involved. Furthermore, the Executive Director, who oversaw management and support activities for the bureau and for the Office of the Legal Adviser, did not report to any H Bureau official, contrary to FAM requirements.<sup>6</sup>
- Poor workflow processes resulted in inadequate tracking, delayed clearances, and late transmittal of reports, correspondence, and other work products to Congress. OIG found that unclear lines of responsibility within the bureau contributed to these problems. For example, a May 2020 congressional request for a briefing by the Executive Branch, required by law to be provided within 15 days of submission of a mandated report, did not take place for 2½ months despite repeated requests from both majority and minority congressional staff. These delays prevented the congressional staff from conducting oversight and developing new legislation. In addition, the bureau did not regularly update instructions on its SharePoint site, causing confusion both within H Bureau and throughout the Department about how to submit required correspondence and reports. Moreover, three or more Front Office officials regularly cleared information being transmitted to Congress, contributing to lengthy delays and late transmittals.
- Undersized offices and units had insufficient resources to accomplish office objectives. Five bureau entities—the Offices of the PDAS, House Affairs, and Senate Affairs, the Congressional Correspondence Unit, and the Legislative Reference Unit—operated without Under Secretary for Management approval for exceptions to minimum office size.<sup>7</sup> The undersized offices compromised the bureau's ability to deliver on-time, quality results. For example, at the time of the inspection, the Legislative Reference Unit had only three of four positions filled, leaving it three positions under the required minimum staff unit size. Meanwhile, according to the FY 2022 Bureau Resource Request, the unit's workload increased 25 percent since 2015. This contributed to the late transmittal of at least 150 reports to Congress.

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<sup>5</sup> OIG identified "promoting accountability through internal coordination and clear lines of authority" as a management challenge for the Department in FY 2020. See OIG-EX-21-01, *Inspector General Statement on the Department of State's Major Management and Performance Challenges*, Fiscal Year 2020.

<sup>6</sup> 1 FAM 313(7)(f) describes the H Bureau duties and states that the Executive Director reports to the bureau's Principal Deputy Assistant Secretary.

<sup>7</sup> 1 FAM 014.6b and 1 FAM 014.7d(1-2) list Department organizational policies and criteria, including the minimum office size, and require bureaus to obtain exceptions to criteria from the Under Secretary for Management.

- Staffing was not aligned to operational needs. The bureau had only two staff members assigned to handle appropriations legislation for all the Department's programs and operations. In OIG interviews, 70 percent (16 of 23) of Department bureaus and offices that dealt with appropriations issues expressed dissatisfaction with the quality of communications on appropriations or the Congressional Notification process, noting delays and silos.<sup>8</sup>

OIG found that these structural problems developed because of recurring changes in H Bureau leadership since 2017, combined with most bureau leaders' inexperience with Department management processes.<sup>9</sup> Guidance in 3 FAM 2612a requires the Department to ensure that positions are structured and staffed in the most economic manner consistent with effective mission accomplishment. In addition, 1 FAM 014.1a states that an organizational structure should strive to achieve a proper balance among mission needs, efficiency of operations, and effective employee utilization. Furthermore, the Government Accountability Office's *Standards for Internal Control in the Federal Government*,<sup>10</sup> Principle 3.05, calls on management to periodically evaluate the organizational structure so that it meets the entity's objectives. In the Department, the Bureau of Global Talent Management's Office of Organization and Talent Analytics performs such reviews.<sup>11</sup>

During the inspection, H Bureau leadership told OIG of their interest in integrating other bureaus' congressional liaison positions<sup>12</sup> into H Bureau to increase staffing and provide more consistent communications with Congress. Any proposal to integrate congressional liaisons into H Bureau should be incorporated in a Bureau of Global Talent Management workforce analysis study. A workforce analysis study will help the bureau achieve an effective organizational structure. The lack of an organizational structure that optimized staff and resources to effectively meet operational needs hampered H Bureau's ability to execute and achieve its mission.

**Recommendation 1:** The Bureau of Legislative Affairs, in coordination with the Bureau of Global Talent Management, should conduct an organizational assessment to

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<sup>8</sup> Guidance in 1 FAM 621.5 defines a Congressional Notification as a specific requirement prescribed by law for the Department to provide congressional committees programming and activity information prior to or in conjunction with action.

<sup>9</sup> Although 1 FAM 312b requires the PDAS to be a career Foreign Service officer, a political appointee filled the position at the time of the inspection. H Bureau obtained the required approval from the White House Liaison Office for an exception. All but one of the six Front Office officials were political appointees at the time of the inspection.

<sup>10</sup> Government Accountability Office, *Standards for Internal Control in the Federal Government*, 28 (GAO-14-704G, September 2014).

<sup>11</sup> See 3 FAM 2617(4).

<sup>12</sup> Congressional liaisons work with H Bureau's Congressional Advisors to provide expertise on their bureaus' issues, help develop legislative strategy, and coordinate bureau clearances.

clarify staff roles and responsibilities and bureau organizational structure, and align them with bureau operational needs. (Action: H, in coordination with GTM)

## **Adherence to Internal Controls**

OIG found that H Bureau lacked effective processes to identify and mitigate risks to internal controls. Although the bureau submitted its annual Management Control Statement of Assurance as required by 2 FAM 022.7(5), it did not implement processes to identify and mitigate risks across the entire bureau or perform ongoing reviews as required by 2 FAM 021.1a-d. For example, the H Bureau decided to exclude several offices and units, including the Legislative Reference Unit, from its Statements of Assurance for FY 2019 and FY 2020. The bureau then did not effectively identify and mitigate risks to one of the unit's core functions: coordination of congressionally mandated reports. As a result, in FY 2020 the Department's Executive Secretariat stepped in to oversee and reinforce the bureau's coordination of these reports when the backlog of overdue reports grew to more than 150.

OIG also found that bureau management did not conduct strategic reviews, which 18 FAM 301.4-1 and 18 FAM 301.4-4b require annually, to assess whether key bureau programs worked as intended. Overall, OIG found that bureau management did not ensure that risk management was a continuous process incorporated into decision-making in a systematic, appropriate, timely, and transparent manner, in accordance with 2 FAM 031c. Without effective processes to identify and mitigate risks, the bureau was at an elevated risk of waste, fraud, and mismanagement, and less able to effectively manage and monitor progress and results.

**Recommendation 2:** The Bureau of Legislative Affairs should implement a system to identify and mitigate on a continuous basis the internal control risks to its programs and processes, in accordance with Department guidance. (Action: H)

## **Equal Employment Opportunity and Standards of Conduct**

As described below, OIG determined that H Bureau leadership had not created a workplace environment that fully promoted equal opportunity and addressed employee complaints of inappropriate workplace behavior. In addition, bureau employees, including those in leadership roles, had low completion rates for mandatory training related to supervision, preventing harassment, and antidiscrimination and retaliation, which contributed to the problem of unaddressed complaints of employee misconduct.

### ***Bureau Workplace Environment Had Equal Employment Opportunity Shortcomings but Leadership Began Taking Steps to Address Employee Concerns***

OIG, through its interviews and reviews of documents and personal questionnaires, identified deficiencies in H Bureau leadership's efforts to create a workplace environment that fully promoted equal opportunity, contrary to Department guidance in 3 FAM 1514a. The Department's Office of Civil Rights (S/OCR) told OIG that bureau employees filed 10 Equal Employment Opportunity (EEO) complaints between January 2018 and September 2020. Furthermore, only 37 percent of employees gave the bureau a favorable rating in the 2019

Federal Employee Viewpoint Survey's diversity and inclusion index, as compared with the Department and Federal Government averages of 62 percent.<sup>13</sup> The bureau had no EEO counselors during the inspection. Bureau employees told OIG of their concerns regarding the workplace environment for equal opportunity, including unfair competition for promotions and unfair treatment due to a protected EEO basis.

Bureau leaders told OIG they recognized the need to take steps to address employee concerns related to EEO. Prior to the inspection, the Front Office began to take a more active role in these issues, evidenced by the Acting Assistant Secretary's increased intervention with individual employees as complaints rose to his attention, holding an all-hands meeting to address the bureau's values, and holding a second all-hands meeting in which S/OCR delivered EEO training virtually. During the inspection, the bureau's Diversity and Inclusion Working Group recruited several volunteers to serve as EEO counselors once S/OCR resumes new counselor training.<sup>14</sup> The working group's chairperson briefed H Bureau's Senior Bureau Official on diversity initiatives, and later addressed a bureau all-hands meeting. The bureau also included a new goal on diversity and the workplace environment in its revised FBS. OIG reviewed with H Bureau leadership the need to continue to work with bureau employees and with S/OCR on these workplace issues. Because bureau leaders agreed to do so and because of the actions taken by bureau leadership prior to and during the inspection, OIG did not make a recommendation to address EEO-related issues.

