

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 and Mr. CARDIN) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations

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”.

7 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

8 There is established in the legislative branch the
9 Commission on Reform and Modernization of the Depart-
10 ment of State for the 21st Century (in this Act referred
11 to as the “Commission”).

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 can modernize to ad-
5 vance the interests of the United States, as well as offer
6 recommendations related to—

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

9 (2) all 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;

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

17 (4) the link between diplomacy and defense, de-
18 velopment, commercial, health, law enforcement, and
19 other core American interests;

20 (5) core legislation that authorizes United
21 States diplomacy; and

22 (6) treaties that impact United States overseas
23 presence.

24 **SEC. 4. MEMBERSHIP.**

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

1 (1) 1 member shall be appointed by the chair-
2 person of the Committee on Foreign Relations of the
3 Senate, who shall serve as co-chair of the Commis-
4 sion;

5 (2) 1 member shall be appointed by the ranking
6 member of the Committee on Foreign Relations of
7 the Senate, who shall serve as co-chair of the Com-
8 mission;

9 (3) 1 member shall be appointed by the chair-
10 person of the Committee on Foreign Affairs of the
11 House of Representatives;

12 (4) 1 member shall be appointed by the ranking
13 member of the Committee on Foreign Affairs of the
14 House of Representatives;

15 (5) 1 member shall be appointed by the major-
16 ity leader of the Senate;

17 (6) 1 member shall be appointed by the Speak-
18 er of the House of Representatives;

19 (7) 1 member shall be appointed by the minor-
20 ity leader of the Senate; and

21 (8) 1 member shall be appointed by the minor-
22 ity leader of the House of Representatives.

23 (b) QUALIFICATIONS; MEETINGS.—

24 (1) MEMBERSHIP.—The members of the Com-
25 mission who are not Members of Congress should be

1 prominent United States citizens, with national rec-
2 ognition and significant depth of experience in inter-
3 national relations.

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 oper-
10 ations as soon as practicable.

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

13 (C) QUORUM.—Seven members of the
14 Commission shall constitute a quorum for pur-
15 poses of conducting business, except that two
16 members of the Commission shall constitute a
17 quorum for 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 origi-
21 nal 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 Com-
4 mission under this Act. The actions of any such panel
5 shall be subject to the review and control of the Commis-
6 sion. Any findings and determinations made by such a
7 panel shall not be considered the findings and determina-
8 tions of the Commission unless approved by the Commis-
9 sion.

10 (c) DELEGATION.—Any member, agent, or staff of
11 the Commission may, if authorized by the co-chairs of the
12 Commission, take any action which the Commission is au-
13 thorized to take pursuant to this Act.

14 **SEC. 6. POWERS OF COMMISSION.**

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

18 (1) hold such hearings and meetings, take such
19 testimony, receive such evidence, and administer
20 such oaths as the Commission or such designated
21 subcommittee or designated member considers nec-
22 essary;

23 (2) require the attendance and testimony of
24 such witnesses and the production of such cor-
25 respondence, memoranda, papers, and documents, as

1 the Commission or such designated subcommittee or
2 designated member considers necessary; and

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

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

15 (c) INFORMATION FROM FEDERAL AGENCIES.—

16 (1) IN GENERAL.—The Commission may secure
17 directly from any executive department, bureau,
18 agency, board, commission, office, independent es-
19 tablishment, or instrumentality of the Government,
20 information, suggestions, estimates, and statistics
21 for the purposes of this Act.

22 (2) FURNISHING INFORMATION.—Each depart-
23 ment, bureau, agency, board, commission, office,
24 independent establishment, or instrumentality shall,
25 to the extent authorized by law, furnish such infor-

1 mation, suggestions, estimates, and statistics di-
2 rectly to the Commission, upon request made by a
3 co-chair, the chairman of any panel created by a ma-
4 jority of the Commission, or any member designated
5 by a majority of the Commission.

6 (3) HANDLING.—Information shall only be re-
7 ceived, handled, stored, and disseminated by mem-
8 bers of the Commission and its staff consistent with
9 all applicable statutes, regulations, and Executive or-
10 ders.

11 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

12 (1) SECRETARY OF STATE.—The Secretary of
13 State shall provide to the Commission, on a non-re-
14 imburseable basis, such administrative services,
15 funds, staff, facilities, and other support services as
16 are necessary for the performance of the Commis-
17 sion’s duties under this Act.

18 (2) OTHER DEPARTMENTS AND AGENCIES.—
19 Other Federal departments and agencies may pro-
20 vide the Commission such services, funds, facilities,
21 staff, and other support as such departments and
22 agencies consider advisable and as may be author-
23 ized by law.

24 (3) COOPERATION.—The Commission shall re-
25 ceive the full and timely cooperation of any official,

1 department, or agency of the Federal Government
2 whose assistance is necessary, as jointly determined
3 by the co-chairs of the Commission, for the fulfill-
4 ment of the duties of the Commission, including the
5 provision of full and current briefings and analyses.

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

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

12 **SEC. 7. STAFF AND COMPENSATION.**

13 (a) STAFF.—

14 (1) COMPENSATION.—The co-chairs of the
15 Commission, in accordance with rules agreed upon
16 by the Commission, shall appoint and fix the com-
17 pensation of a staff director and such other per-
18 sonnel as may be necessary to enable the Commis-
19 sion to carry out its duties, without regard to the
20 provisions of title 5, United States Code, governing
21 appointments in the competitive service, and without
22 regard to the provisions of chapter 51 and sub-
23 chapter III of chapter 53 of such title relating to
24 classification and General Schedule pay rates, except
25 that no rate of pay fixed under this subsection may

1 exceed the equivalent of that payable to a person oc-
2 cupying a position at level V of the Executive Sched-
3 ule under section 5316 of such title.

4 (2) DETAIL OF GOVERNMENT EMPLOYEES.—A
5 Federal Government employee may be detailed to
6 the Commission without reimbursement, and such
7 detail shall be without interruption or loss of civil
8 service status or privilege.

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

17 (b) COMMISSION MEMBERS.—

18 (1) COMPENSATION.—Except as provided in
19 paragraph (2), each member of the Commission may
20 be compensated at not to exceed the daily equivalent
21 of the annual rate of basic pay in effect for a posi-
22 tion at level IV of the Executive Schedule under sec-
23 tion 5315 of title 5, United States Code, for each
24 day during which that member is engaged in the ac-

1 tual performance of the duties of the Commission
2 under this Act.

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

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

20 **SEC. 8. REPORT.**

21 Not later than 18 months after the date of the enact-
22 ment of this Act, the Commission shall submit to the
23 President and Congress a final report containing such
24 findings, conclusions, and recommendations for corrective

1 measures as have been agreed to by a majority of Commis-
2 sion members.

3 **SEC. 9. TERMINATION OF COMMISSION.**

4 (a) IN GENERAL.—The Commission, and all the au-
5 thorities under this Act, shall terminate 60 days after the
6 date on which the final report is submitted under section
7 8.

8 (b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-
9 NATION.—The Commission may use the 60-day period re-
10 ferred to in subsection (a) for the purpose of concluding
11 its activities, including providing testimony to committees
12 of Congress concerning its reports and disseminating the
13 report.

14 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There is authorized to be appro-
16 priated to the Commission to carry out this Act
17 \$5,000,000 for fiscal year 2022.

18 (b) AVAILABILITY.—Amounts made available to the
19 Commission under subsection (a) shall remain available
20 until the termination of the Commission.

21 **SEC. 11. INAPPLICABILITY OF CERTAIN ADMINISTRATIVE**
22 **PROVISIONS.**

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

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

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