

117TH CONGRESS  
1ST SESSION

# H. R. 5800

To establish a commission to study how Federal laws and policies affect  
United States citizens living in foreign countries.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2021

Mrs. CAROLYN B. MALONEY of New York (for herself, Ms. SALAZAR, Ms. TITUS, and Mr. BEYER) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committees on Financial Services, Ways and Means, the Judiciary, House Administration, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a commission to study how Federal laws and  
policies affect United States citizens living in foreign  
countries.

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 Ameri-  
5 cans Living Abroad Act of 2021”.

1 **SEC. 2. ESTABLISHMENT.**

2       There is established a commission to be known as the  
3 “Commission on Americans Living Abroad” (in this Act  
4 referred to as the “Commission”).

5 **SEC. 3. MEMBERSHIP.**

6       (a) **NUMBER AND APPOINTMENT.**—The Commission  
7 shall be composed of 10 members appointed by the Presi-  
8 dent, of whom—

9           (1) two members shall be appointed from  
10 among individuals recommended by the Speaker of  
11 the House of Representatives;

12           (2) two members shall be appointed from  
13 among individuals recommended by the minority  
14 leader of the House of Representatives;

15           (3) two members shall be appointed from  
16 among individuals recommended by the majority  
17 leader of the Senate; and

18           (4) two members shall be appointed from  
19 among individuals recommended by the minority  
20 leader of the Senate.

21       (b) **QUALIFICATIONS.**—

22           (1) **LIMIT ON OFFICERS OR EMPLOYEES OF**  
23 **THE UNITED STATES.**—Not more than 6 members  
24 shall be officers or employees of the United States.

1           (2) POLITICAL PARTY AFFILIATION.—Not more  
2 than 6 members of the Commission may be of the  
3 same political party.

4           (3) EXPERTISE.—

5           (A) OFFICERS OR EMPLOYEES OF THE  
6 UNITED STATES.—Members of the Commission  
7 who are officers or employees of the United  
8 States shall be appointed from among individ-  
9 uals whose employment is directly related to the  
10 matters to be studied by the Commission under  
11 section 4(a)(2).

12           (B) OTHER MEMBERS.—Members of the  
13 Commission who are not officers or employees  
14 of the United States shall be appointed from  
15 among individuals who—

16           (i) have lived in a foreign country for  
17 not less than one year;

18           (ii) are members of organizations that  
19 represent United States citizens living in  
20 foreign countries; or

21           (iii) have other experience that is rel-  
22 evant to the matters to be studied by the  
23 Commission under section 4(a)(2).

24           (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
25 bers shall be appointed for the life of the Commission. Any

1 vacancy in the Commission shall be filled in the same man-  
2 ner in which the original appointment was made. Any va-  
3 cancy in the Commission shall not affect its powers.

4 (d) FIRST MEETING.—Not later than 60 days after  
5 the date on which all members of the Commission have  
6 been appointed, the Commission shall hold its first meet-  
7 ing.

8 (e) MEETINGS.—The Commission shall meet at the  
9 call of the Chairperson.

10 (f) QUORUM.—A majority of the members of the  
11 Commission shall constitute a quorum, but a lesser num-  
12 ber of members may hold hearings.

13 (g) CHAIRPERSON.—The President shall select a  
14 Chairperson for the Commission from among its members.

15 **SEC. 4. DUTIES.**

16 (a) STUDY.—

17 (1) IN GENERAL.—The Commission shall con-  
18 duct a study on how Federal laws and policies affect  
19 United States citizens living in foreign countries, in-  
20 cluding civilians and members of the Armed Forces.

21 (2) MATTERS STUDIED.—The matters studied  
22 shall include the following:

23 (A) Federal financial reporting require-  
24 ments for a United States citizen living in a  
25 foreign country, including the requirements

1 under section 5314 of title 31, United States  
2 Code.

3 (B) Federal policies and requirements that  
4 affect the ability of a United States citizen liv-  
5 ing in a foreign country to access foreign and  
6 domestic financial institutions, including re-  
7 quirements under chapter 4 of the Internal  
8 Revenue Code of 1986 (commonly known as the  
9 “Foreign Account Tax Compliance Act”) and  
10 requirements affecting financial institutions im-  
11 posed by the Uniting and Strengthening Amer-  
12 ica by Providing Appropriate Tools Required to  
13 Intercept and Obstruct Terrorism Act of 2001  
14 (USA Patriot Act) (Public Law 107–56).

15 (C) Federal requirements for a spouse,  
16 child, or another family member of a United  
17 States citizen living in a foreign country who is  
18 not a United States citizen to become a United  
19 States citizen.

20 (D) The ability of a United States citizen  
21 living in a foreign country to vote in Federal,  
22 State, and local elections in the United States,  
23 and the process for such a citizen to vote in  
24 such elections.