***Bureau Did Not Effectively Address Persistent Complaints of Employee Misconduct***

OIG found that H Bureau leadership did not effectively address complaints of threatening behavior<sup>15</sup> in the workplace and did not consistently hold employees accountable for misconduct, contrary to Department guidance in 3 FAM 4156.3a and 3 FAM 1214. Employees in several parts of the bureau told OIG they had relayed incidents of harassment, intimidation, and bullying, including inappropriate yelling, to bureau leadership but that in their view, bureau leadership had not held employees accountable. In addition, S/OCR reported to OIG that it had received 11 harassment complaints from bureau employees between January 2018 and September 2020. H Bureau's leadership also did not model some of the Department's leadership and management principles in 3 FAM 1214b(4) and (9), in particular leading by example to foster the highest attainable degree of employee morale and productivity, and anticipating, preventing, and discouraging counter-productive confrontation. Fourteen percent of questionnaires submitted to OIG reported concerns regarding the workplace environment.

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<sup>13</sup> The Office of Personnel Management's annual Federal Employee Viewpoint Survey measures employees' perceptions of whether, and to what extent, conditions characteristic of successful organizations are present in their agencies. The diversity and inclusion index is derived from responses to 20 questions on the survey related to inclusive work environments.

<sup>14</sup> New counselor training, which is done in person, was suspended during the COVID-19 pandemic.

<sup>15</sup> According to 3 FAM 4153, threatening behavior is defined as "Any use of words or actions that may intimidate or provoke a reasonable person and/or interfere with the performance of official duties." Guidance in 3 FAM 4154, states that threatening behavior includes "harassment" and "bullying."

OIG concluded that frequent changes in the Front Office created a lack of continuity in the bureau, which helped foster a climate of avoidance and disengagement regarding unacceptable employee conduct. During the inspection, L-H/EX issued a bureau policy which addressed threatening behavior such as harassment, intimidation, and bullying. While this policy is a first step, H Bureau leadership should lead by example in developing and implementing an action plan that addresses such behavior and includes additional guidance and communications to staff, training, and other complementary activities. Not effectively and consistently addressing threatening behavior risks creating a toxic work environment that can hinder the bureau's mission, productivity, and morale.

**Recommendation 3:** The Bureau of Legislative Affairs should develop and implement an action plan to fully comply with Department policies related to threatening behavior. (Action: H)

### ***Lack of Training Contributed to Unaddressed Complaints of Employee Misconduct***

OIG found that the bureau's low completion rates of mandatory training related to harassment, supervision, and retaliation contributed to a lack of awareness of how to address employee misconduct. As of October 2020, 28 percent of H Bureau employees had yet to take the refresher Preventing Harassment at State course (PK 405), which the Department requires every 2 years, and 47 percent of eligible employees had yet to take the Fundamentals of Supervision course (PT 230), which new supervisors must take within 1 year of appointment.<sup>16</sup> In addition, 45 percent had yet to take the No FEAR Act<sup>17</sup> course (PT 401), which the Department requires every 2 years; another 37 percent let this training expire.<sup>18</sup> No one among the bureau's leadership had taken all three of these courses.

**Recommendation 4:** The Bureau of Legislative Affairs should develop and implement a plan for all employees to comply with Department mandatory training requirements for harassment prevention, supervision, and retaliation-related courses. (Action: H)

## **Execution of Foreign Policy Goals and Objectives**

### ***H Bureau Delivered Results on High Priority Issues, but Struggled to Complete Routine Tasks***

OIG found that H Bureau played a key role in securing legislation that addressed issues of high priority to the Department but failed to properly complete more routine work. Consistent with its responsibilities in 1 FAM 311.1c and e, the bureau helped the Department secure its top five priorities in the FY 2020 CARES Act<sup>19</sup> that addressed the COVID-19 pandemic, including flexibility in the use of visa application fees. Other bureaus in the Department told OIG that H Bureau provided effective support in preparing their nominees for Senate hearings and

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<sup>16</sup> See 13 FAM 301.2-5 and 13 FAM 301.3-1.

<sup>17</sup> Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002.

<sup>18</sup> See 13 FAM 301.2-1.

<sup>19</sup> Coronavirus Aid, Relief, and Economic Security Act (CARES Act) of 2020, Pub. L. No. 116-136.

successfully guiding their nominees through to Senate confirmation, consistent with 3 FAM 312a(4) guidance that the bureau manage the confirmation of Presidential appointees. The Front Office also succeeded in using the Department's Enterprise Governance Board,<sup>20</sup> established in 2019 and chaired by the Deputy Secretary, to establish eight Department-wide legislative priorities for 2020.

OIG nonetheless found that H Bureau's lack of efficient processes for tracking and delivering on lower-profile issues negatively affected the Department's communications with Congress. This included congressionally mandated reports and congressional correspondence, discussed in detail later in this report, as well as instances in which H Bureau delayed responses to congressional Questions for the Record.<sup>21</sup> In addition, the Front Office did not use the bureau's FBS to set priorities and to monitor and evaluate progress as required. OIG's recommendation to address strategic planning lapses in the bureau, including the FBS, is discussed below.

### **Spotlight on Success: Evacuation of American Citizens During COVID-19 Pandemic**

H Bureau's effective coordination with Congress contributed to the successful repatriation of more than 101,000 American citizens and legal permanent residents from 136 countries during the first 6 months of the COVID-19 pandemic. H Bureau staff worked with the Department's Repatriation Task Force, U.S. embassy staff around the world, and with the Department of Defense U.S. Transportation Command to conduct the repatriations. H Bureau staff handled an avalanche of congressional inquiries, set up a database to track requests, provided consistent messaging to congressional offices, and served on the Department-wide task force. The bureau's communication of Department-wide efforts and its work to respond to congressional concerns about the repatriation of American citizens stranded abroad earned the Department a bipartisan Senate resolution of commendation<sup>22</sup> and hand-written thank you notes from Senators. These efforts advanced an important administration foreign policy goal of protecting U.S. citizens abroad.

### **Spotlight on Success: Passage of the Hong Kong Human Rights and Democracy Act of 2019**

H Bureau successfully worked with the Department and other U.S. Government agencies to advance an administration foreign policy priority: the support of human rights and democracy in Hong Kong. When street protests in Hong Kong escalated in March 2019, congressional staff contacted H Bureau, which arranged a series of briefings with the U.S. Consulate General in Hong Kong and the Bureau of East Asian and Pacific Affairs. H Bureau then facilitated congressional travel to Hong Kong and Department testimony at congressional hearings. Additionally, the bureau's Legislative Reference Unit worked with other Department bureaus to comment on draft legislation and worked with the Department of the Treasury to obtain

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<sup>20</sup> The Department's Enterprise Governance Board is a forum for senior leaders to discuss strategic issues and provide input into enterprise-level decisions on a regular basis. Its purpose is to enhance transparency, agility, and alignment of resources with priorities, and to increase the speed of enterprise-level decision-making. See 2 FAM 041.1(a).

<sup>21</sup> Questions for the Record are follow-up questions submitted by Members of Congress after a hearing.

<sup>22</sup> Senate Resolution 567, "Commending career professionals at the Department of State for their extensive efforts to repatriate United States citizens and legal permanent residents during the COVID-19 pandemic," June 11, 2020.

comments on sanctions provisions. This work culminated in the passage and signing into law of the Hong Kong Human Rights and Democracy Act of 2019.<sup>23</sup>

### ***Bureau Did Not Use A Strategic Approach to Achieve Goals***

OIG found that many bureau employees were unfamiliar with the FY 2018 to 2022 FBS. Although the bureau, during the inspection, developed a plan and schedule for its key leadership to revise the FBS, employees throughout the bureau told OIG the bureau did not use it, nor were they consulted about its development. In addition, OIG found that bureau supervisors' unfamiliarity with the FBS meant they did not use it to monitor the performance of processes, understand priorities, or identify risks to objectives.

OIG also found that H Bureau did not use the FBS to manage the performance of core priorities. For example, the bureau identified a new data tracking system, MyData 2.0,<sup>24</sup> as essential in both the FBS and Bureau Resource Request<sup>25</sup> but did not sufficiently align its budget with the system's requirements. As a result, at the time of the inspection, the bureau lacked \$100,000 for necessary application improvements. MyData 2.0 development issues are addressed later in this report.

Guidance in 18 FAM 301.2 states that the purpose of strategic planning is to help make informed decisions, set priorities, shape resource decisions, and create a framework for monitoring progress and measuring results. Furthermore, cable 16 STATE 122756<sup>26</sup> requires that bureau leaders regularly assess progress against strategic objectives and maximize the use of the FBS as a management tool to prioritize work that is aligned to that document. The Department's Monitoring for Results Framework calls for using the FBS at all levels of the organization<sup>27</sup> to communicate and implement priorities. Bureau leadership did not engage or work with employees to use the FBS as a management tool. The lack of knowledge among the staff and managers about the FBS left them without a clear understanding of its objectives, work priorities, and milestones necessary to manage the operations and resources supporting the bureau's congressional engagement mission.

