

B-332618

January 19, 2021

The President
The White House

Subject: *Violation of the Time Limit Imposed by the Federal Vacancies Reform Act of 1998: Assistant Secretary of State for International Organization Affairs, U.S. Department of State*

Dear Mr. President:

Pursuant to section 3349(b) of title 5 of the United States Code, we are reporting a violation of the Federal Vacancies Reform Act of 1998 (Vacancies Act) at the U.S. Department of State (State) with respect to the Assistant Secretary of State for International Organization Affairs position. Pub. L. No. 105-277, div. C, title I, 112 Stat. 2681-611 (Oct. 21, 1998), as amended, 5 U.S.C. §§ 3345–3349d. Specifically, we are reporting that the service of Pamela D. Pryor as Acting Assistant Secretary of State for International Organization Affairs from June 28, 2020, until on or about October 19, 2020, was in violation of the Vacancies Act. Because no one is currently using the acting title for this position, there is no continuing violation.

The Vacancies Act establishes requirements for temporarily authorizing an acting official to perform the functions and duties of certain vacant positions that require presidential appointment and Senate confirmation. Generally, the Vacancies Act limits the service of an acting official to 210 days beginning on the date the vacancy occurs. 5 U.S.C. § 3346(a). Under the provisions of section 3349(b), the Comptroller General is required, upon a determination that an acting official has served longer than the allowable period of service, to report such findings to Congress, the President, and the Office of Personnel Management.

State reported to us that a vacancy in the position of Assistant Secretary of State for International Organization Affairs began on November 30, 2019, and that Jonathan Moore was designated as the acting official.¹ GAO's Executive Vacancy System. The 210-day period of permissible acting service ended on June 27, 2020, but until on or about October 19, 2020, the State website and the Twitter account for the Bureau of International Organization of Affairs listed Pamela D. Pryor as the Acting Assistant Secretary of State for International Organization Affairs.

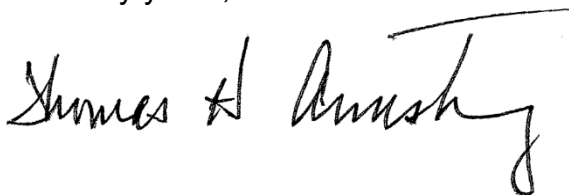
¹ The vacancy began due to the resignation of Kevin E. Moley.

When we inquired about a potential violation of the permissible period of acting service, State acknowledged that the website and Twitter account mistakenly listed Ms. Pryor as Acting Assistant Secretary of State for International Organization Affairs after June 27, 2020, but explained that, after receipt of our inquiry, State corrected the website and Twitter account. Letter from Assistant General Counsel, GAO, to Acting Legal Adviser, State (Oct. 27, 2020); Letter from Acting Legal Adviser, State, to Assistant General Counsel, GAO (Nov. 10, 2020). We have previously determined that an agency violates the time limitations in the Vacancies Act if it identifies an official as an acting official on the agency's website when the position should be vacant. B-331539, Sept. 18, 2020. Here, we find that State held Ms. Pryor out to the public as Acting Assistant Secretary of State for International Organization Affairs by identifying her as serving in such role on State's website and Twitter account after the end of the period of permissible acting service. Further, by holding Ms. Pryor out to the public as Acting Assistant Secretary of State for International Organization Affairs when the position should have been vacant, the agency violated the time limitations in the Vacancies Act.

In accordance with the requirements of the Vacancies Act, we are also sending letters reporting this violation to the chairs and ranking members of the Senate Committee on Homeland Security and Governmental Affairs, the House Committee on Oversight and Reform, the Senate and House Committees on Appropriations, the Senate Committee on Foreign Relations, the House Committee on Foreign Affairs, and the Acting Director of the Office of Personnel Management.

If you have any questions regarding this matter, please contact Shirley A. Jones, Managing Associate General Counsel, at 202-512-8156 or Aimee Aceto, Acting Assistant General Counsel, at 202-512-6534.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas H. Armstrong". The signature is written in a cursive style with a prominent horizontal line above the name.

Thomas H. Armstrong
General Counsel