

United States Senate

WASHINGTON, DC 20510

September 8, 2023

The Honorable Samantha Power
Administrator
U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Administrator Power,

We write with concerns about long-standing workforce challenges and the increasing reliance on non-career, temporary hires — instead of permanent Foreign Service and Civil Service employees — at the U.S. Agency for International Development (USAID). The American Foreign Service Association (AFSA) — the labor union that represents the Foreign Service across all federal agencies — succinctly summarized these problems when it recently opined that “[d]ecades of hiring workarounds and the agency’s patchwork, fragmented, and seemingly ad hoc approach to strategic workforce planning have diluted USAID’s career employee workforce, complicating operations, management, and agency-union relations.”¹ We urge you to take steps to address these pressing issues at USAID.

Through an executive order issued on his second day in office, President Biden made it a high priority of his Administration “to protect, empower, and rebuild the career Federal workforce.”² The executive order, and subsequent guidance on its implementation,³ are intended to strengthen the federal workforce and improve the ability of all federal agencies to effectively carry out their respective mandates. This effort also makes it U.S. policy to “encourage union organizing and collective bargaining” and admonishes that “[t]he Federal Government should serve as a model employer.”⁴ As a 2022 report to the President on worker organizing and empowerment — authored by Vice President Kamala Harris and then-Secretary of Labor Marty Walsh — recommended, “federal management should work closely with [federal employee] unions to solve workplace issues in a manner that advances agencies’ missions and produces high-performance workplaces.”⁵

¹ *Federal Unions and USAID: The Challenge for AFSA*, AFSA (2023), <https://afsa.org/federal-unions-and-usaid-challenge-afsa>.

² Executive Order 14003: Protecting the Federal Workforce, The White House (Jan. 22, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/22/executive-order-protecting-the-federal-workforce/>.

³ Guidance for Implementation of Executive Order 14003, Chief Human Capital Officers Council (Mar. 5, 2021), <https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce>.

⁴ *Id.*

⁵ White House Task Force on Worker Organizing and Empowerment Report to the President, The White House (Feb. 2022), <https://www.whitehouse.gov/wp-content/uploads/2022/02/White-House-Task-Force-on-Worker-Organizing-and-Empowerment-Report.pdf>.

In a 2021 speech on USAID’s new vision for global development, you recognized that USAID faces precisely the types of federal workforce labor challenges that President Biden has committed to addressing. You observed that “USAID’s workforce has been sorely depleted,” that its “current numbers of Civil Service and Foreign Service staff are well short of [its] needs, and that, consequently, “USAID has created unsustainable workarounds to fill staffing shortfalls” — noting that “some 90 percent of [USAID] positions in [its] Global Health, Humanitarian Assistance, and Conflict Prevention and Stabilization bureaus are on short-term contracts.”⁶ You rightly pledged to increase the agency’s career workforce over the next four years.⁷

You are far from alone in noting USAID’s labor shortcomings, which date back decades. In 2003, the U.S. Government Accountability Office (GAO) issued a report finding: “Since the early 1990s, . . . USAID has made limited progress in addressing its human capital management challenges. Some progress has been made However, the agency has not established and integrated a comprehensive workforce plan with its strategic goals and objectives.”⁸ A follow-up 2010 GAO report recommended that USAID “[d]evelop a comprehensive workforce plan that takes into account USAID’s total workforce, including nondirect-hire staff. The workforce plan should include analysis of overall workforce and competency gaps and the steps the agency plans to take to address these gaps.”⁹ Unfortunately, USAID did not follow this recommendation.¹⁰

In 2022, the USAID Inspector General found that, although USAID has worked for decades “to improve the efficiency and efficacy of its strategic workforce planning[,] . . . human capital management has remained one of the Agency’s top challenges.”¹¹ In response to the Inspector General’s report, USAID committed to finalizing its strategic workforce planning guidance and codifying it as a new policy and a distinct chapter in USAID’s Automated Directives System (ADS) by December 31, 2022. Although USAID has stated that the ADS chapter (417) was drafted and circulating through clearances as of April 2022, it has yet to be published.¹²

A June 2023 GAO report identified similar workforce challenges, concluding that USAID’s “Bureau for Global Health’s (Bureau) staffing is not aligned with its mission and priorities. More than half of the Bureau’s workforce consists of contractors who USAID has determined cannot

⁶ Administrator Samantha Power on a New Vision for Global Development, USAID (Nov. 4, 2021), <https://www.usaid.gov/news-information/speeches/nov-04-2021-administrator-samantha-power-new-vision-global-development>.