**Recommendation 5:** The Bureau of Legislative Affairs should involve its employees in developing the Functional Bureau Strategy and brief them on the final product to establish organizational understanding of its mission, goals, objectives, resource requirements, and milestones, in accordance with Department guidance. (Action: H)

<sup>23</sup> 22 U.S.C. §§ 5725–5726 (2019).

<sup>24</sup> MyData 2.0 is a Bureau of Administration information system with applications developed for H Bureau's Congressional Correspondence Unit and Congressional Travel Office.

<sup>25</sup> The annual Bureau Resource Request is the bureau-level funding mechanism strategically aligned with the Department and reflecting the priorities established in the Functional Bureau Strategy.

<sup>26</sup> Cable 16 STATE 122756, "Implementation of Strategic Progress Reviews, New Managing for Results Website, and Program Design and Performance Management Toolkit," November 15, 2016.

<sup>27</sup> The FBS also is used to identify risks to objectives in order to build organizational awareness and to mitigate conditions that impede bureau progress.

### ***Bureau Did Not Evaluate its Processes or Measure Performance***

OIG found that H Bureau did not implement organizational evaluations or develop a performance management plan to monitor its progress toward strategic goals and objectives, despite identifying these actions as a major FBS goal. The bureau's FBS management objective called for the bureau to fully comply with all requirements of the Department's Managing for Results Framework, which emphasized organizational performance management.<sup>28</sup> H Bureau submitted a plan to the Bureau of Planning and Budget in which it proposed evaluating three major processes over a 3-year period. However, the bureau failed to conduct any evaluations, and its evaluation coordinators told OIG they did not know of any plans for major process evaluations.<sup>29</sup> In addition, the bureau did not develop the performance management plan that would be needed to collect key performance data, monitor performance, and adjust bureau processes.

Guidance in 18 FAM 301.1 requires bureaus to design performance management plans that support meaningful evaluations and internal decision-making by collecting key performance data. Furthermore, guidance in 18 FAM 301.4-4b requires that all bureaus complete at least one evaluation each fiscal year. However, OIG found that H Bureau did not make performance management planning a priority. Without internal evaluations or performance management plans, bureau leadership was unable to gauge the effectiveness of its internal processes and make the data-informed decisions needed to properly manage the bureau. The absence of a structure for performance assessment and analysis decreased the bureau's ability to monitor and adjust its major processes to advance the Department's legislative mission.

**Recommendation 6:** The Bureau of Legislative Affairs should submit an updated evaluation plan for its major processes to the Bureau of Budget and Planning and implement a performance management plan to measure organizational progress toward its strategic goals and objectives, in accordance with Department standards. (Action: H)

## **POLICY COORDINATION**

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OIG reviewed H Bureau's coordination of regional and functional policy, and its development and implementation of strategies to enhance congressional support for the Department. This responsibility primarily rests with the bureau's Office of Regional, Global, and Functional Affairs (RGF), the largest office in H Bureau with 34 authorized positions. Most Department interlocutors thought the bureau was either fully or partially successful in accomplishing its policy coordination mission. Even among Department interlocutors who did not consider the

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<sup>28</sup> The Managing for Results framework illustrates linkages among Department strategic planning, budgeting, managing, and organizational learning processes and is intended to help bureaus and missions achieve outcomes through monitoring and evaluation practices. See 18 FAM 301.1.

<sup>29</sup> According to 18 FAM 301.4-4(A), each bureau and office must identify an evaluation coordinator with decision-making authority to ensure that the evaluation function is fully operational and integrated into the bureau or office's planning process. The coordinator also works with the Bureau of Budget and Planning on evaluation efforts.

bureau fully effective, many spoke positively to OIG about RGF's Congressional Advisors. For example, the congressional liaisons in other bureaus told OIG that they appreciated the transparency and collaboration of RGF's Congressional Advisors. However, Department interlocutors also reported that late H Bureau Front Office clearances, lack of information about scheduling congressional briefings, and stove-piped communications in the bureau hampered RGF advisors' ability to act as effective partners for other bureaus. Within RGF, leaders took substantial steps to improve communication and work processes, including developing mechanisms to track the status of work products, filling staff vacancies, and enacting an RGF values initiative. In addition, RGF, in cooperation with the Front Office, introduced a Request for Engagement Tracker in August 2020 in an attempt to centralize, record, and share information among H Bureau offices and make it easier to track responses to Congress. However, not all bureau units used the tracker, which limited its effectiveness in improving policy coordination. In addition, congressional contacts told OIG they found the tracker's online form to request engagements unhelpful and as such, RGF's Congressional Advisors usually completed the form for them. OIG suggested, and the Acting Assistant Secretary agreed, to communicate the policy that the whole bureau should participate in updating the tracker so it could fulfill its purpose.

## KNOWLEDGE MANAGEMENT AND REPORTING RESPONSIBILITIES

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OIG found H Bureau lacked a comprehensive knowledge management system to manage and track the Department's many work products and required reports for Congress. Specifically, the bureau used several different cumbersome and incomplete tracking systems, which made it difficult for the bureau to both respond to Congress in a timely manner and to give Department bureaus accurate status updates on the work products and required reports for which they were responsible. For example, some H Bureau units used Excel spreadsheets to track the status of official communications for Congress. These had to be manually updated, resulting in inaccurate data or missing records. In one case, at least two units maintained separate trackers for Congressional Notifications, resulting in delays and procedural errors. Furthermore, H Bureau lacked a system to compile and adjudicate Department input to proposed draft legislation. Department officials told OIG that after submitting their comments on such legislation to the bureau, they did not know whether or how their input was used. In OIG interviews, 77 percent (23 of 30) of Department bureaus and offices interviewed expressed frustration with H bureau's failure to keep them informed about work products for Congress that affected policies and programs for which they were responsible.

Bureau leaders acknowledged to OIG that knowledge management was a problem that was impacting its ability to meet its reporting responsibilities, and said they were working to improve their systems. However, as discussed below, OIG determined that several specific measures should be taken to improve the significant knowledge management and reporting challenges facing H Bureau. These measures include implementing a plan to better manage congressionally mandated reports, a functional correspondence tracking system, and a bureau-wide records management program.

### ***Bureau Did Not Effectively Manage Congressionally Mandated Reports***

OIG determined that H Bureau did not effectively manage and meet deadlines for submitting required reports to Congress. According to 1 FAM 311.1h, 1 FAM 312a(3), and 1 FAM 313a(7)(d), H Bureau acts as a liaison with other Department bureaus and offices in developing and transmitting congressional reports and maintains records of the transmitted reports. In FY 2020, the Executive Secretariat reported that the Department transmitted 548 reports, of which 349 reports, or 64 percent, were submitted after the congressionally mandated deadlines. Congressional staff told OIG that the Department's inability to provide timely findings and conclusions detracted from Congress' ability to conduct oversight of U.S. foreign policy and consider Department views when drafting legislation.

H Bureau's inability to effectively manage and meet deadlines for submitting reports to Congress was caused by its slow clearance process, the lack of a tracking system, and the bureau's practice of hand-delivering final reports to Congress. To improve its process, beginning in late 2019, the bureau implemented an electronic report delivery process, developed a standard cover letter to facilitate faster reviews, and began periodically updating other bureau leaders on their bureau's respective overdue reports. Despite these actions, in January 2020, the Executive Secretariat temporarily took over tracking and notifying bureaus of late reports due to H Bureau's ineffectiveness in meeting these responsibilities. During this time, H Bureau maintained its role in identifying and tasking reports to bureaus and transmitting final reports to Congress. Between January and November 2020, the Executive Secretariat reduced the number of pending overdue reports from 144 to 12. However, OIG found that H Bureau leadership had not made any improvements to its tracking mechanisms or otherwise prepared to reassume the tracking and bureau notification responsibilities from the Executive Secretariat, in accordance with the bureau's FAM responsibilities. Without such preparation, the bureau was not positioning itself to transmit congressionally mandated reports in a timely manner and prevent a backlog of reports reoccurring in the future.

**Recommendation 7:** The Bureau of Legislative Affairs, in coordination with the Executive Secretariat, should reassume management of congressionally mandated reports and implement process improvements to prevent a backlog of the reports in the future, in accordance with Department guidance. (Action: H, in coordination with S/ES)

### ***Information Systems and Procedural Failings Led to Inability to Properly Track Congressional Correspondence***

OIG found that the bureau was unable to properly track congressional correspondence or determine whether such correspondence met Department standards. The bureau used the correspondence application in the Department's MyData 2.0 system to process and track congressional correspondence. However, as described below, flaws in the correspondence application's development left the bureau unable to effectively manage and track correspondence. Specifically, OIG found:

- The application was unable to automatically track response times for congressional correspondence. Instead, the Congressional Correspondence Unit (CCU) tracked response times manually, a cumbersome and time-consuming process. Because of this, OIG was unable to determine whether H Bureau met the 5 Foreign Affairs Handbook (FAH)-1 H 513.1a requirement for responding to congressional correspondence within 21 business days.
- The application's correspondence clearance process lacked a mechanism to bypass a person in the process if, for example, that person was on leave. This deficiency contributed to delayed response times and complicated the tracking process. CCU created workaround options when a bypass was needed, but the workaround options distorted how response times were recorded in the application.

