

Calendar No. 338

117TH CONGRESS
2D SESSION

S. 3491

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

IN THE SENATE OF THE UNITED STATES

JANUARY 12 (legislative day, JANUARY 10), 2022

Mr. HAGERTY (for himself, Mr. CARDIN, Mr. CRUZ, and Mr. Kaine) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

APRIL 6, 2022

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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 for the~~
6 ~~21st Century Act~~”.

1 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

2 There is established in the legislative branch the
3 Commission on Reform and Modernization of the Depart-
4 ment of State for the 21st Century (in this Act referred
5 to as the “Commission”).

6 **SEC. 3. PURPOSES.**

7 The purposes of the Commission are to examine the
8 changing nature of diplomacy in the 21st century and
9 ways that the Department of State can modernize to ad-
10 vance the interests of the United States, as well as offer
11 recommendations related to—

12 (1) the organizational structure of the Depart-
13 ment of State;

14 (2) all personnel-related matters, to include re-
15 cruitment, promotion, training, and retention of the
16 Department of State’s workforce in order to retain
17 the best and brightest personnel and foster effective
18 diplomacy worldwide;

19 (3) the Department of State’s infrastructure—
20 both domestic and overseas—to include information
21 technology, transportation, and security;

22 (4) the link between diplomacy and defense, de-
23 velopment, commercial, health, law enforcement, and
24 other core American interests;

25 (5) core legislation that authorizes United
26 States diplomacy; and

1 (6) treaties that impact United States overseas
2 presence.

3 **SEC. 4. MEMBERSHIP.**

4 (a) COMPOSITION.—The Commission shall be com-
5 posed of 8 members of whom—

6 (1) 1 member shall be appointed by the chair-
7 person of the Committee on Foreign Relations of the
8 Senate, who shall serve as co-chair of the Commis-
9 sion;

10 (2) 1 member shall be appointed by the ranking
11 member of the Committee on Foreign Relations of
12 the Senate, who shall serve as co-chair of the Com-
13 mission;

14 (3) 1 member shall be appointed by the chair-
15 person of the Committee on Foreign Affairs of the
16 House of Representatives;

17 (4) 1 member shall be appointed by the ranking
18 member of the Committee on Foreign Affairs of the
19 House of Representatives;

20 (5) 1 member shall be appointed by the major-
21 ity leader of the Senate;

22 (6) 1 member shall be appointed by the Speak-
23 er of the House of Representatives;

24 (7) 1 member shall be appointed by the minor-
25 ity leader of the Senate; and

1 (8) 1 member shall be appointed by the minor-
2 ity leader of the House of Representatives.

3 (b) QUALIFICATIONS; MEETINGS.—

4 (1) MEMBERSHIP.—The members of the Com-
5 mission who are not Members of Congress should be
6 prominent United States citizens, with national rec-
7 ognition and significant depth of experience in inter-
8 national relations.

9 (2) POLITICAL PARTY AFFILIATION.—Not more
10 than 4 members of the Commission may be from the
11 same political party.

12 (3) MEETINGS.—

13 (A) INITIAL MEETING.—The Commission
14 shall hold the first meeting and begin oper-
15 ations as soon as practicable.

16 (B) FREQUENCY.—The Commission shall
17 meet at the call of the co-chairs.

18 (C) QUORUM.—Seven members of the
19 Commission shall constitute a quorum for pur-
20 poses of conducting business, except that two
21 members of the Commission shall constitute a
22 quorum for purposes of receiving testimony.

23 (4) 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-chairs of the
18 Commission, take any action which the Commission is au-
19 thorized 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-chairs, any panel or member there-
23 of, may, for the purpose of carrying out this Act—

24 (1) hold such hearings and meetings; take such
25 testimony; receive such evidence; and administer

1 such oaths as the Commission or such designated
2 subcommittee or designated member considers nec-
3 essary;

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

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

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

21 (c) INFORMATION FROM FEDERAL AGENCIES.—

22 (1) IN GENERAL.—The Commission may secure
23 directly from any executive department, bureau,
24 agency, board, commission, office, independent es-
25 tablishment, or instrumentality of the Government,

1 information, suggestions, estimates, and statistics
2 for the purposes of this Act.