⁷ *Id.*

⁸ Major Management and Program Risks: U.S. Agency for International Development, GAO (Jan. 2003), <https://www.gao.gov/assets/gao-03-111.pdf>.

⁹ Foreign Assistance: USAID Needs to Improve its Strategic Planning to Address Current and Future Workforce Needs, GAO (June 2010), <https://www.gao.gov/assets/gao-10-496.pdf>.

¹⁰ Recommendations for Executive Action, GAO (June 2010), <https://www.gao.gov/products/gao-10-496>.

¹¹ Strategic Workforce Planning: Challenges Impair USAID’s Ability to Establish a Comprehensive Human Capital Approach, Office of Inspector General, USAID (May 25, 2022), <https://oig.usaid.gov/sites/default/files/2022-06/9-000-22-001-P.pdf>.

¹² USAID Policy Manual (ADS 400 Series), USAID, <https://www.usaid.gov/about-us/agency-policy/series-400>.

perform inherently governmental functions.” The report further states that “the Bureau lacks a workforce plan, leaving it with limited ability to address its current and future staffing needs.”¹³

And AFSA — the “voice of the Foreign Service” — has made its concerns known.¹⁴ In a winter 2023 article in the *Foreign Service Journal*, AFSA’s vice president for USAID wrote that “[t]hough USAID remains a foreign affairs agency, it no longer operates or staffs itself as an institution led by and centered on its Foreign Service.” Indeed, the article continued, “USAID employs thousands of colleagues in Washington, D.C., and around the world, under temporary appointments and limited-term contracts including Foreign Service Limited (FSL) appointments, personal service contracts (PSCs), institutional support contracts (ISCs), or other time-limited mechanisms.”¹⁵ Consequently, the article concluded, “[a]s career employees shrink in proportion within the overall agency workforce, so too has the ‘voice’ of the Foreign Service within USAID and the strength of AFSA and other federal unions representing career public servants.”¹⁶

In 2022, Congress directed USAID to prepare and submit to it “[a] comprehensive strategic workforce plan.”¹⁷ Congress required this “Workforce Report” to “include proposed United States Direct Hire position levels, differentiated between Civil Service and Foreign Service Officers, by overseas region, and bureau or independent office in Washington; a discussion of major workforce drivers; and USAID’s overseas presence for the next three fiscal years.”¹⁸ Congress also instructed USAID to “address current overseas staffing gaps and changes to criteria used to determine overseas presence and the assignment of Foreign Service Officers.”¹⁹ Congress further asked USAID for “data on the overall number of individuals who are part of the workforce, including all U.S. Direct Hires, personnel under personal services contracts, and Locally Employed staff at USAID.”²⁰

In the resulting Workforce Report, USAID acknowledged its workforce problems, explaining that the “reliance on a hodge-podge of non-career and term-limited mechanisms . . . puts at risk the institutionalization and oversight of some of the Agency’s highest-priority initiatives.”²¹

¹³ USAID: Management Improvements Needed to Better Meet Global Health Mission, GAO (June 2023), <https://www.gao.gov/assets/gao-23-105178.pdf>.

¹⁴ *Federal Unions and USAID: The Challenge for AFSA*, AFSA (2023), <https://afsa.org/federal-unions-and-usaid-challenge-afsa>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Consolidated Appropriations Act of 2022, Pub. L. No. 117-103, § 7019(e), 136 Stat. 49, 606 (2022), <https://www.congress.gov/117/plaws/publ103/PLAW-117publ103.pdf>, and H.R. Rep. No. 117-84, at 42 (2021), <https://www.congress.gov/117/crpt/hrpt84/CRPT-117hrpt84.pdf>.