Both H Bureau staff and its Department partners told OIG that they had concerns with correspondence tracking and processing, as well as the timeliness of responses. H Bureau staff told OIG the issues with the MyData 2.0 correspondence application occurred because some staff were not consulted during application development and that modules moved to production without adequate testing.<sup>30</sup> In addition to the problems with the correspondence application, OIG found that CCU lacked a standard operating procedure for congressional correspondence, including any defined internal timelines for each stage of the process. H Bureau staff told OIG they began developing standard operating procedures in mid-2020, but at the time of the inspection, none of the procedures had received final approval from the Front Office.

Without clear process workflows, timelines, and standard operating procedures, H Bureau cannot identify and resolve bottlenecks or determine response times. The lack of a functional correspondence tracking system and standard operating procedures with defined timelines increases the risk that H Bureau will not meet Department response time standards and delay getting critical information to Congress.

**Recommendation 8:** The Bureau of Legislative Affairs should address gaps in the correspondence tracking system's functionality, and develop and implement a standard operating procedure, including well-defined process timelines, in order to meet Department requirements for correspondence response times. (Action: H)

### **Spotlight on Success: Bureau Successfully Coordinated Congressional Overseas Travel**

The Congressional Travel Office effectively coordinated more than 600 congressional overseas trips in FY 2019 valued at more than \$15 million, a 50 percent increase in travel volume since FY 2012. The office developed an in-house spreadsheet to communicate information on high-profile congressional travel activities and provide visibility to the interagency community. It also complied with 4 FAM 468 and 4 FAH-3 H-468 congressional travel guidance to identify travelers, validate official travel, notify overseas missions, estimate costs, and report closure of congressional travel plans. Congressional staff, embassy travel offices, and the Department

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<sup>30</sup> The process to develop the MyData 2.0 applications is described in the Information Management section of this report.

of Defense<sup>31</sup> told OIG they were satisfied with the travel office's collaboration and coordination of these complex and high-visibility trips. Since spring 2020, when the COVID-19 pandemic led Congress to halt overseas travel, the office worked on internal tasks, such as (1) revising its extensive Congressional Travel Reference Guide, including adding lessons learned and best practices, (2) contributing updates to the Foreign Affairs Manual, (3) updating Department COVID-19 travel guidelines, and (4) loading legacy travel plans into a new bureau database.<sup>32</sup> During this time, office staff also maintained contact with prospective travelers and advised against two congressional trips deemed high-risk that resulted in travel cancellation.

### ***Bureau Lacked an Active Records Management Program***

H Bureau did not have an active records management program or standard operating procedures to ensure uniform creation, maintenance, and disposition of documents, in accordance with 5 FAM 413, 5 FAM 422, and 5 FAM 433. Specifically, OIG found that:

- H Bureau did not store documents in a central repository. Instead, employees saved electronic documents ad hoc, including in office shared drives and email inboxes, individual employee email archives, SharePoint sites, and in multiple different databases. For example, the Legislative Reference Unit maintained an office email inbox for contributions to legislative reference memos that compile Department views on pending legislation. However, access to this inbox required multiple IT personnel to grant permissions, a process that could take months. In addition, the Front Office saved the final versions of congressionally mandated reports in a system that other bureau employees, including those who managed the process for these mandated reports, could not access. As described in 5 FAM 422, the Department is required to preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. This is especially critical given H Bureau's responsibilities in managing and transmitting correspondence and reports to Congress, as outlined in 1 FAM 311.1h.
- H Bureau's records retirement practices did not comply with Department standards. H Bureau did not meet four of the Department's six retirement schedules, including for Assistant Secretary and Front Office in-house memorandums and briefing materials. Guidance in 5 FAM 433a-b requires bureaus to maintain an active, continuing retirement program and retire records in accordance with records disposition schedules.

These issues occurred because bureau leadership approached records and information management as an office-by-office function instead of a bureau-wide program. The lack of complete records hindered the bureau's ability to provide continuity of information during staff turnover as well as hampered oversight by Congress, other Government agencies, and, through Freedom of Information Act requests, the public. In addition, the lack of an effective records retirement program increases the risk of loss of important data and historical records that could

<sup>31</sup> The Departments of Defense and State continuously coordinate to streamline the congressional travel process. This maximizes congressional traveler opportunity to observe shared issues and resources.

<sup>32</sup> Cable 20 STATE 81070, "Congressional Travel Reference Guide (2020)," August 20, 2020.

affect the Department's and the bureau's ability to conduct policy analysis, decision-making, and archival research.

**Recommendation 9:** The Bureau of Legislative Affairs should implement a bureau-wide records management program and issue guidance for creating, maintaining, and retiring official bureau files and records, in accordance with Department guidance. (Action: H)

## ADMINISTRATIVE OPERATIONS

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L-H/EX is the joint administrative platform for H Bureau and the Office of the Legal Adviser. It provides administrative management and support activities for both bureaus in financial management, general services operations, human resources, and information management. In this inspection, OIG only reviewed L-H/EX functions that support H Bureau. OIG found that, overall, L-H/EX's administrative operations did not always meet the support needs of H Bureau staff. In OIG's questionnaire, 33 percent (21 of 64) of those who responded to the question of EX's overall support and services gave L-H/EX a poor or fair rating or stated they had no opinion. Many H Bureau staff members told OIG that L-H/EX's overall responsiveness was ineffective and unresponsive, citing delays in ordering basic equipment, processing personnel actions, and responding to questions. Staff members also cited gaps in L-H/EX's knowledge in human resources and employee relations. OIG identified several problems in administrative operations, as discussed below.

### ***Executive Office Lacked Transparency, Accountability in the Services Provided to Bureau***

At the time of the inspection, the EX Director reported directly to the Legal Adviser and not to anyone in the H Bureau. This was contrary to the Director's position description, which stated that the incumbent reports to both bureaus' leaders, and contrary to 1 FAM 313a(7)(f), which states that the EX Director reports to the H Bureau PDAS. H Bureau leaders told OIG that although the EX Director's last two performance evaluations did not have any input from H Bureau, they anticipated providing input into the next evaluation. The inconsistent guidance about to whom the EX Director reports, combined with the lack of direct supervision by H Bureau leadership, created accountability and transparency concerns in the minds of bureau employees. For example, bureau staff members told OIG they believed L-H/EX devoted disproportionately more time and resources to the Office of the Legal Adviser, which had 405 authorized positions, than to H Bureau, with 83 authorized positions. In contrast, however, some L-H/EX staff members told OIG that H Bureau took up more of their time, mostly due to the frequent turnover in the Front Office and staff movements between bureau units, which increased the recruitment and personnel action workload. Since L-H/EX lacked performance metrics to compare workloads and services delivered to both bureaus, OIG was unable to substantiate either position.

OIG also found that L-H/EX did not have a memorandum of understanding with H Bureau, which could better define the extent of L-H/EX's scope and responsibilities to the bureau and provide additional accountability and transparency. The *Standards for Internal Control in the*

*Federal Government*,<sup>33</sup> Principle 5, states that management should enforce accountability of individuals performing their internal control responsibilities. OIG suggested that L-H/EX establish a memorandum of understanding with H Bureau, which L-H/EX agreed to do. Therefore, OIG did not make a recommendation to address this issue.

***Executive Office Lacked the Tools to Effectively Oversee and Manage its Support Services***

OIG found that L-H/EX did not have a sufficient method to record and track the management services and administrative support it provided to the bureau, nor did it have a centralized platform for bureau staff to submit requests. It also lacked established service standards and did not perform periodic assessments of its support services. OIG found the lack of established service standards left the bureau unable to measure L-H/EX's response times for its services. In addition to setting formal timelines for services, service standards increase transparency by defining what a customer should expect from a service, hold the service provider accountable for its performance, and allow L-H/EX to measure service quality and efficiency. OIG also found that L-H/EX did not perform periodic performance assessments of its services to evaluate their quality, obtain customer satisfaction feedback, and determine needed improvements.

The *Standards for Internal Control in the Federal Government*,<sup>34</sup> Section 2 OV2.16 and OV2.19 and Principles 10.03 and 14.01-03, state organizations should have internal control systems in place to carry out duties efficiently, measure the results of key activities, and effectively communicate throughout the organization. L-H/EX cited competing priorities—such as a heavy workload in human resources with recruiting and performance evaluations for both bureaus, a gap for most of FY 2020 in its Deputy Director position, and the COVID-19 pandemic, which delayed the release of a planned L-H/EX administrative services portal<sup>35</sup>—as reasons for the lack of effective oversight. Without effective management and oversight of its support services platform, L-H/EX risks exacerbating service delays, customer and L-H/EX staff confusion on response timeliness, and its inability to assess and evaluate its services.

