

117TH CONGRESS
1ST SESSION

S. 3072

To establish an Office of City and State Diplomacy within the Department of State, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 26, 2021

Mr. MURPHY (for himself and Mr. CORNYN) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations

A BILL

To establish an Office of City and State Diplomacy within
the Department of State, 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 “City and State Diplo-
5 macy Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The supremacy clause of the United States
9 Constitution (article VI, clause 2) establishes that
10 the Federal Government has the primary role in con-

ducting diplomacy on behalf of the United States; in turn, the Department of State, which was created pursuant to statute by Congress in 1789, has the lead role in formulating and implementing United States foreign policy.

(2) The growth of subnational cooperation has enabled States and municipalities to play an increasingly significant role in foreign policy and complement the efforts of the Department of State by—

(A) supporting exchanges and cooperation agreements between elected leaders and officials of State and municipal governments and those of international cities, regions, and countries;

(B) promoting United States exports to foreign markets and foreign direct investment into the United States; and

(C) sharing best practices and striking agreements with foreign counterparts on a wide range of topics, including facilitating trade and investment, protecting the health and safety of their respective citizens, cooperating on energy and the environment, and promoting people-to-people exchanges.

(3) Global networks made up exclusively of local government officials are at the forefront of har-

1 nessing the power of cities to advance international
 2 cooperation, including C40 Cities Climate Leader-
 3 ship Group, ICLEI, United Cities and Local Govern-
 4 ments, Global Parliament of Mayors, Urban20,
 5 Strong Cities Network, and Global Compact of May-
 6 ors.

7 (4) In 2010, the Department of State appointed
 8 the first-ever special representative for Global Inter-
 9 governmental Affairs, who led efforts to build stra-
 10 tegic peer-to-peer relationships between the Depart-
 11 ment of State, State and local officials, and their
 12 foreign counterparts.

13 **SEC. 3. SENSE OF CONGRESS.**

14 It is the sense of Congress that—

15 (1) it is in the interest of the United States to
 16 support robust two-way partnerships between the
 17 Department of State and subnational entities to ad-
 18 vance United States foreign policy objectives, im-
 19 prove understanding of United States diplomacy,
 20 and leverage Federal resources to enhance the im-
 21 pact of subnational engagements; and

22 (2) the creation in the Department of State of
 23 an Office of City and State Diplomacy, headed by a
 24 senior Department official of appropriate rank to
 25 represent the United States at international fora,

1 would bolster United States interests through inter-
 2 national agreements and Federal support to State
 3 and local entities.

4 **SEC. 4. ESTABLISHMENT OF THE OFFICE OF CITY AND**
 5 **STATE DIPLOMACY.**

6 Section 1 of the State Department Basic Authorities
 7 Act of 1956 (22 U.S.C. 2651a) is amended by adding at
 8 the end the following new subsection:

9 “(i) OFFICE OF CITY AND STATE DIPLOMACY.—

10 “(1) IN GENERAL.—There shall be established
 11 within the Department of State an Office of City
 12 and State Diplomacy (in this subsection referred to
 13 as the ‘Office’). The Department may use a similar
 14 name at its discretion and upon notification to Con-
 15 gress.

16 “(2) HEAD OF OFFICE.—The head of the Office
 17 shall be the Ambassador-at-Large for City and State
 18 Diplomacy (in this subsection referred to as the
 19 ‘Ambassador’) or other appropriate senior official.
 20 The head of the Office shall—

21 “(A) be appointed by the President, by and
 22 with the advice and consent of the Senate; and

23 “(B) report directly to the Secretary, or
 24 such other senior official as the Secretary deter-

1 mines appropriate and upon notification to
2 Congress.

3 “(3) DUTIES.—

4 “(A) PRINCIPAL DUTY.—The principal
5 duty of the head of the Office shall be the over-
6 all coordination (including policy oversight of
7 resources) of Federal support for subnational
8 engagements by State and municipal govern-
9 ments with foreign governments. The head of
10 the Office shall be the principal adviser to the
11 Secretary of State on subnational engagements
12 and the principal official on such matters within
13 the senior management of the Department of
14 State.