¹⁸ H.R. Rep. No. 117-84, at 42 (2021), <https://www.congress.gov/117/crpt/hrpt84/CRPT-117hrpt84.pdf>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Transforming the Workforce Report to Congress at 2, USAID (2022), <https://www.usaid.gov/sites/default/files/2022-10/HCTM-1%20FY2022%20Congressional%20Report%20USAID%26%23039%3Bs%20GDPI%20Strategic%20Workforce%20Plan.pdf>.

USAID accepted that the result has been “costly inefficiencies and staff who are working side-by-side under managers who must deal with different pay, benefits, and performance systems.”²²

The Workforce Report, however, was not the “comprehensive strategic workforce plan” that Congress mandated USAID to prepare in order to adequately inform the hiring and management of USAID career staff. For example, the Workforce Report notes that USAID employs 3,995 permanent and temporary U.S. Direct Hire staff and 4,469 Cooperating Country and Foreign Service National staff.²³ However, the Workforce Report fails to account for the 1,100 PSCs and the untold number of ISCs, fellows, and others that are effectively acting in a permanent capacity and are performing similar or identical functions as their career counterparts.²⁴ The Workforce Report also lacks complete data and an analysis of all temporary hiring mechanisms and non-career employees — and their impact. It further fails to explain how USAID will operationalize a strategic workforce plan or identify the resources required to do so. Finally, the Workforce Report ignores published guidance from the U.S. Office of Personnel Management (OPM) on “analyzing the workforce, identifying gaps, as well as planning and implementing workforce action planning efforts.”²⁵

Additionally, although USAID has increased its hiring of career employees, it continues to onboard non-career staff — including Foreign Service Limited (FSL) personnel²⁶ — at a higher rate, and often at higher salaries and with less stringent experience, education, and security clearance requirements,²⁷ than their career counterparts.²⁸ And further complicating workforce planning, USAID has begun utilizing yet another non-career mechanism, “Civil Service Excepted.”²⁹

Concurrently, according to AFSA, select contractors continue to occupy senior diplomatic positions on a long-term basis, including representing USAID in countries such as Costa Rica

²² *Id.*

²³ *Id.* at 4.

²⁴ *Where is the Agency Headed in 2022?*, AFSA (Jan. 26, 2022), <https://afsa-nfe2015.informz.net/informzdataservice/onlineversion/ind/bWFpbGluZ2luc3RhbmNlaWQ9MTA0MTUzMjQmc3Vic2NyaWJlcmlkPTEwODM4MDI3MzI=>.

²⁵ Workforce Planning Guide, U.S. Office of Personnel Management (Nov. 2022), <https://www.opm.gov/policy-data-oversight/human-capital-framework/reference-materials/talent-management/workforce-planning-guide.pdf>.

²⁶ *Schedule F(SL) – Noncareer Hiring Takes a Toll*, The Foreign Service Journal (Apr. 2021), https://afsa.org/sites/default/files/flipping_book/0421/61/#zoom=z.

²⁷ *DEIA and Hiring Inequities: Ranks and Qualifications of FSL Appointees and Career FSOs*, AFSA (July 2023), https://afsa-22416646.hs-sites.com/deia-and-hiring-inequities-fsl-appointees-and-career-fsos?ecid=ACsprvutVfjUniqEXEMH4bayhCDdd5HWK76yuMxEI1uSWhWogfLVxco2_UkJFEFj4z0vA1E9AJHP&utm_campaign=AFSA%20Member%20Benefits%20%2723&utm_source=hs_email&utm_medium=email&utm_content=265701141&hsenc=p2ANqtz-9JL4mZZrt7CqaCuezoF8Q6iWt2tJqGrcMZyF7d4KIUEHMWGU_T4IrX0GYYIurLq_3j8UMJMj9WEgyABetruGKbV7KUrA.

²⁸ *A Complicated Question with No Clear Answer*, The Foreign Service Journal (June 2023), https://afsa.org/sites/default/files/flipping_book/0623/46/.