**Recommendation 10:** The Bureau of Legislative Affairs should establish and implement written service standards for the management services and administrative support provided by the Office of the Executive Director, including a system to record and monitor its services. (Action: H)

**Recommendation 11:** The Bureau of Legislative Affairs should perform periodic assessments of its management services and administrative support and regularly communicate the results to bureau staff. (Action: H)

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<sup>33</sup> GAO-14-704G, September 2014, at 32.

<sup>34</sup> GAO-14-704G, September 2014, "Objectives of an Entity" at 12-13; "Design of Appropriate Types of Control Activities" at 45-48; "Communication Throughout the Entity" at 60-61.

<sup>35</sup> The portal will allow H Bureau staff to request services and L-H/EX staff to receive, monitor, and fulfill these requests for service.

***Bureau Did Not Meet Department Training and Professional Development Standards***

OIG found that H Bureau did not identify employee training needs as required in 13 FAM 101.2-2(C)(2). Bureau employees told OIG they had no formal training plan and only limited funding for training. Furthermore, in the 2019 Federal Employee Viewpoint Survey, 76.4 percent of H Bureau respondents disagreed or strongly disagreed that their training needs were assessed. Regulations in 5 CFR 410<sup>36</sup> prescribe an annual evaluation of training needs, establishing policies and priorities for training employees, and allocating resources according to those priorities.

OIG also found that L-H/EX only partially implemented recommendations of the 2016 Human Capital Accountability Review<sup>37</sup> of H Bureau. This review determined that the bureau's training function needed improvement, specifically in identifying competency gaps and areas where additional training was needed. L-H/EX staff told OIG they did not implement the recommendations due to competing priorities. Without a formal training policy that identifies training needs, the bureau cannot provide its staff with the training necessary for effective performance or build and maintain a force of skilled and efficient employees.

**Recommendation 12:** The Bureau of Legislative Affairs should develop and implement a formal bureau-wide training policy and plan, in accordance with Department standards. (Action: H)

***Key Administrative Policies Were Missing or Outdated, and Communication Was Inconsistent***

OIG found many core administrative and human resources policies and notices were missing or outdated. Furthermore, communication and distribution of these policies and notices was inconsistent. OIG determined that the bureau did not have policies in key areas such as time and attendance, alternate work schedules, disciplinary actions, and training. In addition, several key policies, such as flexible work arrangements (from 2009) and overtime (from 2005) were outdated and only directed at the Office of the Legal Adviser. OIG also found L-H/EX lacked standard procedures for communicating and distributing policies and notices. For example, L-H/EX emailed some policies and notices either in the body of an email or as attachments, while it added others directly to the internal L-H/EX SharePoint site without alerting staff. In addition, L-H/EX lacked a central repository of all bureau notices and did not upload all L-H/EX policies to its SharePoint site. Staff expressed concern to OIG over the apparent lack of transparency and standardization of information sharing on bureau policies.

According to 1 FAM 244a, the EX Director is responsible for administrative policy development and internal communications. Furthermore, according to 5 FAM 722.6(7) and 5 FAM 776.2b(2), content managers should ensure that information published on websites is current, relevant,

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<sup>36</sup> 5 CFR Part 410 - Training, 5 CFR Subpart B - Planning and Evaluating Training, specifically § 410.201 Responsibilities of the head of an agency (b) and (c) and § 410.202 Responsibilities for evaluating training.

<sup>37</sup> The then-Bureau of Human Resources (now Bureau of Global Talent Management) Office of Civil Service Human Resources Management conducted the review of human resources management services provided by L-H/EX.

and accurate. The *Standards for Internal Control in the Federal Government*,<sup>38</sup> Section 4 OV4.08 and Principle 12.05, call for management to document the organization's internal controls in policies and periodically review policies for continuing relevance and effectiveness. L-H/EX employees told OIG they were aware that many administrative policies needed to be developed and updated but did not do so because of competing priorities and staff turnover. Clearly communicated policies reinforce and clarify the standards expected of employees and help supervisors manage staff more effectively as they define Department and internal requirements and regulations, and what is acceptable and unacceptable in the workplace.

**Recommendation 13:** The Bureau of Legislative Affairs should implement standard operating procedures for disseminating Executive Office policies and notices, including a periodic review of policies and the use of a central repository for all such communications. (Action: H)

## INFORMATION MANAGEMENT

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OIG reviewed L-H/EX's unclassified network operations, system development lifecycle, emergency communication preparedness, and records management. OIG determined that the L-H/EX information management programs and services generally met the H Bureau's day-to-day computing and communications needs, with the exception described below. In addition, OIG identified four internal control issues, which the bureau corrected during the inspection. Specifically, the bureau:

- Established processes to ensure account privileges are reviewed annually (12 FAH-10 H-112.1-1(3)).
- Created an IT contingency plan for unclassified information systems (12 FAH-10 H-232.1-1).
- Established a local IT Change Control Board (5 FAM 862.1a).<sup>39</sup>
- Established a policy for the personal use of U.S. Government mobile devices (5 FAM 526.1).

### ***Bureau Did Not Implement a Systems Development Lifecycle Methodology for MyData 2.0 Applications***

OIG determined that H Bureau did not fully implement a systems development lifecycle methodology—specifically, the Managing State Projects methodology—when developing applications for MyData 2.0, which, as discussed in the Knowledge Management and Reporting Responsibilities section of this report, hindered the applications' effectiveness. If followed, this methodology provides proper management oversight of the systems development process to ensure that systems meet information security policies and procedures. Specifically, OIG found that H Bureau did not:

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<sup>38</sup> GAO-14-704G, September 2014, pages 19-20 and 56-57.

<sup>39</sup> According to 5 FAM 862.1a, a bureau that maintains its own IT systems or in-house applications must establish a local IT Change Control Board.

- Use a defined process to gather user requirements. The bureau did not include all system users in identifying requirements for their respective MyData 2.0 applications, and L-H/EX did not consult some users to define their requirements during application development. As a result, the MyData 2.0 applications did not reflect the needs of all relevant offices.
- Maintain a requirements verification traceability matrix.<sup>40</sup> As a result, L-H/EX IT staff could not trace development efforts to a specific identified requirement.
- Conduct formal user acceptance testing and reviews.

According to 5 FAH-5 H-212a(1-5), the Managing State Projects methodology must be used for IT projects that require an agreement with another bureau, that exceed 1 year, or are considered by Department management to be highly visible. The bureau's MyData 2.0 applications met all three requirements. OIG found the bureau did not follow guidance in 5 FAH-5 H-213c(6-14), which defines nine phases of system development that help ensure project success.

L-H/EX staff involved in the system development lacked Department training in project management and told OIG they were unaware of the Managing State Project methodology requirement prior to the inspection. During the inspection, H Bureau assigned its newly constituted local IT Change Control Board to identify congressional correspondence requirements and ensure appropriate oversight and approval for any necessary systems modifications. The failure to use the Managing State Projects methodology when developing MyData 2.0 applications contributed to 52 issues requiring change requests at an estimated cost of approximately \$1.3 million. In addition, properly defined requirements could have determined if an existing Department application would have been a suitable alternative to creating new applications, possibly saving time and money. Without a defined system development methodology in place, future system development to correct current flaws may result in an application that continues to fall short of the congressional correspondence requirements and risk unnecessary spending.

**Recommendation 14:** The Bureau of Legislative Affairs should implement the Managing State Projects methodology when developing MyData applications, in accordance with Department standards. (Action: H)

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<sup>40</sup> Traceability matrix is a document outlining the project requirements. See 5 FAH 5, Exhibit H-217.1(6).

## RECOMMENDATIONS

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OIG provided a draft of this report to Department stakeholders for their review and comment on the findings and recommendations. OIG issued the following recommendations to the Bureau of Legislative Affairs. The bureau's complete response can be found in Appendix B.<sup>1</sup> The bureau also provided technical comments that were incorporated into this report, as appropriate.

**Recommendation 1:** The Bureau of Legislative Affairs, in coordination with the Bureau of Global Talent Management, should conduct an organizational assessment to clarify staff roles and responsibilities and bureau organizational structure, and align them with bureau operational needs. (Action: H, in coordination with GTM)

**Management Response:** In its May 17, 2021, response, the Bureau of Legislative Affairs concurred with this recommendation.

**OIG Reply:** OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Bureau of Legislative Affairs conducted an organizational assessment to clarify staff roles and responsibilities and bureau organizational structure, and aligned them with bureau operational needs.

**Recommendation 2:** The Bureau of Legislative Affairs should implement a system to identify and mitigate on a continuous basis the internal control risks to its programs and processes, in accordance with Department guidance. (Action: H)

**Management Response:** In its May 17, 2021, response, the Bureau of Legislative Affairs concurred with this recommendation.

**OIG Reply:** OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Bureau of Legislative Affairs implemented a system to identify and mitigate on a continuous basis the internal control risks to its programs and processes, in accordance with Department guidance.