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

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

17 ~~(d) ASSISTANCE FROM FEDERAL AGENCIES.~~—

18 ~~(1) SECRETARY OF STATE.~~—The Secretary of
19 State shall provide to the Commission, on a non-re-
20 imburseable basis, such administrative services,
21 funds, staff, facilities, and other support services as
22 are necessary for the performance of the Commis-
23 sion's duties under this Act.

24 ~~(2) OTHER DEPARTMENTS AND AGENCIES.~~—
25 Other Federal departments and agencies may pro-

1 vide the Commission such services, funds, facilities,
2 staff, and other support as such departments and
3 agencies consider advisable and as may be author-
4 ized by law.

5 (3) COOPERATION.—The Commission shall re-
6 ceive the full and timely cooperation of any official,
7 department, or agency of the Federal Government
8 whose assistance is necessary, as jointly determined
9 by the co-chairs of the Commission, for the fulfill-
10 ment of the duties of the Commission, including the
11 provision of full and current briefings and analyses.

12 (c) POSTAL SERVICES.—The Commission may use
13 the United States mails in the same manner and under
14 the same conditions as other departments and agencies of
15 the Federal Government.

16 (f) GIFTS.—The Commission may accept, use, and
17 dispose of gifts or donations of services or property.

18 **SEC. 7. STAFF AND COMPENSATION.**

19 (a) STAFF.—

20 (1) COMPENSATION.—The co-chairs of the
21 Commission, in accordance with rules agreed upon
22 by the Commission, shall appoint and fix the com-
23 pensation of a staff director and such other per-
24 sonnel as may be necessary to enable the Commis-
25 sion to carry out its duties, without regard to the

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

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

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

23 (b) ~~COMMISSION MEMBERS.~~—

24 (1) ~~COMPENSATION.~~—Except as provided in
25 paragraph (2), each member of the Commission may

1 be compensated at not to exceed the daily equivalent
2 of the annual rate of basic pay in effect for a posi-
3 tion at level IV of the Executive Schedule under sec-
4 tion 5315 of title 5, United States Code, for each
5 day during which that member is engaged in the ac-
6 tual performance of the duties of the Commission
7 under this Act.

8 (2) TRAVEL EXPENSES.—While away from
9 their homes or regular places of business in the per-
10 formance of services for the Commission, members
11 of the Commission shall be allowed travel expenses,
12 including per diem in lieu of subsistence, in the
13 same manner as persons employed intermittently in
14 the Government service are allowed expenses under
15 section 5703(b) of title 5, United States Code.

16 (c) SECURITY CLEARANCES FOR COMMISSION MEM-
17 BERS AND STAFF.—The appropriate Federal agencies or
18 departments shall cooperate with the Commission in expe-
19 ditiously providing to the Commission members and staff
20 appropriate security clearances to the extent possible pur-
21 suant to existing procedures and requirements, except that
22 no person shall be provided with access to classified infor-
23 mation under this Act without the appropriate security
24 clearances.

1 **SEC. 8. REPORT.**

2 Not later than 18 months after the date of the enact-
3 ment of this Act, the Commission shall submit to the
4 President and Congress a final report containing such
5 findings, conclusions, and recommendations for corrective
6 measures as have been agreed to by a majority of Commis-
7 sion members.

8 **SEC. 9. TERMINATION OF COMMISSION.**

9 (a) **IN GENERAL.**—The Commission, and all the au-
10 thorities under this Act, shall terminate 60 days after the
11 date on which the final report is submitted under section
12 8.

13 (b) **ADMINISTRATIVE ACTIVITIES BEFORE TERMI-**
14 **NATION.**—The Commission may use the 60-day period re-
15 ferred to in subsection (a) for the purpose of concluding
16 its activities, including providing testimony to committees
17 of Congress concerning its reports and disseminating the
18 report.

19 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) **IN GENERAL.**—There is authorized to be appro-
21 priated to the Commission to carry out this Act
22 \$5,000,000 for fiscal year 2022.