15 “(B) ADDITIONAL DUTIES.—The addi-
16 tional duties of the head of the Office shall in-
17 clude the following:

18 “(i) Coordinating overall United
19 States policy and programs in support of
20 subnational engagements by State and mu-
21 nicipal governments with foreign govern-
22 ments, including with respect to the fol-
23 lowing:

24 “(I) Coordinating resources
25 across the Department of State and

1 throughout the Federal Government
2 in support of such engagements.

3 “(II) Identifying policy, program,
4 and funding discrepancies among rel-
5 evant Federal agencies regarding such
6 coordination.

7 “(III) Identifying gaps in Fed-
8 eral support for such engagements
9 and developing corresponding policy
10 or programmatic changes to address
11 such gaps.

12 “(ii) Identifying areas of alignment
13 between United States foreign policy and
14 State and municipal goals.

15 “(iii) Improving communication with
16 the United States public, including, poten-
17 tially, communication that demonstrate the
18 breadth of international engagement by
19 subnational actors and the impact of diplo-
20 macy across the United States.

21 “(iv) Providing advisory support to
22 subnational engagements, including by as-
23 sisting State and municipal governments
24 regarding—

1 “(I) developing and implementing
2 global engagement and public diplo-
3 macy strategies;

4 “(II) implementing programs to
5 cooperate with foreign governments on
6 policy priorities or managing shared
7 resources; and

8 “(III) understanding the implica-
9 tions of foreign policy developments or
10 policy changes through regular and
11 extraordinary briefings.

12 “(v) Facilitating linkages and net-
13 works among State and municipal govern-
14 ments, and between State and municipal
15 governments and their foreign counter-
16 parts, including by tracking subnational
17 engagements and leveraging State and mu-
18 nicipal expertise.

19 “(vi) Supporting the work of Depart-
20 ment of State detailees assigned to State
21 and municipal governments pursuant to
22 this subsection.

23 “(vii) Under the direction of the Sec-
24 retary, negotiating agreements and memo-
25 randa of understanding with foreign gov-

ernments related to subnational engagements and priorities.

“(viii) Supporting United States economic interests through subnational engagements, in consultation and coordination with the Department of Commerce, the Department of the Treasury, and the Office of the United States Trade Representative.

“(ix) Coordinating subnational engagements with the associations of subnational elected leaders, including the United States Conference of Mayors, National Governors Association, National League of Cities, National Association of Counties, Council of State Governments, National Conference of State Legislators, and State International Development Organizations.

“(4) COORDINATION.—With respect to matters involving trade promotion and inward investment facilitation, the Office shall coordinate with and support the International Trade Administration of the Department of Commerce as the lead Federal agen-

1 cy for trade promotion and facilitation of business
2 investment in the United States.

3 “(5) DETAILEES.—

4 “(A) IN GENERAL.—The Secretary of
5 State, with respect to employees of the Depart-
6 ment of State, is authorized to detail a member
7 of the civil service or Foreign Service to State
8 and municipal governments on a reimbursable
9 or nonreimbursable basis. Such details shall be
10 for a period not to exceed two years, and shall
11 be without interruption or loss of status or
12 privilege.

13 “(B) RESPONSIBILITIES.—Detailees under
14 subparagraph (A) should carry out the fol-
15 lowing responsibilities:

16 “(i) Supporting the mission and objec-
17 tives of the host subnational government
18 office.

19 “(ii) Advising State and municipal
20 government officials regarding questions of
21 global affairs, foreign policy, cooperative
22 agreements, and public diplomacy.

23 “(iii) Coordinating activities relating
24 to State and municipal government sub-
25 national engagements with the Department

1 of State, including the Office, Department
 2 leadership, and regional and functional bu-
 3 reaus of the Department, as appropriate.

4 “(iv) Engaging Federal agencies re-
 5 garding security, public health, trade pro-
 6 motion, and other programs executed at
 7 the State or municipal government level.

