

117TH CONGRESS
2D SESSION

H. R. 8536

To establish a commission to reform and modernize the Department of State.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2022

Mr. MELJER (for himself and Ms. JACOBS of California) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To establish a commission to reform and modernize the Department of State.

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 “Commission on Reform
5 and Modernization of the Department of State Act”.

6 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

7 There is established in the legislative branch the
8 Commission on Reform and Modernization of the Depart-
9 ment of State (in this Act referred to as the “Commis-
10 sion”).

1 **SEC. 3. PURPOSES.**

2 The purposes of the Commission are to examine the
3 changing nature of diplomacy in the 21st century and
4 ways that the Department of State and its personnel can
5 modernize to advance the interests of the United States,
6 as well as offer recommendations related to—

7 (1) the organizational structure of the Depart-
8 ment of State;

9 (2) personnel-related matters, to include re-
10 cruitment, promotion, training, and retention of the
11 Department of State’s workforce in order to retain
12 the best and brightest personnel and foster effective
13 diplomacy worldwide, including measures to
14 strengthen diversity and inclusion to ensure that the
15 Department’s workforce represents all of America;

16 (3) the Department of State’s infrastructure—
17 both domestic and overseas—to include information
18 technology, transportation, and security;

19 (4) the link between diplomacy and defense, in-
20 telligence, development, commercial, health, law en-
21 forcement, and other core United States interests;

22 (5) core legislation that authorizes United
23 States diplomacy, including the Foreign Service Act
24 of 1980 (Public Law 96–465);

1 (6) related regulations, rules, and processes
2 that define United States diplomatic efforts, includ-
3 ing the Foreign Affairs Manual;

4 (7) Chief of Mission authority at United States
5 diplomatic missions overseas, including authority
6 over employees of other Federal departments and
7 agencies; and

8 (8) treaties that impact United States overseas
9 presence.

10 **SEC. 4. MEMBERSHIP.**

11 (a) COMPOSITION.—

12 (1) IN GENERAL.—The Commission shall be
13 composed of 8 members of whom—

14 (A) one member shall be appointed by the
15 chairperson of the Committee on Foreign Af-
16 fairs of the House of Representatives;

17 (B) one member shall be appointed by the
18 ranking member of the Committee on Foreign
19 Affairs of the House of Representatives;

20 (C) one member shall be appointed by the
21 chairperson of the Committee on Foreign Rela-
22 tions of the Senate;

23 (D) one member shall be appointed by the
24 ranking member of the Committee on Foreign
25 Relations of the Senate;

1 (E) one member shall be appointed by the
2 Speaker of the House of Representatives;

3 (F) one member shall be appointed by the
4 majority leader of the Senate;

5 (G) one member shall be appointed by the
6 minority leader of the House of Representa-
7 tives; and

8 (H) one member shall be appointed by the
9 minority leader of the Senate.

10 (2) DEADLINE FOR APPOINTMENT.—The ap-
11 pointments of members of the Commission under
12 this subsection shall be made not later than 90 days
13 after the date of enactment of this Act.

14 (b) CO-CHAIRPERSONS.—The Speaker of the House
15 of Representatives and the majority leader of the Senate
16 shall select one member of the Commission appointed
17 under subsection (a) to serve as a co-chairperson of the
18 Commission, and the minority leader of the House of Rep-
19 resentatives and the minority leader of the Senate shall
20 select one member of the Commission appointed under
21 subsection (a) to serve as a co-chairperson of the Commis-
22 sion.

23 (c) QUALIFICATIONS; MEETINGS.—

24 (1) MEMBERSHIP.—

1 (A) IN GENERAL.—It is the sense of Con-
2 gress that the members of the Commission ap-
3 pointed under subsection (a) should—

4 (i) be prominent United States citi-
5 zens, with national recognition and signifi-
6 cant depth of experience in international
7 relations and the Department of State;

8 (ii) have leadership experience related
9 to international relations, diplomacy, and
10 data-driven management;

11 (iii) have significant expertise in inter-
12 national relations, diplomacy, economics,
13 technology, labor relations, energy, and
14 foreign assistance;

15 (iv) have an understanding of man-
16 agement challenges that may hinder the
17 Department of State in carrying out its
18 mission to the most effective extent pos-
19 sible; and

20 (v) maintain a deep understanding of
21 the Department of State’s Civil and For-
22 eign Service workforces, including the chal-
23 lenges and opportunities the Department
24 of State faces in managing two personnel
25 systems.