**Recommendation 3:** The Bureau of Legislative Affairs should develop and implement an action plan to fully comply with Department policies related to threatening behavior. (Action: H)

**Management Response:** In its May 17, 2021, response, the Bureau of Legislative Affairs concurred with this recommendation.

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<sup>1</sup> OIG faced delays in completing this work because of the COVID-19 pandemic and resulting operational challenges. These challenges included the inability to conduct most in-person meetings, limitations on our presence at the workplace, difficulty accessing certain information, prohibitions on travel, and related difficulties within the agencies we oversee, which also affected their ability to respond to our requests.

**OIG Reply:** OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Bureau of Legislative Affairs developed and implemented an action plan to fully comply with Department policies related to threatening behavior.

**Recommendation 4:** The Bureau of Legislative Affairs should develop and implement a plan for all employees to comply with Department mandatory training requirements for harassment prevention, supervision, and retaliation-related courses. (Action: H)

**Management Response:** In its May 17, 2021, response, the Bureau of Legislative Affairs concurred with this recommendation.

**OIG Reply:** OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Bureau of Legislative Affairs developed and implemented a plan for all employees to comply with Department mandatory training requirements for harassment prevention, supervision, and retaliation-related courses.

**Recommendation 5:** The Bureau of Legislative Affairs should involve its employees in developing the Functional Bureau Strategy and brief them on the final product to establish organizational understanding of its mission, goals, objectives, resource requirements, and milestones, in accordance with Department guidance. (Action: H)

**Management Response:** In its May 17, 2021, response, the Bureau of Legislative Affairs concurred with this recommendation.

**OIG Reply:** OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Bureau of Legislative Affairs involved its employees in developing the Functional Bureau Strategy and briefed them on the final product to establish organizational understanding of its mission, goals, objectives, resource requirements, and milestones, in accordance with Department guidance.

**Recommendation 6:** The Bureau of Legislative Affairs should submit an updated evaluation plan for its major processes to the Bureau of Budget and Planning and implement a performance management plan to measure organizational progress toward its strategic goals and objectives, in accordance with Department standards. (Action: H)

**Management Response:** In its May 17, 2021, response, the Bureau of Legislative Affairs concurred with this recommendation.

**OIG Reply:** OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Bureau of Legislative Affairs submitted an updated evaluation plan for its major processes to the Bureau of Budget and Planning and implemented a performance management plan to measure organizational progress toward its strategic goals and objectives, in accordance with Department standards.

**Recommendation 7:** The Bureau of Legislative Affairs, in coordination with the Executive Secretariat, should reassume management of congressionally mandated reports and implement process improvements to prevent a backlog of the reports in the future, in accordance with Department guidance. (Action: H, in coordination with S/ES)

**Management Response:** In its May 17, 2021, response, the Bureau of Legislative Affairs concurred with this recommendation.

**OIG Reply:** OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Bureau of Legislative Affairs reassumed management of congressionally mandated reports and implemented process improvements to prevent a backlog of the reports in the future, in accordance with Department guidance.

**Recommendation 8:** The Bureau of Legislative Affairs should address gaps in the correspondence tracking system's functionality, and develop and implement a standard operating procedure, including well-defined process timelines, in order to meet Department requirements for correspondence response times. (Action: H)

**Management Response:** In its May 17, 2021, response, the Bureau of Legislative Affairs concurred with this recommendation.

**OIG Reply:** OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Bureau of Legislative Affairs addressed gaps in the correspondence tracking system's functionality, and developed and implemented a standard operating procedure, including well-defined process timelines, in order to meet Department requirements for correspondence response times.

**Recommendation 9:** The Bureau of Legislative Affairs should implement a bureau-wide records management program and issue guidance for creating, maintaining, and retiring official bureau files and records, in accordance with Department guidance. (Action: H)

**Management Response:** In its May 17, 2021, response, the Bureau of Legislative Affairs concurred with this recommendation.

**OIG Reply:** OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Bureau of Legislative Affairs implemented a bureau-wide records management program and issued guidance for creating, maintaining, and retiring official bureau files and records, in accordance with Department guidance.

**Recommendation 10:** The Bureau of Legislative Affairs should establish and implement written service standards for the management services and administrative support provided by the Office of the Executive Director, including a system to record and monitor its services. (Action: H)

**Management Response:** In its May 17, 2021, response, the Bureau of Legislative Affairs concurred with this recommendation.

**OIG Reply:** OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Bureau of Legislative Affairs established and implemented written service standards for the management services and administrative support provided by the Office of the Executive Director, including a system to record and monitor its services.

**Recommendation 11:** The Bureau of Legislative Affairs should perform periodic assessments of its management services and administrative support and regularly communicate the results to bureau staff. (Action: H)

**Management Response:** In its May 17, 2021, response, the Bureau of Legislative Affairs concurred with this recommendation.

**OIG Reply:** OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Bureau of Legislative Affairs performed periodic assessments of its management services and administrative support and regularly communicated the results to bureau staff.

**Recommendation 12:** The Bureau of Legislative Affairs should develop and implement a formal bureau-wide training policy and plan, in accordance with Department standards. (Action: H)

**Management Response:** In its May 17, 2021, response, the Bureau of Legislative Affairs concurred with this recommendation.

**OIG Reply:** OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Bureau of Legislative Affairs developed and implemented a formal bureau-wide training policy and plan, in accordance with Department standards.

**Recommendation 13:** The Bureau of Legislative Affairs should implement standard operating procedures for disseminating Executive Office policies and notices, including a periodic review of policies and the use of a central repository for all such communications. (Action: H)

**Management Response:** In its May 17, 2021, response, the Bureau of Legislative Affairs concurred with this recommendation.

**OIG Reply:** OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Bureau of Legislative Affairs implemented standard operating procedures for disseminating Executive Office policies and notices, including a periodic review of policies and the use of a central repository for all such communications.

**Recommendation 14:** The Bureau of Legislative Affairs should implement the Managing State Projects methodology when developing MyData applications, in accordance with Department standards. (Action: H)

**Management Response:** In its May 17, 2021, response, Bureau of Legislative Affairs concurred with this recommendation.

**OIG Reply:** OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Bureau of Legislative Affairs implemented the Managing State Projects methodology when developing MyData applications, in accordance with Department standards.

## PRINCIPAL OFFICIALS

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| Title   | Name          | Arrival Date        |
|---|---------------|---------------------|
| <b>Assistant Secretary</b>  |               |                     |
|   | Vacant        |                     |
| <b>Deputy Assistant Secretaries:</b>  |               |                     |
| Principal Deputy Assistant Secretary  | Ryan Kaldahl  | 7/2019              |
| Deputy Assistant Secretary (Office of House Affairs)                            | Jessica Moore | 4/2019 <sup>a</sup> |
| Deputy Assistant Secretary (Office of Regional, Global, and Functional Affairs) | Daniel Stoian | 3/2019              |
| Deputy Assistant Secretary (Office of Senate Affairs)                           | Adam Farris   | 1/2020              |

<sup>a</sup> This date reflects when Jessica Moore became the Deputy Assistant Secretary (Office of House Affairs). She arrived at the Bureau of Legislative Affairs in July 2018.

**Source:** Generated by OIG from data provided by H Bureau.

## APPENDIX A: OBJECTIVES, SCOPE, AND METHODOLOGY

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This inspection was conducted from August 31, 2020, to January 4, 2021, in accordance with the Quality Standards for Inspection and Evaluation, as issued in 2012 by the Council of the Inspectors General on Integrity and Efficiency, and the Inspections Handbook, as issued by OIG for the Department and the U.S. Agency for Global Media (USAGM).

### Objectives and Scope

The Office of Inspections provides the Secretary of State, the Chief Executive Officer of USAGM, and Congress with systematic and independent evaluations of the operations of the Department and USAGM. Inspections cover three broad areas, consistent with Section 209 of the Foreign Service Act of 1980:

- **Policy Implementation:** whether policy goals and objectives are being effectively achieved, and whether all elements of an office or mission are being adequately coordinated.
- **Resource Management:** whether resources are being used and managed with maximum efficiency, effectiveness, and economy and whether financial transactions and accounts are properly conducted, maintained, and reported.
- **Management Controls:** whether the administration of activities and operations meets the requirements of applicable laws and regulations; whether internal management controls have been instituted to ensure quality of performance and reduce the likelihood of mismanagement; and whether instance of fraud, waste, or abuse exist; and whether adequate steps for detection, correction, and prevention have been taken.