23 (b) **AVAILABILITY.**—Amounts made available to the
24 Commission under subsection (a) shall remain available
25 until the termination of the Commission.

1 **SEC. 11. INAPPLICABILITY OF CERTAIN ADMINISTRATIVE**
2 **PROVISIONS.**

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

6 (b) **FREEDOM OF INFORMATION ACT.**—The provi-
7 sions of section 552 of title 5, United States Code (com-
8 monly referred to as the Freedom of Information Act),
9 shall not apply to the activities, records, and proceedings
10 of the Commission under this Act.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Commission on Reform*
13 *and Modernization of the Department of State Act”.*

14 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

15 *There is established in the legislative branch the Com-*
16 *mission on Reform and Modernization of the Department*
17 *of State (in this Act referred to as the “Commission”).*

18 **SEC. 3. PURPOSES.**

19 *The purposes of the Commission are to examine the*
20 *changing nature of diplomacy in the 21st century and ways*
21 *that the Department of State and its personnel can mod-*
22 *ernize to advance the interests of the United States, as well*
23 *as offer recommendations related to—*

24 (1) *the organizational structure of the Depart-*
25 *ment of State;*

1 (2) *personnel-related matters, to include recruit-*
2 *ment, promotion, training, and retention of the De-*
3 *partment of State’s workforce in order to retain the*
4 *best and brightest personnel and foster effective diplo-*
5 *macy worldwide, including measures to strengthen di-*
6 *versity and inclusion to ensure that the Department’s*
7 *workforce represents all of America;*

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

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

14 (5) *core legislation that authorizes United States*
15 *diplomacy, including the Foreign Service Act of 1980*
16 *(Public Law 96–465);*

17 (6) *related regulations, rules, and processes that*
18 *define United States diplomatic efforts, including the*
19 *Foreign Affairs Manual;*

20 (7) *Chief of Mission authority at United States*
21 *diplomatic missions overseas, including authority*
22 *over employees of other Federal departments and*
23 *agencies; and*

24 (8) *treaties that impact United States overseas*
25 *presence.*

1 **SEC. 4. MEMBERSHIP.**

2 (a) *COMPOSITION.*—*The Commission shall be com-*
3 *posed of 8 members of whom—*

4 (1) *1 member shall be appointed by the chair-*
5 *person of the Committee on Foreign Relations of the*
6 *Senate, who shall serve as co-chair of the Commission;*

7 (2) *1 member shall be appointed by the ranking*
8 *member of the Committee on Foreign Relations of the*
9 *Senate, who shall serve as co-chair of the Commission;*

10 (3) *1 member shall be appointed by the chair-*
11 *person of the Committee on Foreign Affairs of the*
12 *House of Representatives;*

13 (4) *1 member shall be appointed by the ranking*
14 *member of the Committee on Foreign Affairs of the*
15 *House of Representatives;*

16 (5) *1 member shall be appointed by the majority*
17 *leader of the Senate;*

18 (6) *1 member shall be appointed by the Speaker*
19 *of the House of Representatives;*

20 (7) *1 member shall be appointed by the minority*
21 *leader of the Senate; and*

22 (8) *1 member shall be appointed by the minority*
23 *leader of the House of Representatives.*

24 (b) *QUALIFICATIONS; MEETINGS.*—

25 (1) *MEMBERSHIP.*—*The members of the Commis-*
26 *sion should be prominent United States citizens, with*

1 *national recognition and significant depth of experi-*
2 *ence in international relations and the Department of*
3 *State.*

4 (2) *POLITICAL PARTY AFFILIATION.*—*Not more*
5 *than 4 members of the Commission may be from the*
6 *same political party.*

7 (3) *MEETINGS.*—

8 (A) *INITIAL MEETING.*—*The Commission*
9 *shall hold the first meeting and begin operations*
10 *as soon as practicable.*

11 (B) *FREQUENCY.*—*The Commission shall*
12 *meet at the call of the co-chairs.*

