

118TH CONGRESS  
1ST SESSION

# H. R. 2409

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

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2023

Mr. BERA (for himself and Mr. BARR) introduced the following bill; which was referred to the Committee on Foreign Affairs

---

## A BILL

To improve hiring authorities available to the Secretary of State with respect to expertise on the People’s Republic of 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—

9 (1) strategic competition with the Government  
10 of the People’s Republic of China (PRC) and the

1 Chinese Communist Party (CCP) is the most signifi-  
2 cant geostrategic challenge the United States faces  
3 in the 21st century;

4 (2) the United States Government needs to fur-  
5 ther invest in relevant linguistic, cultural, and re-  
6 gional expertise to effectively engage in strategic  
7 competition with the PRC; and

8 (3) existing hiring authorities across the execu-  
9 tive branch are not being adequately utilized to  
10 bring in necessary expertise to win the strategic  
11 competition against the PRC, and agencies may ben-  
12 efit from additional flexibility to recruit, hire, and  
13 retain talent.

14 **SEC. 3. HIRING ADDITIONAL EXPERTISE AT THE DEPART-**  
15 **MENT OF STATE.**

16 (a) DIRECT HIRE AUTHORITY.—

17 (1) IN GENERAL.—Beginning not later than 2  
18 years after the date of enactment of this Act, the  
19 Secretary of State shall appoint directly to positions  
20 in the competitive service, as defined in section 2102  
21 of title 5, United States Code, without regard to the  
22 provisions of sections 3309 through 3318 of that  
23 title, not fewer than 31 candidates with linguistic,  
24 cultural, or regional expertise relevant to strength-

1 ening United States understanding of and ability to  
2 compete with the PRC.

3 (2) TERMINATION.—The authority provided  
4 under paragraph (1) shall terminate on the date  
5 that is 10 years after the date of enactment of this  
6 Act.

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

8 (1) TRAINING.—The Secretary of State shall  
9 train Foreign Service and civil service employees  
10 who hold positions relevant to advancing United  
11 States policies toward competition with the PRC in  
12 the topics described in paragraph (2).

13 (2) TOPICS COVERED.—The training referred to  
14 in paragraph (1) shall cover the following:

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

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

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

23 (D) Other topics deemed relevant by the  
24 China Strategic Advisory Board, established by  
25 section 4(a).

1           (3) **CONTRACTS AND GRANTS FOR TRAINING.**—

2           In providing the training referred to in paragraph  
3           (1), the Secretary of State may obtain assistance  
4           from knowledgeable persons by—

5                   (A) entering into short-term and long-term  
6                   contracts for such assistance, including con-  
7                   tracts for the temporary or intermittent services  
8                   of experts and consultants under section 3109  
9                   of title 5, United States Code;

10                   (B) making grants to the persons pro-  
11                   viding such assistance; and

12                   (C) taking other appropriate measures, as  
13                   the Secretary of State deems necessary.

14 **SEC. 4. PROVIDING ENDURING STRATEGIC ADVICE VIA THE**  
15 **CHINA STRATEGIC ADVISORY BOARD.**

16           (a) **ESTABLISHMENT.**—There is established an advi-  
17           sory board to be known as the “China Strategic Advisory  
18           Board” (in this section referred to as the “Advisory  
19           Board”).

20           (b) **DUTIES AND RESPONSIBILITIES.**—The Advisory  
21           Board shall—

22                   (1) provide advice and expertise to the Sec-  
23                   retary of State, and continuity, in United States for-  
24                   eign policy matters pertaining to strategic competi-  
25                   tion with the PRC;

1           (2) review recruitment, training, and retention  
2 of Foreign Service and civil service members with  
3 the expertise and experience necessary to support  
4 United States policy toward the PRC; and

5           (3) provide guidance on programs across re-  
6 gional and functional bureaus intended to respond to  
7 strategic competition with the PRC, including the  
8 Countering Chinese Influence Fund established by  
9 section 7043(c)(2) of the Department of State, For-  
10 eign Operations, and Related Programs Appropria-  
11 tions Act, 2020 (division G of Public Law 116–94;  
12 133 Stat. 2896).

13 (c) MEMBERSHIP.—

14           (1) IN GENERAL.—The Advisory Board shall  
15 consist of at least 18 and not more than 24 mem-  
16 bers, who each should have a demonstrable record of  
17 substantial experience pertaining to issues related to  
18 United States strategic competition with the PRC.  
19 No sitting officer or employee of the United States  
20 Government may be appointed to the Advisory  
21 Board.

