

108TH CONGRESS
1ST SESSION

H. R. 3515

To establish an independent nonpartisan review panel to assess how the Department of State can best fulfill its mission in the 21st century and meet the challenges of a rapidly changing world.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2003

Mr. THORNBERRY (for himself and Mr. SNYDER) introduced the following bill;
which was referred to the Committee on International Relations

A BILL

To establish an independent nonpartisan review panel to assess how the Department of State can best fulfill its mission in the 21st century and meet the challenges of a rapidly changing world.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of State
5 Review Act”.

1 **SEC. 2. ESTABLISHMENT OF DEPARTMENT OF STATE RE-**
2 **VIEW PANEL.**

3 (a) FINDINGS.—The Congress makes the following
4 findings:

5 (1) The Department of State, established in
6 1789, is responsible for representing the worldwide
7 interests of the United States and its citizens and
8 for advancing the policies of the United States.

9 (2) The Department operates 257 posts in more
10 than 180 countries throughout the world, has ap-
11 proximately 21,500 full-time personnel, and has a
12 budget of approximately \$8,000,000,000.

13 (3) There have been dramatic changes in the
14 world in which the Department must function, in-
15 cluding changes in technology, changes in religious,
16 ethnic, and regional conflicts, and changes in eco-
17 nomic, political, and military relationships. More-
18 over, the world has witnessed the spread of weapons
19 of mass destruction and the spread of terrorism.
20 Yet, there has been little change in the organization
21 and structure of the Department or its posts
22 throughout the world.

23 (4) The Department and all United States dip-
24 lomatic efforts should be the subject of a comprehen-
25 sive review by an independent panel to assess how
26 the Department can best fulfill its mission in the

1 21st century and meet the challenges of a rapidly
2 changing world.

3 (b) ESTABLISHMENT.—Not later than September 1,
4 2004, there shall be established a nonpartisan independent
5 panel to be known as the Department of State Review
6 Panel (in this section referred to as the “Panel”). The
7 Panel shall have the duties set forth in this section.

8 (c) MEMBERSHIP.—

9 (1) COMPOSITION AND QUALIFICATIONS.—The
10 Panel shall be composed of ten members who are in-
11 dividuals in the private sector who are recognized ex-
12 perts in matters relating to foreign affairs and the
13 national security of the United States.

14 (2) APPOINTMENT.—Members of the Panel
15 shall be appointed as follows:

16 (A) Three members appointed by the
17 Speaker of the House of Representatives.

18 (B) Three members appointed by the Ma-
19 jority Leader of the Senate.

20 (C) Two members appointed by the Minor-
21 ity Leader of the House of Representatives.

22 (D) Two members appointed by the Minor-
23 ity Leader of the Senate.

1 (3) CHAIRPERSON.—The Panel shall have a
2 chairperson who shall be selected by the members of
3 the panel from among the members.

4 (d) REPORT.—Not later than 12 months after the ap-
5 pointment of the last member to the Panel, the Panel shall
6 prepare and submit to the Congress a comprehensive re-
7 port. The report shall include the following:

8 (1) A review of current structures of the De-
9 partment of State and related agencies, including
10 the organization and operation of the embassies and
11 consulates of the United States abroad, to determine
12 how best to efficiently and effectively—

13 (A) represent the interests of the United
14 States throughout the world;

15 (B) advance the policies of the United
16 States;

17 (C) cooperate and integrate with other gov-
18 ernment agencies and departments, including
19 the Department of Defense, the Department of
20 Homeland Security, the Department of the
21 Treasury, the Department of Commerce, the
22 Office of the United States Trade Representa-
23 tive, the Agency for International Development,
24 the Drug Enforcement Agency, and the intel-
25 ligence agencies of the United States; and

1 (D) meet the anticipated roles and mis-
2 sions of such entities in the future.

3 (2) Recommendations on any structural reorga-
4 nization at the Department of State and United
5 States embassies and consulates, including the fol-
6 lowing:

7 (A) Whether any geographical desks
8 should be added, combined, or eliminated, in-
9 cluding an examination of whether an “Amer-
10 ican Affairs” desk should be established within
11 the Office of the Under Secretary for Political
12 Affairs.

13 (B) Whether any of the positions of Under
14 or Assistant Secretary of State should be com-
15 bined or eliminated, or any additional positions
16 of Under or Assistant Secretary of State should
17 be created, including an examination of whether
18 a senior level position should be established to
19 analyze and assess future challenges for the De-
20 partment, and if needed, whether the position
21 should be an Under or Assistant Secretary of
22 State.

23 (C) Whether a military attaché should be
24 stationed at each embassy and whether a mem-

1 ber of any other Federal agency should be sta-
2 tioned at all or specific embassies worldwide.

3 (3) Suggestions for changes in organization and
4 process to ensure that the efforts of the United
5 States to communicate effectively with other govern-
6 ments and engage in public diplomacy are success-
7 ful.

8 (4) Suggestions for changes in structures to
9 better formulate and implement the foreign policy of
10 the United States.

11 (5) An independent assessment of the chal-
12 lenges the Department of State may face through
13 the year 2020 and beyond.

14 (6) A comprehensive review of how the Depart-
15 ment of State, the embassies and consulates of the
16 United States, and diplomatic and other personnel
17 and delegations are organized to handle efficiently
18 future risks, including any recommended structural
19 or internal changes that may be necessary to meet
20 future challenges to the national interest of the
21 United States.

22 (7) The planning assumptions used in the re-
23 view conducted by the Panel, including assumptions
24 relating to cooperation, communication with allies,

1 levels of risk, real-time situational awareness, and
2 instantaneous communication.