13 (C) *QUORUM.*—*Five members of the Com-*
14 *mission shall constitute a quorum for purposes of*
15 *conducting business, except that two members of*
16 *the Commission shall constitute a quorum for*
17 *purposes of receiving testimony.*

18 (4) *VACANCIES.*—*Any vacancy in the Commis-*
19 *sion shall not affect the powers of the Commission,*
20 *but shall be filled in the same manner as the original*
21 *appointment.*

22 **SEC. 5. FUNCTIONS OF COMMISSION.**

23 (a) *IN GENERAL.*—*The Commission shall act by reso-*
24 *lution agreed to by a majority of the members of the Com-*
25 *mission voting and present.*

1 (b) *PANELS.*—*The Commission may establish panels*
 2 *composed of less than the full membership of the Commis-*
 3 *sion for purposes of carrying out the duties of the Commis-*
 4 *sion under this Act. The actions of any such panel shall*
 5 *be subject to the review and control of the Commission. Any*
 6 *findings and determinations made by such a panel shall*
 7 *not be considered the findings and determinations of the*
 8 *Commission unless approved by the Commission.*

9 (c) *DELEGATION.*—*Any member, agent, or staff of the*
 10 *Commission may, if authorized by the co-chairs of the Com-*
 11 *mission, take any action which the Commission is author-*
 12 *ized to take pursuant to this Act.*

13 **SEC. 6. POWERS OF COMMISSION.**

14 (a) *HEARINGS AND EVIDENCE.*—*The Commission or,*
 15 *as delegated by the co-chairs, any panel or member thereof,*
 16 *may, for the purpose of carrying out this Act—*

17 (1) *hold such hearings and meetings, take such*
 18 *testimony, receive such evidence, and administer such*
 19 *oaths as the Commission or such designated sub-*
 20 *committee or designated member considers necessary;*

21 (2) *require the attendance and testimony of such*
 22 *witnesses and the production of such correspondence,*
 23 *memoranda, papers, and documents, as the Commis-*
 24 *sion or such designated subcommittee or designated*
 25 *member considers necessary; and*

1 (3) *subject to applicable privacy laws and rel-*
2 *evant regulations, secure directly from any Federal*
3 *department or agency information and data nec-*
4 *essary to enable it to carry out its mission, which*
5 *shall be provided by the head or acting representative*
6 *of the department or agency not later than 30 days*
7 *after the Commission provides a written request for*
8 *such information and data.*

9 (b) *CONTRACTS.—The Commission may, to such extent*
10 *and in such amounts as are provided in appropriation*
11 *Acts, enter into contracts to enable the Commission to dis-*
12 *charge its duties under this Act.*

13 (c) *INFORMATION FROM FEDERAL AGENCIES.—*

14 (1) *IN GENERAL.—The Commission may secure*
15 *directly from any executive department, bureau, agen-*
16 *cy, board, commission, office, independent establish-*
17 *ment, or instrumentality of the Government, informa-*
18 *tion, suggestions, estimates, and statistics for the pur-*
19 *poses of this Act.*

20 (2) *FURNISHING INFORMATION.—Each depart-*
21 *ment, bureau, agency, board, commission, office, inde-*
22 *pendent establishment, or instrumentality shall, to the*
23 *extent authorized by law, furnish such information,*
24 *suggestions, estimates, and statistics directly to the*
25 *Commission, upon request made by a co-chair, the*

1 *chairman of any panel created by a majority of the*
2 *Commission, or any member designated by a major-*
3 *ity of the Commission.*

4 (3) *HANDLING.*—*Information shall only be re-*
5 *ceived, handled, stored, and disseminated by members*
6 *of the Commission and its staff consistent with all*
7 *applicable statutes, regulations, and Executive orders.*

8 (d) *ASSISTANCE FROM FEDERAL AGENCIES.*—

9 (1) *SECRETARY OF STATE.*—*The Secretary of*
10 *State shall provide to the Commission, on a non-re-*
11 *imbursable basis, such administrative services, funds,*
12 *staff, facilities, and other support services as are nec-*
13 *essary for the performance of the Commission's duties*
14 *under this Act.*