²⁹ Civil Service Excepted, USAID, <https://www.usaid.gov/careers/crisis-operations>.

and Hungary, and at institutions such as the United Nations and the U.S. Centers for Disease Control and Prevention. Further, in July 2023, USAID issued an Agency notice (attached to this letter as Appendix A) granting PSCs eligibility to serve in a detail position on the U.S. National Security Council, which is out of step with USAID’s policy on detail assignments.³⁰ And in contrast to staffing at the U.S. Department of State, very few Foreign Service Officers currently occupy USAID’s most senior positions in Washington. This both effectively mutes the vital field perspective that the Foreign Service offers and constrains professional growth opportunities.³¹

Congress has also required the heads of federal agencies to designate a Chief Human Capital Officer (CHCO) to serve as the chief policy advisor on all human resources management issues.³² The CHCO is charged with selecting, developing, training, and managing a high-quality, productive workforce. USAID has had several CHCO-related problems. First, the CHCO position has remained unfilled since early 2022. Second, although a career Senior Foreign Service (SFS) Officer filled USAID’s CHCO position until 2013,³³ since then, no SFS Officer has served in the position. Third, between 2013 and 2022, at least five different individuals have occupied the position, reflecting an average attrition rate of less than two years.³⁴ Fourth, in November 2021, USAID established a policy prohibiting a Foreign Service Officer from serving as CHCO (in contrast to the State Department).³⁵ Fifth, further complicating the USAID workforce landscape, the CHCO has full authority over career employees, with only limited and ill-defined authority and planning for the thousands of PSC, ISCs, and other non-career staff whose hiring decisions lie with individual bureaus and overseas missions.

Finally, in November 2021, USAID created and filled a new, unprecedented political position — the Assistant to the Administrator (AtA) for the Office of Human Capital and Talent Management (HCTM). The AtA/HCTM, who does not require Senate confirmation, oversees both the CHCO and the Office of HCTM, thereby effectively establishing a hierarchy that could be used to politicize USAID’s entire career workforce both now and in future administrations.³⁶ This is significant, because, as one concerned good-government coalition has warned: “If

³⁰ ADS Chapter 432.1, USAID Operational Policy (Oct. 2012), <https://www.usaid.gov/sites/default/files/2022-12/432.pdf>.

³¹ *Federal Unions and USAID: The Challenge for AFSA*, AFSA (2023), <https://afsa.org/federal-unions-and-usaid-challenge-afsa>.

³² 5 U.S.C. §§ 1401-02.

³³ *USAID and a New Chief Human Capital Officer*, *The Foreign Service Journal* (Nov. 2022), https://afsa.org/sites/default/files/flipping_book/1122/69/#zoom=z.

³⁴ *Id.*

³⁵ ADS Chapter 101.3.1.5, USAID Operational Policy (Nov. 2021), <https://www.usaid.gov/sites/default/files/2022-12/101.pdf>.

³⁶ *Federal Unions and USAID: The Challenge for AFSA*, AFSA (2023), <https://afsa.org/federal-unions-and-usaid-challenge-afsa>.

government employees owe their jobs more to personal or political allegiance rather than merit, they will be more beholden to the party in power instead of the law of the land.”³⁷

Given the depth, breadth, and long history of the challenges facing USAID, we ask that you provide written answers to the following questions by October 31, 2023:

1. Why has USAID failed to issue a Workforce Report that addresses all the issues that Congress required it to address and that follows OPM workforce planning guidance? Is USAID working on a follow-up or amended Workforce Report that does so? If so, what is its status? If not, why not?
2. Why has USAID failed to follow the workforce recommendations made by GAO? Does USAID need GAO assistance in analyzing the totality of the Agency’s staffing challenges and producing and operationalizing a comprehensive strategic workforce plan that adheres to OPM guidance?³⁸ Does USAID need the U.S. Department of State’s assistance in providing analysis or recommendations for staffing and managing the Agency’s Foreign Service personnel in accordance with Sections 201 and 208 of the Foreign Service Act?³⁹ If not, why not?
3. In 2021, AFSA provided USAID with a report (attached to this letter as Appendix B) that detailed the Agency’s workforce challenges and included a plan and recommendations for addressing them. Has USAID considered the recommendations, implemented any of them, or meaningfully consulted with AFSA? If so, please provide supporting documentation. If not, why not?
4. “Congress separates USAID’s budget into two parts: the administrative cost of delivering foreign assistance (aka operating expenses, or OE); and the cost of foreign assistance itself (aka program funds).”⁴⁰ To what extent does this bifurcated structure limit USAID’s ability to (a) undertake comprehensive strategic workforce planning and (b) hire career, union-represented employees?
5. Why has USAID established a policy that prohibits a Foreign Service Officer from serving as CHCO? Does USAID intend to reverse this policy? If not, why not? Why does

³⁷ *Id.* (quoting Letter from Government Accountability Project to congressional leadership (Oct. 27, 2022)), <https://whistleblower.org/letter/preventing-a-return-of-schedule-f/>.

³⁸ Workforce Planning Guide, U.S. Office of Personnel Management (Nov. 2022), <https://www.opm.gov/policy-data-oversight/human-capital-framework/reference-materials/talent-management/workforce-planning-guide.pdf>.

³⁹ 22 U.S.C. §§ 3921, 3928, <https://www.law.cornell.edu/uscode/text/22/3921>; <https://www.law.cornell.edu/uscode/text/22/3921?quicksearch=22&quicksearch=3928>.

⁴⁰ *Operating Expense Funds and Program Funds: A Division that Unites Us All*, *The Foreign Service Journal* (Aug. 2020), https://afsa.org/sites/default/files/flipping_book/070820/79/#zoom=z.

the CHCO position remain unfilled by a permanent — not acting — career employee, and when will USAID fill the CHCO position?

6. How does USAID reconcile its creation of the AtA/HCTM with the CHCO's statutory role and authority?
7. While there will always be circumstances that require the temporary use of supplemental, non-career staff to achieve the Agency's goals, this does not explain USAID's continued workforce disparities and the extensive use of short-term mechanisms to meet long-term staffing needs. Why is USAID hiring non-career staff — including FSL personnel — at a higher rate, and often at higher salaries and with lower education, experience, and security clearance requirements — than their career counterparts? Is USAID taking action to address this inequity? If so, please provide details, including a timeline. If not, why not?
8. Why are so few of USAID's most senior positions in Washington filled — on a permanent, not acting, basis — by Foreign Service Officers? Further, why does USAID continue to allow contractors to occupy senior diplomatic positions abroad and to represent the Agency at the United Nations and other leading public entities? Does USAID intend to increasingly fill these positions with Foreign Service Officers? If so, please provide a list of these positions. If not, why not?
9. Why is USAID qualifying contractors to serve on the U.S. National Security Council, particularly given that the very nature of these positions renders them more appropriate for career staff?

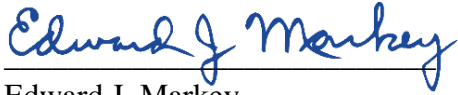
With USAID's recent appointment as a permanent member of the U.S. National Security Council⁴¹ and an FY23 budget of \$49.44 billion⁴² — both of which are unprecedented in the Agency's history — ensuring that USAID is rebuilt with a strong, permanent, union-represented workforce centered on and led by its Foreign Service matters now more than ever. We look forward to supporting you in these efforts.

⁴¹ Renewing the National Security Council System, The White House (Feb. 4, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/02/04/memorandum-renewing-the-national-security-council-system/>.

⁴² USAID FY23 Budget, USAspending: Government Spending Open Data (Apr. 29, 2023), <https://www.usaspending.gov/agency/agency-for-international-development?fy=2023>.

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Sincerely,



Edward J. Markey
United States Senator



Elizabeth Warren
United States Senator



Bernard Sanders
United States Senator

cc: Thomas Yazdgerdi – President, American Foreign Service Association
Randy Chester – Vice President for USAID, American Foreign Service Association