22           (2) APPOINTMENTS.—

23           (A) APPOINTMENTS BY THE SPEAKER OF  
24 THE HOUSE OF REPRESENTATIVES AND SEN-  
25 ATE LEADER OF SAME PARTY.—The Speaker of

1 the House of Representatives and the leader  
2 that is of the same party in the Senate (if any),  
3 in consultation with the Chair and Ranking  
4 Member of the Committee on Foreign Relations  
5 of the Senate, shall jointly appoint 3 members.

6 (B) APPOINTMENTS BY MINORITY LEADER  
7 OF THE HOUSE OF REPRESENTATIVES AND  
8 SENATE LEADER OF SAME PARTY.—The leader  
9 of the minority party of the House of Rep-  
10 resentatives and the leader of the same party in  
11 the Senate (if any), in consultation with the  
12 Chair and Ranking Member of the Committee  
13 on Foreign Affairs of the House of Representa-  
14 tives, shall jointly appoint 3 members.

15 (C) APPOINTMENTS BY THE PRESIDENT.—

16 (i) NUMBER.—The President shall ap-  
17 point 6 members.

18 (ii) QUALIFICATIONS.—At least 2 of  
19 the members appointed under clause (i)  
20 shall be between 30 and 50 years of age  
21 (inclusive) at the time of appointment.

22 (D) APPOINTMENTS BY SECRETARY OF  
23 STATE.—

1 (i) NUMBER.—The Secretary of State  
2 shall appoint at least 6 but not more than  
3 12 members.

4 (ii) QUALIFICATIONS.—The appoint-  
5 ments made under clause (i) shall meet the  
6 following criteria:

7 (I) At least 1 member who is not  
8 described in subclause (II) or (III)  
9 shall be between 30 and 50 years of  
10 age (inclusive) at the time of appoint-  
11 ment.

12 (II) At least 1 member who is  
13 not described in subclause (I) or (III)  
14 shall be able to credibly represent the  
15 views of the United States business  
16 community.

17 (III) At least 1 member who is  
18 not described in subclause (I) or (II)  
19 shall have demonstrable experience as  
20 a United States diplomat.

21 (3) DEADLINE FOR INITIAL APPOINTMENTS.—  
22 Each appointing authority referred to in paragraph  
23 (2) shall make all initial appointments required by  
24 such paragraph not later than January 1, 2024.

1           (4) VACANCIES.—Not later than 30 days after  
2           the date on which a vacancy on the Advisory Board  
3           occurs, the vacancy shall be filled in the same man-  
4           ner as specified for the original appointment under  
5           paragraph (2), and the individual so appointed shall  
6           serve the remainder of the unexpired term.

7           (5) REPLACEMENT APPOINTMENTS.—Not later  
8           than 30 days after the date on which the term of a  
9           member of the Advisory Board expires, the appoint-  
10          ing authority that appointed such member shall ap-  
11          point the member's replacement.

12          (d) TERMS.—

13           (1) IN GENERAL.—Except as provided in para-  
14           graph (2), all members appointed to the Advisory  
15           Board shall have a term of 6 years.

16           (2) INITIAL TERMS.—

17           (A) APPOINTMENTS BY THE SPEAKER OF  
18           THE HOUSE OF REPRESENTATIVES AND SEN-  
19           ATE LEADER OF SAME PARTY.—Of the initial  
20           members appointed under subsection (c)(2)(A),  
21           1 shall have a term of 2 years and 1 shall have  
22           a term of 4 years, as designated by the Speaker  
23           and leader referred to in such subsection at the  
24           time of appointment.



1 (B) APPOINTMENTS BY MINORITY LEADER  
2 OF THE HOUSE OF REPRESENTATIVES AND  
3 SENATE LEADER OF SAME PARTY.—Of the ini-  
4 tial members appointed under subsection  
5 (c)(2)(B), 1 shall have a term of 2 years and  
6 1 shall have a term of 4 years, as designated  
7 by the leaders referred to in such subsection at  
8 the time of appointment.

9 (C) APPOINTMENTS BY THE PRESIDENT.—  
10 Of the initial members appointed under sub-  
11 section (c)(2)(C), 2 shall have a term of 2 years  
12 and 2 shall have a term of 4 years, as des-  
13 ignated by the President at the time of appoint-  
14 ment.