15 (2) *OTHER DEPARTMENTS AND AGENCIES.*—
16 *Other Federal departments and agencies may provide*
17 *the Commission such services, funds, facilities, staff,*
18 *and other support as such departments and agencies*
19 *consider advisable and as may be authorized by law.*

20 (3) *COOPERATION.*—*The Commission shall re-*
21 *ceive the full and timely cooperation of any official,*
22 *department, or agency of the Federal Government*
23 *whose assistance is necessary, as jointly determined*
24 *by the co-chairs of the Commission, for the fulfillment*

1 *of the duties of the Commission, including the provi-*
2 *sion of full and current briefings and analyses.*

3 (e) *ASSISTANCE FROM INDEPENDENT ORGANIZA-*
4 *TIONS.—*

5 (1) *IN GENERAL.—In order to inform its work,*
6 *the Commission should review reports written within*
7 *the last 15 years by independent organizations and*
8 *outside experts relating to reform and modernization*
9 *of the Department of State.*

10 (2) *AVOIDING DUPLICATION.—In analyzing the*
11 *reports specified under paragraph (1), the Commis-*
12 *sion should pay particular attention to any specific*
13 *reform proposal that has been recommended by two or*
14 *more such reports.*

15 (f) *POSTAL SERVICES.—The Commission may use the*
16 *United States mails in the same manner and under the*
17 *same conditions as other departments and agencies of the*
18 *Federal Government.*

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

21 (h) *CONGRESSIONAL CONSULTATION.—No less fre-*
22 *quently than once every 90 days, the Commission shall pro-*
23 *vide a briefing to the Committee on Foreign Relations of*
24 *the Senate and the Committee on Foreign Affairs of the*
25 *House of Representatives about the work of the Commission.*

1 **SEC. 7. STAFF AND COMPENSATION.**

2 (a) *STAFF.*—

3 (1) *COMPENSATION.*—*The co-chairs of the Com-*
4 *mission, in accordance with rules agreed upon by the*
5 *Commission, shall appoint and fix the compensation*
6 *of a staff director and such other personnel as may*
7 *be necessary to enable the Commission to carry out its*
8 *duties, without regard to the provisions of title 5,*
9 *United States Code, governing appointments in the*
10 *competitive service, and without regard to the provi-*
11 *sions of chapter 51 and subchapter III of chapter 53*
12 *of such title relating to classification and General*
13 *Schedule pay rates, except that no rate of pay fixed*
14 *under this subsection may exceed the equivalent of*
15 *that payable to a person occupying a position at level*
16 *V of the Executive Schedule under section 5316 of*
17 *such title.*

18 (2) *DETAIL OF GOVERNMENT EMPLOYEES.*—*A*
19 *Federal Government employee may be detailed to the*
20 *Commission without reimbursement, and such detail*
21 *shall be without interruption or loss of civil service*
22 *status or privilege.*

23 (3) *PROCUREMENT OF TEMPORARY AND INTER-*
24 *MITTENT SERVICES.*—*The Chairperson of the Com-*
25 *mission may procure temporary and intermittent*
26 *services under section 3109(b) of title 5, United States*

1 *Code, at rates for individuals that do not exceed the*
2 *daily equivalent of the annual rate of basic pay pre-*
3 *scribed for level IV of the Executive Schedule under*
4 *section 5315 of that title.*

5 **(b) COMMISSION MEMBERS.—**

6 **(1) COMPENSATION.—**

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

16 **(B) WAIVER OF CERTAIN PROVISIONS.—**

17 *Subsections (a) through (d) of section 824 of the*
18 *Foreign Service Act of 1980 (22 U.S.C. 4064)*
19 *are waived for an annuitant on a temporary*
20 *basis so as to be compensated for work performed*
21 *as part of the Commission.*

22 **(c) TRAVEL EXPENSES.—***While away from their homes*
23 *or regular places of business in the performance of services*
24 *for the Commission, members and staff of the Commission,*
25 *as well as any Federal Government employees detailed to*