The specific objectives for this inspection were to determine whether:

- (1) The Bureau of Legislative Affairs (H Bureau) Front Office practiced leadership and management principles outlined in 3 (Foreign Affairs Manual) FAM 1214.
- (2) The Front Office had leadership and communication shortcomings that affected the bureau's ability to meet its responsibility to supervise and coordinate all relationships between the Department and Congress.
- (3) The Front Office followed the 3 FAM 1526 criteria that all employees comply with anti-harassment guidelines and the 11 FAM 611.4-4 principles of ethical conduct to adhere to all laws and regulations on Equal Employment Opportunity.
- (4) H Bureau had performance management systems to assess progress in mission accomplishment as outlined in 18 FAM 301 2-4(B), Key Elements and Standards for Other Strategy Documents.
- (5) The bureau's progress toward implementing a performance management plan was adequate and in accordance with 18 FAM 301, Managing for Results framework.
- (6) Office of Regional, Global, and Functional Affairs leaders managed the office consistent with the principles of 3 FAM 1214 and ensured the adequate, regular flow of information required by 1 FAM 114.1b and 1 FAM 014.2(6).

- (7) H Bureau was preparing to resume and effectively manage the task of tracking congressionally mandated reports and submitting them by the legislated due dates, as required by 1 FAM 311.1h.
- (8) H Bureau had an effective process for coordinating feedback on proposed legislation as required by 1 FAM 311.1c, and the degree to which it was transparent with collaborating offices regarding the feedback ultimately submitted to Congress.
- (9) The Congressional Travel Office coordinated Federal travel in accordance with standards laid out in the Functional Bureau Strategy, its own standard operating procedures, 4 FAM 460, and 4 Foreign Affairs Handbook (FAH)-3 H-410.
- (10) The Congressional Travel Office effectively reapplied resources freed by the COVID-19 crisis to other H Bureau essential tasks.
- (11) The Congressional Correspondence Unit met its mission by facilitating timely responses to Members of Congress per 5 FAH-1 H-513a and b on response time limits.
- (12) The Congressional Correspondence Unit used IT systems to effectively and efficiently track correspondence and create and monitor metrics to evaluate timeliness.
- (13) The Executive Office, Office of the Legal Adviser and Bureau of Legislative Affairs (L-H/EX) was appropriately structured to provide effective and timely administrative and support to H Bureau.
- (14) L-H/EX had systems in place to measure the results of key administrative activities and efficiently communicate with bureau customers.
- (15) L-H/EX had assessed its human resources services provided to bureau staff through an internal review and devised an action plan to address areas in need of improvement, consistent with 1 FAM 222(b).
- (16) Recruitment and hiring processes, training programs, and work management and performance process were consistent with 3 FAM guidance.
- (17) The bureau used Department guidance in 3 FAM 2820 and 3 FAM 4314 as required to appropriately address employee performance and conduct, and whether it followed internal disciplinary processes.
- (18) Locally developed systems were consistent with standards related to IT acquisitions and IT security in Office of Management and Budget Circular A-130, 5 FAM 900, and 5 FAM 1060.
- (19) Information management, records management, Information Systems Security Officer program, and emergency communications were in accordance with 5 FAM/FAH and 12 FAM/FAH.
- (20) Bureau of Information Resource Management's IT Service Center was meeting its memorandum of agreement with H Bureau.
- (21) The relationship and division of responsibilities between H Bureau and other bureaus was in accordance with 1 FAM 310, and other 1 FAM sections.
- (22) H Bureau was structured in a manner consistent with effective mission accomplishment as outlined in 3 FAM 2612, or if an organizational assessment was needed.

## **Methodology**

OIG used a risk-based approach to prepare for this inspection. Due to the COVID-19 pandemic and taking into consideration relevant guidance, OIG conducted the inspection remotely and relied on audio- and video-conferencing tools in lieu of in-person interviews with Department and other personnel. OIG also reviewed pertinent records; circulated surveys and compiled the results; and reviewed the substance of this report and its findings and recommendations with offices, individuals, and organizations affected by the review. OIG used professional judgment, along with physical, documentary, testimonial, and analytical evidence collected or generated, to develop its findings, conclusions, and actionable recommendations.

## APPENDIX B: MANAGEMENT RESPONSE

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United States Department of State

Washington, D.C. 20520

May 17, 2021

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MEMORANDUM

TO: OIG – Sandra Lewis, Assistant Inspector General for Inspections

FROM: Bureau of Legislative Affairs – Naz Durakoglu, Assistant Secretary, Acting

A handwritten signature in blue ink, appearing to read "Naz Durakoglu".

SUBJECT: Response to Draft OIG Report – Inspection of the Bureau of Legislative Affairs

The Bureau of Legislative Affairs (H) has reviewed the draft OIG inspection report. We provide the following comments in response to the recommendations provided by OIG:

**Recommendation 1:** The Bureau of Legislative Affairs, in coordination with the Bureau of Global Talent Management, should conduct an organizational assessment to clarify staff roles and responsibilities and bureau organizational structure, and align them with bureau operational needs. (Action: H, in coordination with GTM)

**Management Response:** The Bureau of Legislative Affairs concurs with the recommendation. The Bureau, in coordination with the Executive Office, launched several projects to review and revise the organizational structure of the bureau since 2015. Various factors, including the Department's own reorganization project, put those evaluations on hold. Building on lessons learned from the previous efforts, the Executive Office will act as an interlocutor between Bureau Leadership and GTM to conduct an organizational assessment and to adopt a clear organizational structure with defined roles aligned to operational needs. The Executive Office has contacted GTM and will continue to work with them and include appropriate FTE and contract resource requests in the current Bureau Resource Request (BRR) to ensure that H has the support it needs to meet its critical mission.

**Recommendation 2:** The Bureau of Legislative Affairs should implement a system to identify and mitigate on a continuous basis the internal control risks to its programs and processes, in accordance with Department guidance. (Action: H)

**Management Response:** The Bureau of Legislative Affairs concurs with the recommendation. The Bureau has added the three offices (Staff Assistants, RGF, and CTO) identified by the OIG to be included in the annual FMFIA submission. Additionally, H will conduct a mid-year review of assessable units in H in anticipation of the annual FMFIA submission. H will direct offices to identify any potential weaknesses and begin mitigating any issues to prepare to complete the annual FMFIA certification.

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**Recommendation 3:** The Bureau of Legislative Affairs should develop and implement an action plan to fully comply with Department policies related to threatening behavior. (Action: H)

**Management Response:** The Bureau of Legislative Affairs concurs with the recommendation. The Bureau has drafted a threatening behavior/hostile work environment policy per OIG recommendation. The policy was cleared by L/EMP. H also provided the policy to the Department's Ombudsman for clearance. The Ombudsman declined to clear based on a pending official Departmental policy being drafted by GTM. Currently, H is not releasing its policy in deference to GTM's efforts to craft a Department-wide anti-bully/hostile work environment policy. Once the Department-wide policy is in place, H will either adopt and post the Department policy wholesale or tailor the Department-wide policy for H use.

**Recommendation 4:** The Bureau of Legislative Affairs should develop and implement a plan for all employees to comply with Department mandatory training requirements for harassment prevention, supervision, and retaliation-related courses. (Action: H)

**Management Response:** The Bureau of Legislative Affairs concurs with the recommendation. It should be noted that the training identified is "mandatory" and that FSI informs the individual of their requirement to take or retake the training through e-mails to the individual. In some cases the individual's access to the Department's computer system(s) is blocked if training is not completed. It should also be noted that for CY 2020 many course requirements were suspended due to the COVID-19 pandemic. However, in an effort to assist leadership, management, supervisors, and the individual employee the HR Training Team will conduct quarterly audits of the individual employee training records beginning October 1, 2021 to identify personnel who are not in compliance with the requirements for the following courses: Preventing Harassment at State (PK 405), the No FEAR Act 17 (PT 401), which the Department requires every 2 years and Fundamentals of Supervision (PT 230), which new supervisors must take within 1 year of appointment. The results will be provided to bureau leadership (Assistant Secretary and Principal Deputy Assistant Secretary) covering the entire bureau, but broken down by org code for dissemination to the DAS for each unit and the first line supervisors. This approach will ensure that only those with a need to know an employee's training status have the information.

**Recommendation 5:** The Bureau of Legislative Affairs should involve its employees in developing the Functional Bureau Strategy and brief them on the final product to establish organizational understanding of its mission, goals, objectives, resource requirements, and milestones, in accordance with Department guidance. (Action: H)

**Management Response:** The Bureau of Legislative Affairs concurs with the recommendation. The Bureau Executive Office has convened a Managing for Results (MfR) team and set quarterly meetings to discuss MfR issues including BRR, Evaluations, Strategic Reviews and communicating its progress to Bureau employees. In the fall of 2020 the Executive Office convened weekly meeting with our H MfR team to update our strategic outline. We submitted the updated strategic outline to BP/SP for concurrence and suggestions regarding our updated Strategic Review/outline. BP/SP appreciated our efforts; however, they noted that we had

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identified too many strategic objectives on March 3, 2021. We briefed the incoming Front Office on the status of the updated strategic outline and continue to refine it for inclusion in the new Functional Bureau Strategy (FBS). H's Executive Office has positioned H for a timely and thorough major update of the FBS after the new administration's Joint Strategic Plan (JSP) is released. H will convene a townhall style meeting to introduce the new FBS to the Bureau in order to inform every employee of its mission, goals, objectives, sub-objectives, indicators and resource requirements. H will implement 18 FAM 300 MfR requirements as an on-going annual process. H's next scheduled quarterly meeting is June 3, 2021.

