

[DISCUSSION DRAFT]

117TH CONGRESS
2^D SESSION

H. R. _____

To improve hiring authorities available to the Secretary of State with respect to expertise on China, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BERA introduced the following bill; which was referred to the Committee on _____

A BILL

To improve hiring authorities available to the Secretary of State with respect to expertise on China, and for other purposes.

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 “Expand eXpertise in
5 China Education and Language Act” or the “EXCEL
6 Act”.

7 **SEC. 2. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

1 (1) strategic competition with the Government
2 of the People's Republic of China (PRC) and the
3 Chinese Communist Party (CCP) is the most signifi-
4 cant geostrategic challenge the United States faces
5 to security and prosperity in the 21st century;

6 (2) the United States Government needs to fur-
7 ther invest in relevant linguistic, cultural, and re-
8 gional expertise to effectively engage in strategic
9 competition with the People's Republic of China; and

10 (3) existing hiring authorities across the Execu-
11 tive Branch are not being adequately utilized to
12 bring in necessary expertise to win the strategic
13 competition against the People's Republic of China,
14 and that agencies may benefit from additional flexi-
15 bility to recruit, hire, and retain talent.

16 **SEC. 3. HIRING ADDITIONAL EXPERTISE AT THE DEPART-**
17 **MENT OF STATE.**

18 (a) **DIRECT HIRE AUTHORITY.**—

19 (1) **IN GENERAL.**—Not more than 2 years after
20 the date of enactment of this Act, the Secretary of
21 State shall appoint, without regard to the provisions
22 of sections 3309 through 3318 of title V, no fewer
23 than 31 candidates with linguistic, cultural, or re-
24 gional expertise relevant for strengthening United
25 States understanding of and ability to compete with

1 the People's Republic of China directly to positions
2 in the competitive service, as defined in section 2102
3 of that title.

4 (2) TERMINATION.—The authority provided
5 under subsection (a) shall terminate in 10 years
6 after the date of enactment of this Act.

7 (b) LONG-TERM AND SHORT-TERM CONTRACTS.—

8 (1) TRAINING.—The Secretary of State shall, to
9 such extent or in such amounts as provided in ap-
10 propriations Acts, train Foreign Service and Civil
11 Service employees who hold positions relevant to ad-
12 vancing United States policies toward competition
13 with the PRC.

14 (2) TOPICS COVERED.—The training shall cover
15 the following topics:

16 (A) The domestic and foreign policy objec-
17 tives of the PRC and the CCP, as demonstrated
18 through publicly available speeches, and PRC
19 and CCP documents.

20 (B) The tools the PRC and the CCP use
21 to achieve those objectives.

22 (C) The role of ideology in shaping CCP
23 policies and outlook.

24 (D) Other topics deemed relevant by the
25 China Strategic Advisory Board.

1 (3) CONTRACTING OR GRANTS FOR TRAINING.—

2 The Secretary shall provide the training required in
3 subsection (b) by obtaining assistance from knowl-
4 edgeable persons and organizations through—

5 (A) entering into short-term and long-term
6 contracts, including contracts for the services of
7 consultants;

8 (B) making grants available, or

9 (C) other appropriate measures, as the
10 Secretary deems necessary.

11 **SEC. 4. PROVIDING ENDURING STRATEGIC ADVICE VIA THE**
12 **CHINA STRATEGIC ADVISORY BOARD.**

13 (a) ESTABLISHMENT.—There is established an advi-
14 sory commission to be known as the “China Strategic Ad-
15 visory Board” (referred to in this section as the “Advisory
16 Board”).

17 (b) DUTIES AND RESPONSIBILITIES.—The Advisory
18 Board shall—

19 (1) provide advice, expertise, and continuity in
20 United States foreign policy matters pertaining to
21 strategic competition with the PRC;

22 (2) review recruitment, training, and retention
23 of Civil Service and Foreign Service members with
24 the expertise and experience necessary to support
25 United States policy toward the PRC; and

1 (3) review programs across regional and func-
2 tional bureaus intended to respond to strategic com-
3 petition with the PRC, including the Counter PRC
4 Malign Influence Fund.