1 (B) PROHIBITIONS.—A member of the
2 Commission appointed under subsection (a)
3 may not—

4 (i) be a current Member of Congress;

5 or

6 (ii) be a current or former registrant
7 under the Foreign Agents Registration Act
8 of 1938 (22 U.S.C. 611 et seq.).

9 (2) MEETINGS.—

10 (A) INITIAL MEETING.—The Commission
11 shall hold its first meeting not later than 30
12 days after the date on which all members of the
13 Commission have been appointed.

14 (B) FREQUENCY.—The Commission shall
15 meet at the call of the co-chairpersons of the
16 Commission.

17 (C) QUORUM.—A majority of the members
18 of the Commission shall constitute a quorum
19 for purposes of conducting business, except that
20 two members of the Commission shall con-
21 stitute a quorum for purposes of receiving testi-
22 mony.

23 (3) VACANCIES.—Any vacancy in the Commis-
24 sion shall not affect the powers of the Commission,

1 but shall be filled in the same manner as the origi-
2 nal appointment.

3 **SEC. 5. FUNCTIONS OF COMMISSION.**

4 (a) IN GENERAL.—The Commission shall act by reso-
5 lution agreed to by a majority of the members of the Com-
6 mission voting and present.

7 (b) PANELS.—The Commission may establish panels
8 composed of less than the full membership of the Commis-
9 sion for purposes of carrying out the duties of the Com-
10 mission under this Act. The actions of any such panel
11 shall be subject to the review and control of the Commis-
12 sion. Any findings and determinations made by such a
13 panel shall not be considered the findings and determina-
14 tions of the Commission unless approved by the Commis-
15 sion.

16 (c) DELEGATION.—Any member, agent, or staff of
17 the Commission may, if authorized by the co-chairpersons
18 of the Commission, take any action which the Commission
19 is authorized to take pursuant to this Act.

20 **SEC. 6. POWERS OF COMMISSION.**

21 (a) HEARINGS AND EVIDENCE.—The Commission or,
22 as delegated by the co-chairpersons of the Commission,
23 any panel or member thereof, may, for the purpose of car-
24 rying out this Act—

1 (1) hold such hearings and meetings, take such
2 testimony, receive such evidence, and administer
3 such oaths as the Commission or such designated
4 subcommittee or designated member considers nec-
5 essary;

6 (2) require the attendance and testimony of
7 such witnesses and the production of such cor-
8 respondence, memoranda, papers, and documents, as
9 the Commission or such designated subcommittee or
10 designated member considers necessary; and

11 (3) subject to applicable privacy laws and rel-
12 evant regulations, secure directly from any Federal
13 department or agency information and data nec-
14 essary to enable it to carry out its mission, which
15 shall be provided by the head or acting representa-
16 tive of the department or agency not later than 30
17 days after the Commission provides a written re-
18 quest for such information and data.

19 (b) CONTRACTS.—The Commission may, to such ex-
20 tent and in such amounts as are provided in appropriation
21 Acts, enter into contracts to enable the Commission to dis-
22 charge its duties under this Act.

23 (c) INFORMATION FROM FEDERAL AGENCIES.—

24 (1) IN GENERAL.—The Commission may secure
25 directly from any executive department, bureau,

1 agency, board, commission, office, independent es-
2 tablishment, or instrumentality of the Government,
3 information, suggestions, estimates, and statistics
4 for the purposes of this Act.

5 (2) FURNISHING INFORMATION.—Each depart-
6 ment, bureau, agency, board, commission, office,
7 independent establishment, or instrumentality shall,
8 to the extent authorized by law, furnish such infor-
9 mation, suggestions, estimates, and statistics di-
10 rectly to the Commission, upon request made by a
11 co-chairperson of the Commission, the chairman of
12 any panel created by a majority of the Commission,
13 or any member designated by a majority of the
14 Commission.

15 (3) HANDLING.—Information shall only be re-
16 ceived, handled, stored, and disseminated by mem-
17 bers of the Commission and its staff consistent with
18 all applicable statutes, regulations, and Executive or-
19 ders.