1 *the Commission, shall be allowed travel expenses, including*
2 *per diem in lieu of subsistence, in the same manner as per-*
3 *sons employed intermittently in the Government service are*
4 *allowed expenses under section 5703(b) of title 5, United*
5 *States Code.*

6 *(d) SECURITY CLEARANCES FOR COMMISSION MEM-*
7 *BERS AND STAFF.—The appropriate Federal agencies or de-*
8 *partments shall cooperate with the Commission in expedi-*
9 *tiously providing to the Commission members and staff ap-*
10 *propriate security clearances to the extent possible pursuant*
11 *to existing procedures and requirements, except that no per-*
12 *son shall be provided with access to classified information*
13 *under this Act without the appropriate security clearances.*

14 **SEC. 8. REPORT.**

15 *(a) IN GENERAL.—Not later than 18 months after the*
16 *date of the enactment of this Act, the Commission shall sub-*
17 *mit to the President and Congress a final report that exam-*
18 *ines all substantive aspects of Department of State per-*
19 *sonnel, management, and operations and contains such*
20 *findings, conclusions, and recommendations for corrective*
21 *measures as have been agreed to by a majority of Commis-*
22 *sion members.*

23 *(b) ELEMENTS.—The report required under subsection*
24 *(a) shall include findings, conclusions, and recommenda-*
25 *tions related to—*

1 (1) *the organizational structure of the Depart-*
2 *ment of State;*

3 (2) *personnel-related matters, to include recruit-*
4 *ment, promotion, training, and retention of the De-*
5 *partment of State’s workforce in order to retain the*
6 *best and brightest personnel and foster effective diplo-*
7 *macy worldwide, including measures to strengthen di-*
8 *versity and inclusion to ensure that the Department’s*
9 *workforce represents all of America;*

10 (3) *the Department of State’s infrastructure—*
11 *both domestic and overseas—to include information*
12 *technology, transportation, and security;*

13 (4) *the link between diplomacy and defense, in-*
14 *telligence, development, commercial, health, law en-*
15 *forcement, and other core United States interests;*

16 (5) *core legislation that authorizes United States*
17 *diplomacy;*

18 (6) *related regulations, rules, and processes that*
19 *define United States diplomatic efforts, including the*
20 *Foreign Affairs Manual;*

21 (7) *treaties that impact United States overseas*
22 *presence;*

23 (8) *the authority of Chiefs of Mission at United*
24 *States diplomatic missions overseas, including the de-*
25 *gree of authority that Chiefs of Mission exercise in re-*

1 *ality over Department of State and other Federal em-*
2 *ployees at overseas posts;*

3 *(9) any other areas that the Commission con-*
4 *sider necessary for a complete appraisal of United*
5 *States diplomacy and Department of State manage-*
6 *ment and operations; and*

7 *(10) the amount of time, manpower, and finan-*
8 *cial resources that would be necessary to implement*
9 *the recommendations specified under this subsection.*

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

15 **SEC. 9. TERMINATION OF COMMISSION.**

16 *(a) IN GENERAL.—The Commission, and all the au-*
17 *thorities under this Act, shall terminate 60 days after the*
18 *date on which the final report is submitted under section*
19 *8.*

20 *(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-*
21 *NATION.—The Commission may use the 60-day period re-*
22 *ferred to in subsection (a) for the purpose of concluding its*
23 *activities, including providing testimony to committees of*
24 *Congress concerning its reports and disseminating the re-*
25 *port.*

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 \$2,000,000*
4 *for fiscal year 2022.*

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 Fed-*
11 *eral Advisory Committee Act (5 U.S.C. App.) shall not*
12 *apply to the Commission.*

13 (b) *FREEDOM OF INFORMATION ACT.*—*The provisions*
14 *of section 552 of title 5, United States Code (commonly re-*
15 *ferred to as the Freedom of Information Act), shall not*
16 *apply to the activities, records, and proceedings of the Com-*
17 *mission under this Act.*

Calendar No. 338

117TH CONGRESS
2^D SESSION

S. 3491

A BILL

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

APRIL 6, 2022

Reported with an amendment