5 (c) MEMBERSHIP.—

6 (1) QUALIFICATIONS.—The Advisory Board
7 shall consist of between 12 and 24 members, and
8 shall have at least 10 years of demonstratable record
9 of substantial experience pertaining to issues related
10 to United States strategic competition with China.
11 No sitting officer or employee of the United States
12 Government shall be appointed to the Advisory
13 Board.

14 (2) APPOINTMENTS BY DEMOCRATIC PARTY.—
15 The Democratic Party leaders in the House of Rep-
16 resentatives and in the Senate shall jointly make the
17 following appointments:

18 (A) One appointment with a term that ex-
19 pires on December 30, 2024.

20 (B) One appointment with a term that ex-
21 pires on December 30, 2026.

22 (C) One appointment with a term that ex-
23 pires on December 30, 2028.

24 (3) APPOINTMENTS BY REPUBLICAN PARTY.—
25 The Republican Party leaders in the House of Rep-

1 representatives and in the Senate shall jointly make the
2 following appointments:

3 (A) One appointment with a term that ex-
4 pires on December 30, 2024.

5 (B) One appointment with a term that ex-
6 pires on December 30, 2026.

7 (C) One appointment with a term that ex-
8 pires on December 30, 2028.

9 (4) APPOINTMENTS BY PRESIDENT.—The
10 President shall make the following appointments,
11 with at least 2 of the appointees shall be between
12 the ages of 30 and 50 years of age at the time of
13 appointment:

14 (A) Two appointments with a term that
15 expires on December 30, 2024.

16 (B) Two appointments with a term that
17 expires on December 30, 2026.

18 (C) Two appointments with a term that
19 expires on December 30, 2028.

20 (5) APPOINTMENTS BY SECRETARY OF
21 STATE.—The Secretary of State shall make the fol-
22 lowing appointments, totaling at least 6 appoint-
23 ments and no more than a maximum of 12 appoint-
24 ments:

1 (A) Two appointments with a term that
2 expires on December 30, 2024.

3 (B) Two appointments with a term that
4 expires on December 30, 2026.

5 (C) Two appointments with a term that
6 expires on December 30, 2028.

7 (D) The appointees shall meet the fol-
8 lowing criteria:

9 (i) At least one of the appointees shall
10 be between the ages of 30 and 50 years of
11 age at the time of appointment.

12 (ii) At least one shall be able to
13 credibly represent the views of the United
14 States business community.

15 (iii) At least one shall have demon-
16 strable experience as a United States dip-
17 lomat.

18 (6) DEADLINE.—Each appointing authority re-
19 ferred to in paragraphs (2) through (5) shall make
20 appointments not later than January 1, 2023.

21 (7) REPLACEMENT.—Each appointing authority
22 referred to in paragraphs (2) through (5) shall make
23 appointments to replace the appointees that the au-
24 thority appointed whose terms have expired. The ap-
25 pointing authority shall make replacement appoint-

1 ments not later than January 30th of the calendar
2 year following the term expiration.

3 (d) TERM.—

4 (1) IN GENERAL.—Following the initial ap-
5 pointments described in subsections (c)(2) through
6 (c)(5), the term of each member shall be 6 years.

7 (2) ADDITIONAL TERMS.—Members may be re-
8 appointed for no more than one additional term of
9 service.

10 (3) ROTATING TERM EXPIRATION.—Following 6
11 years of service for the first class of Advisory Board
12 members, the terms of $\frac{1}{3}$ of the body shall expire.
13 Every two subsequent years following that date, the
14 terms of $\frac{1}{3}$ of the members shall expire on a rota-
15 tional basis. Each appointing authority referred to in
16 subsection (c)(2) through (4) shall have rotating
17 permission to appoint new members.

18 (e) SELECTION OF CHAIRPERSON.—The Advisory
19 Committee shall select, from among its members, a chair-
20 person and vice chairperson to each serve a term of one
21 year. A chairperson or vice chairperson may be reelected
22 upon expiration of his or her term.