20 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

21 (1) SECRETARY OF STATE.—The Secretary of
22 State shall provide to the Commission, on a non-re-
23 imburseable basis, such administrative services,
24 funds, staff, facilities, and other support services as

1 are necessary for the performance of the Commis-
2 sion's duties under this Act.

3 (2) OTHER DEPARTMENTS AND AGENCIES.—

4 Other Federal departments and agencies may pro-
5 vide the Commission such services, funds, facilities,
6 staff, and other support as such departments and
7 agencies consider advisable and as may be author-
8 ized by law.

9 (3) COOPERATION.—The Commission shall re-
10 ceive the full and timely cooperation of any official,
11 department, or agency of the Federal Government
12 whose assistance is necessary, as jointly determined
13 by the co-chairpersons of the Commission, for the
14 fulfillment of the duties of the Commission, includ-
15 ing the provision of full and current briefings and
16 analyses.

17 (4) DESIGNATION.—The Secretary of State
18 shall designate an individual from the Department
19 of State at the level of Assistant Secretary to engage
20 and liaise with the Commission.

21 (e) ASSISTANCE FROM INDEPENDENT ORGANIZA-
22 TIONS.—

23 (1) IN GENERAL.—In order to inform its work,
24 the Commission should review reports written within
25 the last 15 years by independent organizations and

1 outside experts relating to reform and modernization
2 of the Department of State.

3 (2) AVOIDING DUPLICATION.—In analyzing the
4 reports specified under paragraph (1), the Commis-
5 sion should pay particular attention to any specific
6 reform proposal that has been recommended by two
7 or more such reports.

8 (f) POSTAL SERVICES.—The Commission may use
9 the United States mails in the same manner and under
10 the same conditions as other departments and agencies of
11 the Federal Government.

12 (g) GIFTS.—The Commission may accept, use, and
13 dispose of gifts or donations of services or property.

14 (h) CONGRESSIONAL CONSULTATION.—Not less fre-
15 quently than once every 90 days, the Commission shall
16 provide a briefing to the Committee on Foreign Affairs
17 of the House of Representatives and the Committee on
18 Foreign Relations of the Senate regarding the work of the
19 Commission.

20 **SEC. 7. STAFF AND COMPENSATION.**

21 (a) STAFF.—

22 (1) COMPENSATION.—The co-chairpersons of
23 the Commission, in accordance with rules agreed
24 upon by the Commission, shall appoint and fix the
25 compensation of a staff director and such other per-

1 sonnel as may be necessary to enable the Commis-
2 sion to carry out its duties, without regard to the
3 provisions of title 5, United States Code, governing
4 appointments in the competitive service, and without
5 regard to the provisions of chapter 51 and sub-
6 chapter III of chapter 53 of such title relating to
7 classification and General Schedule pay rates, except
8 that no rate of pay fixed under this subsection may
9 exceed the equivalent of that payable to a person oc-
10 cupying a position at level V of the Executive Sched-
11 ule under section 5316 of such title.

12 (2) DETAIL OF GOVERNMENT EMPLOYEES.—A
13 Federal Government employee may be detailed to
14 the Commission without reimbursement, and such
15 detail shall be without interruption or loss of civil
16 service status or privilege.

17 (3) PROCUREMENT OF TEMPORARY AND INTER-
18 MITTENT SERVICES.—The Commission may procure
19 temporary and intermittent services under section
20 3109(b) of title 5, United States Code, at rates for
21 individuals that do not exceed the daily equivalent of
22 the annual rate of basic pay prescribed for level IV
23 of the Executive Schedule under section 5315 of
24 that title.

25 (b) COMMISSION MEMBERS.—

1 (1) COMPENSATION.—

2 (A) IN GENERAL.—Except as provided in
3 paragraph (2), each member of the Commission
4 may be compensated at not to exceed the daily
5 equivalent of the annual rate of basic pay in ef-
6 fect for a position at level IV of the Executive
7 Schedule under section 5315 of title 5, United
8 States Code, for each day during which that
9 member is engaged in the actual performance of
10 the duties of the Commission under this Act.

11 (B) WAIVER OF CERTAIN PROVISIONS.—
12 Subsections (a) through (d) of section 824 of
13 the Foreign Service Act of 1980 (22 U.S.C.
14 4064) are waived for an annuitant on a tem-
15 porary basis so as to be compensated for work
16 performed as part of the Commission.