15 (D) APPOINTMENTS BY SECRETARY OF  
16 STATE.—Of the initial members appointed  
17 under subsection (c)(2)(D), at least  $\frac{1}{3}$  shall  
18 have a term of 2 years and at least  $\frac{1}{3}$  shall  
19 have a term of 4 years, as designated by the  
20 Secretary of State at the time of appointment.

21 (3) ADDITIONAL TERMS.—A member of the Ad-  
22 visory Board may be reappointed to not more than  
23 1 additional term but may not be appointed to a dif-  
24 ferent seat on the Board.

1 (e) QUORUM.—A majority of the sitting members of  
2 the Advisory Board shall constitute a quorum but a lesser  
3 number may hold hearings.

4 (f) CHAIRPERSON AND VICE CHAIRPERSON.—The  
5 Advisory Board shall elect, from among its members, a  
6 Chairperson and Vice Chairperson. The terms of office of  
7 the Chairperson and Vice Chairperson shall be 1 year, and  
8 the Chairperson and Vice Chairperson may be reelected  
9 to subsequent terms.

10 (g) BOARD MEETINGS.—

11 (1) FREQUENCY.—The Advisory Board shall  
12 meet, at the call of the Chairperson or a majority of  
13 its members, at least once every 3 months and as  
14 frequently as may be necessary to carry out its du-  
15 ties.

16 (2) SUBCOMMITTEES.—The Advisory Board  
17 may be divided into subcommittees that meet sepa-  
18 rately from the whole Board.

19 (h) BRIEFINGS WITH OFFICIALS.—Not less fre-  
20 quently than annually, the Advisory Board shall collec-  
21 tively provide to the Secretary of State and the Adminis-  
22 trator of the United States Agency for International De-  
23 velopment a briefing on—

1           (1) the findings made by the Advisory Board in  
2           fulfilling its duties and responsibilities under sub-  
3           section (b); and

4           (2) any recommendations of the Advisory Board  
5           for future legislative or administrative action.

6           (i) CONGRESSIONAL BRIEFINGS.—On a semiannual  
7           basis, the Advisory Board shall provide to each of the ap-  
8           propriate congressional committees a briefing on—

9           (1) the findings made by the Advisory Board in  
10          fulfilling its duties and responsibilities under sub-  
11          section (b); and

12          (2) any recommendations of the Advisory Board  
13          for future legislative or administrative action.

14          (j) SECURITY AND ACCESS TO INFORMATION.—

15          (1) SECURITY CLEARANCES.—The appropriate  
16          departments and agencies of the executive branch  
17          shall cooperate with the Advisory Board to expedi-  
18          tiously provide to the members of the Advisory  
19          Board the appropriate security clearances necessary  
20          to carry out the duties and responsibilities of the  
21          Advisory Board, subject to the standard procedures  
22          and requirements for granting such clearances.

23          (2) NEED TO KNOW.—For purposes of any law  
24          or regulation governing access to classified informa-  
25          tion, a member of the Advisory Board seeking access

1 to a record or material to fulfill the duties and re-  
2 sponsibilities of the Advisory Board shall be deemed  
3 to have a need to know the contents of the record  
4 or material.

5 (3) ACCESS TO INFORMATION.—The Secretary  
6 of State shall ensure that members of the Advisory  
7 Board have access to all appropriate information to  
8 fulfill the duties and responsibilities of the Advisory  
9 Board.

10 (k) COMPENSATION.—Members of the Advisory  
11 Board shall—

12 (1) receive compensation at a rate not to exceed  
13 the daily equivalent of the annual basic pay payable  
14 for positions at GS–15 of the General Schedule  
15 under section 5332 of title 5, United States Code,  
16 for each day such member is engaged in the actual  
17 performance of services of the Advisory Board; and

18 (2) be allowed travel expenses, including per  
19 diem in lieu of subsistence at rates authorized for  
20 employees of agencies under subchapter I of chapter  
21 57 of title 5, United States Code, while away from  
22 their homes or regular places of business in the per-  
23 formance of services of the Advisory Board.

1 (l) STAFF.—The Chairperson may appoint and fix  
2 the pay of personnel as the Chairperson considers appro-  
3 priate.