3 (8) An examination of the forward presence and
4 pre-positioning necessary by the Department of
5 State for negotiation and conflict deterrence in re-
6 sponse to anticipated threats and conflicts.

7 (9) An examination of the current information
8 infrastructure and technologies at the Department
9 of State and recommendations on how these tech-
10 nologies should be updated, changed, or replaced for
11 optimum utilization by the year 2008 and beyond.

12 (10) An examination of ways the Department of
13 State develops scenarios that may require a Depart-
14 ment response, and recommendations for improving
15 this process to incorporate nontraditional threat
16 planning scenarios and input from other Federal
17 agencies and nongovernmental organizations.

18 (11) Recommendations regarding future per-
19 sonnel policies of the Department of State, including
20 the following:

21 (A) Whether an anticipated need exists for
22 additional personnel who possess certain lan-
23 guage skills, functional skills, and educational
24 background.

1 (B) Whether the Department of State
2 should examine nontraditional recruitment and
3 training efforts, including policies related to lat-
4 eral transfers of personnel from other govern-
5 ment agencies or the private sector, to meet De-
6 partment of State needs.

7 (e) INFORMATION FROM FEDERAL AGENCIES.—The
8 Panel may secure directly from the Department of State
9 and from any other Federal agency such information as
10 the Panel considers necessary to carry out its duties under
11 this section. The head of the agency concerned shall en-
12 sure that information requested by the Panel under this
13 subsection is promptly provided.

14 (f) PERSONNEL MATTERS.—

15 (1) COMPENSATION OF MEMBERS.—Each mem-
16 ber of the Panel shall be compensated at a rate
17 equal to the daily equivalent of the annual rate of
18 basic pay prescribed for level IV of the Executive
19 Schedule under section 5315 of title 5, United
20 States Code, for each day (including travel time)
21 during which such member is engaged in the per-
22 formance of the duties of the Panel.

23 (2) TRAVEL EXPENSES.—The members of the
24 Panel shall be allowed travel expenses, including per
25 diem in lieu of subsistence, at rates authorized for

1 employees of agencies under subchapter I of chapter
2 57 of title 5, United States Code, while away from
3 their homes or regular places of business in the per-
4 formance of services for the Panel.

5 (3) EXECUTIVE DIRECTOR AND STAFF.—With-
6 out regard to the civil service laws and regulations,
7 the chairperson of the Panel may appoint and termi-
8 nate an executive director and a staff of not more
9 than four additional individuals, none of whom may
10 be current employees of the Department of State or
11 members of the Foreign Service, if the Panel deter-
12 mines that an executive director and staff are nec-
13 essary in order for the Panel to perform its duties
14 effectively. The employment of an executive director
15 shall be subject to confirmation by the Panel.

16 (4) COMPENSATION OF EXECUTIVE DIREC-
17 TOR.—The chairperson may fix the compensation of
18 the executive director without regard to the provi-
19 sions of chapter 51 and subchapter III of chapter 53
20 of title 5, United States Code, relating to classifica-
21 tion of positions and General Schedule pay rates, ex-
22 cept that the rate of pay for the executive director
23 may not exceed the rate payable for level V of the
24 Executive Schedule under section 5316 of such title.

1 (5) DETAIL OF GOVERNMENT EMPLOYEES.—

2 Any Federal Government employee may be detailed
3 to the Panel without reimbursement, and such detail
4 shall be without interruption or loss of civil or for-
5 eign service status or privilege. The Secretary shall
6 ensure that sufficient personnel are detailed to the
7 Panel to enable the Panel to carry out its duties ef-
8 fectively.

9 (6) TRAVEL CONDITIONS.—To the maximum
10 extent practicable, the members and employees of
11 the Panel shall travel on government aircraft, ships,
12 vehicles, or other conveyances when travel is nec-
13 essary in the performance of a duty of the Panel, ex-
14 cept that no such aircraft, ship, vehicle, or other
15 conveyance may be scheduled primarily for the
16 transportation of any such member or employee
17 when the cost of commercial transportation is less
18 expensive.

19 (g) ADMINISTRATIVE PROVISIONS.—

20 (1) USE OF MAIL.—The Panel may use the
21 United States mails and obtain printing and binding
22 services in the same manner and under the same
23 conditions as other departments and agencies of the
24 Federal Government.

1 (2) ADMINISTRATIVE AND SUPPORT SERV-
2 ICES.—The Secretary of State shall furnish the
3 Panel any administrative and support services re-
4 quested by the Panel.

5 (3) GIFTS AND DONATIONS.—The Panel may
6 accept, use, and dispose of gifts or donations of serv-
7 ices or property.

8 (4) CONTRACTUAL AUTHORITY.—The Panel
9 may enter into such contracts as necessary for tech-
10 nical support and analysis, provided that the dura-
11 tion of such contracts does not exceed 120 days and
12 that the total amount spent on all such contracts
13 does not exceed \$500,000.

14 (h) PAYMENT OF PANEL EXPENSES.—The com-
15 pensation, travel expenses, and per diem allowances of
16 members and employees of the Panel shall be paid out of
17 funds available to the Department of State for the pay-
18 ment of compensation, travel allowances, and per diem al-
19 lowances, respectively, of civilian employees of the Depart-
20 ment. The other expenses of the Panel shall be paid out
21 of funds available to the Department for the payment of
22 similar expenses incurred by the Department.

- 1 (i) SUNSET PROVISION.—The Panel shall terminate
- 2 six months after the submission of a final report to the
- 3 Congress under subsection (d).

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