17 (c) TRAVEL EXPENSES.—While away from their
18 homes or regular places of business in the performance
19 of services for the Commission, members and staff of the
20 Commission, as well as any Federal Government employ-
21 ees detailed to the Commission, shall be allowed travel ex-
22 penses, including per diem in lieu of subsistence, in the
23 same manner as persons employed intermittently in the
24 Government service are allowed expenses under section
25 5703(b) of title 5, United States Code.

1 (d) SECURITY CLEARANCES FOR COMMISSION MEM-
2 BERS AND STAFF.—The appropriate Federal agencies or
3 departments shall cooperate with the Commission in expe-
4 ditiously providing to the Commission members and staff
5 appropriate security clearances to the extent possible pur-
6 suant to existing procedures and requirements, except that
7 no person shall be provided with access to classified infor-
8 mation under this Act without the appropriate security
9 clearances.

10 **SEC. 8. REPORT.**

11 (a) IN GENERAL.—Not later than 18 months after
12 the date of the enactment of this Act, the Commission
13 shall submit to the President and Congress a final report
14 that examines all substantive aspects of Department of
15 State personnel, management, and operations and con-
16 tains such findings, conclusions, and recommendations for
17 corrective measures as have been agreed to by a majority
18 of Commission members.

19 (b) ELEMENTS.—The report required under sub-
20 section (a) shall include findings, conclusions, and rec-
21 ommendations related to—

22 (1) the organizational structure of the Depart-
23 ment of State;

24 (2) personnel-related matters, to include re-
25 cruitment, promotion, training, and retention of the

1 Department of State’s workforce in order to retain
2 the best and brightest personnel and foster effective
3 diplomacy worldwide, including measures to
4 strengthen diversity and inclusion to ensure that the
5 Department’s workforce represents all of America;

6 (3) the Department of State’s infrastructure—
7 both domestic and overseas—to include information
8 technology, transportation, and security;

9 (4) the link between diplomacy and defense, in-
10 telligence, development, commercial, health, law en-
11 forcement, and other core United States interests;

12 (5) core legislation that authorizes United
13 States diplomacy;

14 (6) related regulations, rules, and processes
15 that define United States diplomatic efforts, includ-
16 ing the Foreign Affairs Manual;

17 (7) treaties that impact United States overseas
18 presence;

19 (8) the authority of Chiefs of Mission at United
20 States diplomatic missions overseas, including the
21 degree of authority that Chiefs of Mission exercise in
22 reality over Department of State and other Federal
23 employees at overseas posts;

24 (9) any other areas that the Commission con-
25 sider necessary for a complete appraisal of United

1 States diplomacy and Department of State manage-
2 ment and operations; and

3 (10) the amount of time, manpower, and finan-
4 cial resources that would be necessary to implement
5 the recommendations specified under this subsection.

6 (c) DEPARTMENT OF STATE RESPONSE.—Before the
7 Commission submits its report to the President and Con-
8 gress, the Secretary of State shall have the right to review
9 and respond to all Commission recommendations not later
10 than 90 days after receiving the recommendations from
11 the Commission.

12 **SEC. 9. TERMINATION OF COMMISSION.**

13 (a) IN GENERAL.—The Commission, and all the au-
14 thorities under this Act, shall terminate 180 days after
15 the date on which the final report is submitted under sec-
16 tion 8.

17 (b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-
18 NATION.—The Commission may use the 180-day period
19 referred to in subsection (a) for the purpose of concluding
20 its activities, including providing testimony to committees
21 of Congress concerning its reports and disseminating the
22 report.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There is authorized to be appro-
3 priated to the Commission to carry out this Act
4 \$6,000,000 for fiscal year 2023.

5 (b) AVAILABILITY.—Amounts made available to the
6 Commission under subsection (a) shall remain available
7 until the termination of the Commission.

8 **SEC. 11. INAPPLICABILITY OF CERTAIN ADMINISTRATIVE**
9 **PROVISIONS.**

10 (a) FEDERAL ADVISORY COMMITTEE ACT.—The
11 Federal Advisory Committee Act (5 U.S.C. App.) shall not
12 apply to the Commission.

13 (b) FREEDOM OF INFORMATION ACT.—The provi-
14 sions of section 552 of title 5, United States Code (com-
15 monly referred to as the Freedom of Information Act),
16 shall not apply to the activities, records, and proceedings
17 of the Commission under this Act.

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