23 (f) MEETINGS.—

24 (1) QUORUM; FREQUENCY.—A majority of the
25 members of the Advisory Board shall constitute a

1 quorum. The Advisory Board shall meet at least
2 quarterly or as frequently as may be necessary to
3 carry out its duties.

4 (2) SUBCOMMITTEES.—The Advisory Board
5 may be divided into subcommittees that meet sepa-
6 rately from the whole Board.

7 (3) MEETINGS WITH OFFICIALS.—The Advisory
8 Board shall collectively meet with the Secretary of
9 State and the Administrator of the U.S. Agency for
10 International Development no less than once per
11 year.

12 (g) BRIEFING.—The Advisory Board shall provide
13 semi-annual briefings to the appropriate Congressional
14 committees on findings and recommendations.

15 (h) SECURITY CLEARANCES.—

16 (1) IN GENERAL.—All members of the Advisory
17 Board shall be granted the necessary security clear-
18 ances, subject to the standard procedures for grant-
19 ing such clearances.

20 (2) NEED TO KNOW.—For purposes of any law
21 or regulation governing access to classified records,
22 a member of the Advisory Committee seeking access
23 under this paragraph to a record shall be deemed to
24 have a need to know.

1 (i) COMPENSATION.—Members of the Advisory Board
2 shall—

3 (1) each receive compensation at a rate of not
4 to exceed the daily equivalent of the annual rate of
5 basic pay payable for positions at GS–15 of the Gen-
6 eral Schedule under section 5332 of title 5, United
7 States Code, for each day such member is engaged
8 in the actual performance of the duties of the Advi-
9 sory Board; and

10 (2) be allowed travel expenses, including per
11 diem in lieu of subsistence at rates authorized for
12 employees of agencies under subchapter I of chapter
13 57 of title 5, United States Code, while away from
14 their homes or regular places of business in the per-
15 formance of services of the Advisory Board.

16 (j) AUTHORIZATION OF FUNDING.—There are au-
17 thorized to be appropriated \$100,000 for each fiscal year
18 to carry out this section.

19 (k) ACCESS TO INFORMATION.—The Secretary of
20 State shall ensure that the Advisory Board has access to
21 all appropriate information to carry out its duties and re-
22 sponsibilities under this section.

1 **SEC. 5. IDENTIFYING LONG-TERM SOLUTIONS THROUGH**
2 **THE GOVERNMENT ACCOUNTABILITY OF-**
3 **FICE.**

4 (a) STUDY.—Not later than 2 years after the date
5 of enactment of this Act, the Comptroller General of the
6 United States shall conduct a study on the personnel ca-
7 pacity and capability at the Department of State and
8 USAID to support United States strategic competition
9 with the People’s Republic of China and on available
10 mechanisms to address any identified gaps.

11 (b) ELEMENTS.—In conducting the study under sub-
12 section (a), the Comptroller General shall—

13 (1) identify the percentage of vacant foreign
14 service positions and civil service positions in the
15 Indo-Pacific vis-à-vis other regions globally;

16 (2) consult Directors and Deputy Directors the
17 Comptroller at State and USAID that the Comp-
18 troller General deems relevant for informing United
19 States policies on competition with the PRC to pro-
20 vide a qualitative assessment of the gaps in under-
21 standing of the PRC among the foreign service, civil
22 service, and intelligence community and how this
23 perceived gap hampers their work; and

24 (3) identify actions across Congress, the White
25 House, and the Department of State can take in the
26 1, 5, and 10 year period to address current gaps.

1 (c) BRIEFING AND REPORT.—Not later than 180
2 days after the date of enactment of this Act, and every
3 180 days thereafter, the Comptroller General shall provide
4 the appropriate Congressional Committees an interim
5 briefing on the progress of the study conducted under sub-
6 section (b), including any preliminary observations, in-
7 terim findings, and barriers to completing the work.

8 (d) FORM.—The study required by subsection (a)
9 may be submitted in classified or unclassified form, but
10 must have an unclassified summary.

11 **SEC. 6. DEFINITION.**

12 In this Act, the term “appropriate congressional com-
13 mittees” means the Committee on Foreign Affairs of the
14 House of Representatives and the Committee on Foreign
15 Relations of the Senate.