8 “(v) Any other duties requested by
 9 State and municipal governments and ap-
 10 proved by the Office.

11 “(C) ADDITIONAL PERSONNEL SUPPORT
 12 FOR SUBNATIONAL ENGAGEMENT.—For the
 13 purposes of this subsection, the Secretary of
 14 State—

15 “(i) is authorized to employ individ-
 16 uals by contract;

17 “(ii) is encouraged to make use of the
 18 re-hired annuitants authority under section
 19 3323 of title 5, United States Code, par-
 20 ticularly for annuitants who are already re-
 21 siding across the United States who may
 22 have the skills and experience to support
 23 subnational governments; and

24 “(iii) is encouraged to make use of
 25 authorities under the Intergovernmental

1 Personnel Act of 1970 (42 U.S.C. 4701 et
2 seq.) to temporarily assign State and local
3 government officials to the Department of
4 State or overseas missions to increase their
5 international experience and add their per-
6 spectives on United States priorities to the
7 Department.

8 “(6) REPORT AND BRIEFING.—

9 “(A) REPORT.—Not later than one year
10 after the date of the enactment of this sub-
11 section, the head of the Office shall submit to
12 the Committee on Foreign Relations and the
13 Committee on Appropriations of the Senate and
14 the Committee on Foreign Affairs and the
15 Committee on Appropriations of the House of
16 Representatives a report that includes informa-
17 tion relating to the following:

18 “(i) The staffing plan (including per-
19 manent and temporary staff) for the Office
20 and a justification for the location of the
21 Office within the Department of State’s or-
22 ganizational structure.

23 “(ii) The funding level provided to the
24 Office for the Office, together with a jus-
25 tification relating to such level.

1 “(iii) The rank and title granted to
 2 the head of the Office, together with a jus-
 3 tification relating to such decision and an
 4 analysis of whether the rank and title of
 5 Ambassador-at-Large is required to fulfill
 6 the duties of the Office.

7 “(iv) A strategic plan for the Office,
 8 including relating to—

9 “(I) leveraging subnational en-
 10 gagement to improve United States
 11 foreign policy effectiveness;

12 “(II) enhancing the awareness,
 13 understanding, and involvement of
 14 United States citizens in the foreign
 15 policy process; and

16 “(III) better engaging with for-
 17 eign subnational governments to
 18 strengthen diplomacy.

19 “(v) Any other matters as determined
 20 relevant by the head of the Office.

21 “(B) BRIEFINGS.—Not later than 30 days
 22 after the submission of the report required
 23 under subparagraph (A) and annually there-
 24 after, the head of the Office shall brief the
 25 Committee on Foreign Relations and the Com-

1 mittee on Appropriations of the Senate and the
 2 Committee on Foreign Affairs and the Com-
 3 mittee on Appropriations of the House of Rep-
 4 resentatives on the work of the Office and any
 5 changes made to the organizational structure or
 6 funding of the Office.

7 “(7) RULE OF CONSTRUCTION.—Nothing in
 8 this subsection may be construed as precluding—

9 “(A) the Office from being elevated to a
 10 bureau within the Department of State; or

11 “(B) the head of the Office from being ele-
 12 vated to an Assistant Secretary, if such an As-
 13 sistant Secretary position does not increase the
 14 number of Assistant Secretary positions at the
 15 Department above the number authorized under
 16 subsection (c)(1).

17 “(8) DEFINITIONS.—In this subsection:

18 “(A) MUNICIPAL.—The term ‘municipal’
 19 means, with respect to the government of a mu-
 20 nicipality in the United States, a municipality
 21 with a population of not fewer than 100,000
 22 people.

23 “(B) STATE.—The term ‘State’ means the
 24 50 States, the District of Columbia, and any
 25 territory or possession of the United States.

1 “(C) SUBNATIONAL ENGAGEMENT.—The
2 term ‘subnational engagement’ means formal
3 meetings or events between elected officials of
4 State or municipal governments and their for-
5 eign counterparts.”.

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