**Recommendation 6:** The Bureau of Legislative Affairs should submit an updated evaluation plan for its major processes to the Bureau of Budget and Planning and implement a performance management plan to measure organizational progress toward its strategic goals and objectives, in accordance with Department standards. (Action: H)

**Management Response:** The Bureau of Legislative Affairs concurs with the recommendation. The Bureau Executive Office is currently working with the new incoming Front Office to identify H business processes and offices to evaluate over the next three years. H will also identify any needed funds to carry out evaluations and include them in our Bureau Resource request. H's Executive Office was evaluated early in 2021. This evaluation, in the form of an annual customer service survey to its bureau clients, has been completed. The results of the survey were shared with the H's Executive Office employees and with the H/FO and will be provided to the employees in both L and H over the next few weeks.

**Recommendation 7:** The Bureau of Legislative Affairs, in coordination with the Executive Secretariat, should reassume management of congressionally mandated reports and implement process improvements to prevent a backlog of the reports in the future, in accordance with Department guidance. (Action: H, in coordination with S/ES)

**Management Response:** The Bureau of Legislative Affairs concurs to Recommendation 7, with the caveat that the Line should continue to play a significant role in tracking and following up on Congressional Reports, as the timely drafting of these reports is a whole-of-Department endeavor, aided by the singular attention that only S/ES can bring to the success of this process. The DOS Congressional Reports Coordinator position, initiated in S/ES in January 2020, will transfer to H on June 1, 2021. H will continue to implement the process improvements already in place, which have reduced overdue reports from 155 on February 1, 2020, to 41 on May 17, 2021. S/ES will assist H in applying its experience with and pressure on drafting bureaus to avoid future overdue reports, and offer other support, including ExecTech resources, to keep the congressionally mandated reports process on track.

**Recommendation 8:** The Bureau of Legislative Affairs should address gaps in the correspondence tracking system's functionality, and develop and implement a standard operating procedure, including well-defined process timelines, in order to meet Department requirements for correspondence response times. (Action: H)

**Management Response:** The Bureau of Legislative Affairs concurs with the recommendation. The Bureau is executing a plan to address the gaps in the congressional correspondence tracking system's functionality using a three-phased approach. Phase one will address the immediately required enhancements that are most critically impacting the performance of the system. Funding for this phase has already been secured, is scheduled to be allocated in the current budget cycle, and development will take place in the 2nd and 3rd quarters of 2021. Phase two will address the remaining currently identified required enhancements that present a moderate impact on the functionality of the performance of the system. These requirements have been reviewed for SDLC and MSP compliance and funding requests are in process. Phase three, which will overlap with the implementation of phase two, establishes the process to submit new required enhancements for review by the HITCCB for SDLC and MSP compliance, L-H-EX-Budget for financial impact, and bureau leadership for approval and submission for development. In addition, H will develop a two-part SOP: the first part of the SOP will be an escalation policy for eventual inclusion in the FAM and the second part of the SOP will address proper use and training guidance for the correspondence document tracking database.

**Recommendation 9:** The Bureau of Legislative Affairs should implement a bureau-wide records management program and issue guidance for creating, maintaining, and retiring official bureau files and records, in accordance with Department guidance. (Action: H)

**Management Response:** The Bureau of Legislative Affairs concurs with the recommendation. A Records Management program was established for H in 2015, following the merger of the joint executive offices. The program consists of a Records Manager, three FTE, and three contractors all dedicated to supporting the bureaus. All new workflow tools have been designed to incorporate records management retention rules into the software, as H strives to become a "paperless" office. In 2019, Records Team revised the Bureau's records retention schedule to reflect its current records footprint and work processes and account for its transition to paperless standards. That schedule has been pending approval with the National Archives since early 2019. Upon final approval, the Records Team will launch a series of trainings to update the staff on their records management roles and responsibilities and to begin the process of clearing paper records from their office in accordance with the new standards. We have been informed that COVID-19 has hampered NARA's approval process and it has also delayed our efforts to perform records management duties on-site.

**Recommendation 10:** The Executive Office, Office of the Legal Adviser and Bureau of Legislative Affairs should establish and implement written service standards for the management services and administrative support provided by the Office of the Executive Director, including a system to record and monitor its services. (Action: L-H/EX)

**Management Response:** The Bureau of Legislative Affairs concurs with the recommendation. The Executive Office, Office of the Legal Adviser and Bureau of Legislative Affairs has developed a Service Portal (L-H-EX-Service-Portal) to allow for the request, execution, tracking, monitoring, and recording of services provided by L-H-EX. Additionally, the data collected by the Portal can be used to perform analytics to determine how service is being provided and to establish metrics to improve service provisioning. The L-H-EX-Service-Portal MVP has been n

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beta testing and will be released to a pilot group of customers the week of May 3rd. As of May 14<sup>th</sup> the L-H/EX MVP Service Portal is fully operational. The Portal was implemented using the MSP methodology and the AGILE development approach with a focus on customer outcomes and continuous improvement of both the Portal itself and the services provided by L-H-EX.

**Recommendation 11:** The Executive Office, Office of the Legal Adviser and Bureau of Legislative Affairs should perform periodic assessments of its management services and administrative support and regularly communicate the results to bureau staff. (Action: L-H/EX)

**Management Response:** The Bureau of Legislative Affairs concurs with the recommendation. In February 2021, L-H/EX conducted its first customer service survey, in accordance with the Department's Managing for Results Guidance. The survey received a very high response rate and included constructive feedback that is being used to inform priorities and management decision making. This response, coupled to the launch of our service Portal, will be used to revise our service catalog and set performance metrics and standards. The survey will be conducted annually, as will the revision of our services catalog and metrics.

**Recommendation 12:** The Executive Office, Office of the Legal Adviser and Bureau of Legislative Affairs should develop and implement a formal bureau-wide training policy and plan for the Bureau of Legislative Affairs, in accordance with Department standards. (Action: L-H/EX)

**Management Response:** The Bureau of Legislative Affairs concurs with the recommendation. The HR Training Team has begun revising the current training policies and procedures. In an effort to provide guidance to Civil Service, Foreign Service, contract staff and Presidential Appointees, alike, the L-H/EX Training Team is reaching out to subject matter experts in other bureaus which have established policies and best practices covering each and every category of employment status within the bureau. These bureaus are located within the Executive Offices of: PRM, DRL, EB/ENR, EUR/IO/EX and ISN/EX. Once received, the L-H/EX Training Team will meet with H Bureau supervisors and managers to present what has been identified as best practices and discuss which processes will best fit the bureau population. These policies and procedures will cover the mandatory courses required of all employees in the Department and take into consideration the courses available and required for career progression for positions within the H Bureau. Additionally, H has asked for funding in the FY2023 Budget Resource request for funding to support training currently unavailable for career progression of H employees.

**Recommendation 13:** The Executive Office, Office of the Legal Adviser and Bureau of Legislative Affairs should implement standard operating procedures for disseminating Executive Office policies and notices, including a periodic review of policies and the use of a central repository for all such communications. (Action: L-H/EX)

**Management Response:** The Bureau of Legislative Affairs concurs with the recommendation. L-H/EX has begun the process of revising its policies and procedures. In addition, following the deployment of our services Portal, the EX will develop its own intranet web presence that is not "nested" within the L Bureau's site. This site will provide user-friendly, standardized guidance

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for each bureau. This site will host all Executive Office policies and notices as well as links to training materials and other Bureau guidance. It will be updated regularly, with all policies reviewed annually.

**Recommendation 14:** The Executive Office, Office of the Legal Adviser and Bureau of Legislative Affairs should implement the Managing State Projects methodology when developing MyData applications, in accordance with Department standards. (Action: L-H/EX)

**Management Response:** The Bureau of Legislative Affairs concurs with the recommendation. The Executive Office, Office of the Legal Adviser and Bureau of Legislative Affairs has implemented the Managing State Projects methodology for the development of all future applications (including myData applications and enhancements), in accordance with Department standards. This is codified by policy in the H ITCCB Charter, L ITCCG Charter and H SDLC Policy.

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## ABBREVIATIONS

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|          |   |
|----------|---|
| CCU      | Congressional Correspondence Unit   |
| DAS      | Deputy Assistant Secretary  |
| EEO      | Equal Employment Opportunity  |
| FAH      | Foreign Affairs Handbook  |
| FAM      | Foreign Affairs Manual  |
| FBS      | Functional Bureau Strategy  |
| H Bureau | Bureau of Legislative Affairs   |
| L-H/EX   | Executive Office, Office of the Legal Adviser and Bureau of Legislative Affairs |
| PDAS     | Principal Deputy Assistant Secretary  |
| RGF      | Office of Regional, Global, and Functional Affairs                              |
| S/OCR    | Office of Civil Rights  |

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# **HELP FIGHT**

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