4 (m) TERMINATION.—Section 1013(a)(2) of title 5,  
5 United States Code, (relating to the termination of advi-  
6 sory committees) shall not apply to the Advisory Board.

7 (n) REVIEW AND REPORT BY COMPTROLLER GEN-  
8 ERAL.—

9 (1) REVIEW.—The Comptroller General of the  
10 United States shall conduct a review that analyzes  
11 the progress of the Advisory Board on fulfilling the  
12 duties and responsibilities referred to in subsection  
13 (b).

14 (2) REPORT.—Not later than 4 years after the  
15 date of enactment of this Act, the Comptroller Gen-  
16 eral of the United States shall submit to the appro-  
17 priate congressional committees a report detailing—

18 (A) the results of the review referred to in  
19 paragraph (1); and

20 (B) any recommendations for legislative or  
21 administrative action to improve the functioning  
22 of the Advisory Board.

23 (o) AUTHORIZATION OF APPROPRIATIONS.—There is  
24 authorized to be appropriated \$100,000 for fiscal year

1 2024 and each succeeding fiscal year to carry out this sec-  
2 tion.

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

6 (a) **STUDY.**—The Comptroller General of the United  
7 States shall conduct a study on the personnel capacity and  
8 capability of the Department of State and the United  
9 States Agency for International Development (in this sec-  
10 tion referred to as “USAID”) to support United States  
11 strategic competition with the PRC and on available mech-  
12 anisms to address any identified gaps.

13 (b) **REPORT.**—

14 (1) **IN GENERAL.**—Not later than 2 years after  
15 the date of enactment of this Act, the Comptroller  
16 General of the United States shall submit to the ap-  
17 appropriate congressional committees a report detailing  
18 the results of the study referred to in subsection (a).

19 (2) **ELEMENTS.**—The report referred to in  
20 paragraph (1) shall contain the following:

21 (A) The percentage of Foreign Service po-  
22 sitions and civil service positions in the Indo-  
23 Pacific region that are vacant, as compared to  
24 the same vacancy rates for such positions in all  
25 other regions globally.

1 (B) A qualitative assessment of the gaps in  
2 understanding of the PRC among the Foreign  
3 Service, civil service, and intelligence commu-  
4 nity (as that term is defined in section 3 of the  
5 National Security Act of 1947 (50 U.S.C.  
6 3003)) and how these perceived gaps hamper  
7 their work, which the Comptroller General of  
8 the United States shall compile after consulting  
9 with directors and deputy directors within the  
10 Department of State and USAID that the  
11 Comptroller General deems appropriate for in-  
12 forming United States policies on competition  
13 with the PRC.

14 (C) A recommendation of actions that Con-  
15 gress, the Executive Office of the President,  
16 and the Department of State can take to ad-  
17 dress the gaps referred to in subparagraph (B),  
18 disaggregated by whether such actions can be  
19 taken within a 1-, 5-, or 10-year period.

20 (3) FORM.—The report referred to in para-  
21 graph (1) may be submitted in classified or unclassi-  
22 fied form and shall have an unclassified summary.

23 (c) CONGRESSIONAL BRIEFINGS.—Not later than  
24 180 days after the date of enactment of this Act, and  
25 every 180 days thereafter until the submission of the re-

1 port required by subsection (b)(1), the Comptroller Gen-  
2 eral of the United States shall provide the appropriate  
3 congressional committees an interim briefing on the  
4 progress of the study referred to in subsection (a), includ-  
5 ing any preliminary observations, interim findings, and  
6 barriers to completing the work.

7 **SEC. 6. DEFINITIONS.**

8 In this Act:

9 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
10 **TEES.**—The term “appropriate congressional com-  
11 mittees” means—

12 (A) the Committee on Foreign Affairs of  
13 the House of Representatives; and

14 (B) the Committee on Foreign Relations of  
15 the Senate.

16 (2) **CCP.**—The term “CCP” means the Chinese  
17 Communist Party of the People’s Republic of China.

18 (3) **CIVIL SERVICE.**—The term “civil service”  
19 has the meaning given that term in section 2101 of  
20 title 5, United States Code.

21 (4) **FOREIGN SERVICE.**—The term “Foreign  
22 Service” means the Foreign Service of the United  
23 States.



1           (5) PRC.—The term “PRC” means the Peo-  
2           ple’s Republic of China.

○