1           (E) The processes by which a United  
2 States citizen living in a foreign country inter-  
3 acts with Federal programs such as Social Se-  
4 curity and Medicare.

5           (F) Which Federal agencies have jurisdic-  
6 tion over each Federal program that serves  
7 United States citizens who live in foreign coun-  
8 tries and possible methods to improve the col-  
9 laboration of and coordination between such  
10 Federal agencies.

11       (b) CONSULTATION WITH OUTSIDE ORGANIZA-  
12 TIONS.—In conducting the study under subsection (a), the  
13 Commission shall consult with organizations that rep-  
14 resent United States citizens living in foreign countries.

15       (c) REPORTS.—

16           (1) INITIAL REPORT.—Not later than one year  
17 after the date of enactment of this Act, the Commis-  
18 sion shall submit a report to the President, Con-  
19 gress, and the head of any Federal agency identified  
20 in subsection (a)(2)(F), which shall contain a de-  
21 tailed statement of the findings and conclusions of  
22 the Commission, together with its recommendations  
23 for such legislative and administrative actions as it  
24 considers appropriate.

1           (2) UPDATE.—Not later than one year after the  
2           date on which the Commission submits the report  
3           under paragraph (1), the Commission shall submit  
4           an update to the President, Congress, and the head  
5           of any Federal agency identified in subsection  
6           (a)(2)(F), which shall describe any administrative  
7           actions taken by the head of any Federal agency  
8           pursuant to the recommendations in such report.

9   **SEC. 5. POWERS OF THE COMMISSION.**

10          (a) HEARINGS AND SESSIONS.—The Commission  
11          may, for the purpose of carrying out this Act, hold hear-  
12          ings, sit and act at times and places, take testimony, and  
13          receive evidence as the Commission considers appropriate.

14          (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
15          ber or agent of the Commission may, if authorized by the  
16          Commission, take any action which the Commission is au-  
17          thorized to take by this section.

18          (c) OBTAINING OFFICIAL DATA.—Subject to section  
19          6103 of the Internal Revenue Code of 1986, the Commis-  
20          sion may secure directly from any Federal department or  
21          agency such information as the Commission considers nec-  
22          essary to carry out this Act. Upon request of the Chair-  
23          person of the Commission, the head of such department  
24          or agency shall furnish such information to the Commis-  
25          sion.

1 (d) **MAILS.**—The Commission may use the United  
2 States mails in the same manner and under the same con-  
3 ditions as other departments and agencies of the United  
4 States.

5 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

6 (a) **COMPENSATION OF MEMBERS.**—Each member of  
7 the Commission who is not an officer or employee of the  
8 United States shall be compensated at a rate equal to the  
9 daily equivalent of the annual rate of basic pay prescribed  
10 for level IV of the Executive Schedule under section 5315  
11 of title 5, United States Code, for each day (including  
12 travel time) during which such member is engaged in the  
13 performance of the duties of the Commission. All members  
14 of the Commission who are officers or employees of the  
15 United States shall serve without compensation in addi-  
16 tion to that received for their services as officers or em-  
17 ployees of the United States.

18 (b) **TRAVEL EXPENSES.**—The members of the Com-  
19 mission shall be allowed travel expenses, including per  
20 diem in lieu of subsistence, at rates authorized for employ-  
21 ees of agencies under subchapter I of chapter 57 of title  
22 5, United States Code, while away from their homes or  
23 regular places of business in the performance of services  
24 for the Commission.

25 (c) **STAFF.**—

1           (1) IN GENERAL.—The Chairperson of the  
2 Commission may, without regard to the civil service  
3 laws and regulations, appoint and terminate an execu-  
4 tive director and such other additional personnel as  
5 may be necessary to enable the Commission to per-  
6 form its duties. The employment of an executive di-  
7 rector shall be subject to confirmation by the Com-  
8 mission.

9           (2) COMPENSATION.—The Chairperson of the  
10 Commission may fix the compensation of the execu-  
11 tive director and other personnel without regard to  
12 chapter 51 and subchapter III of chapter 53 of title  
13 5, United States Code, relating to classification of  
14 positions and General Schedule pay rates, except  
15 that the rate of pay for the executive director and  
16 other personnel may not exceed the rate payable for  
17 level V of the Executive Schedule under section 5316  
18 of such title.

19       (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
20 United States employee may be detailed to the Commis-  
21 sion without reimbursement, and such detail shall be with-  
22 out interruption or loss of civil service status or privilege.

23       (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
24 TENT SERVICES.—The Chairperson of the Commission  
25 may procure temporary and intermittent services under

1 section 3109(b) of title 5, United States Code, at rates  
2 for individuals that do not exceed the daily equivalent of  
3 the annual rate of basic pay prescribed for level V of the  
4 Executive Schedule under section 5316 of such title.

5 **SEC. 7. FEDERAL AGENCY RESPONSE.**

6 Not later than 180 days after the date on which the  
7 Commission submits the report under section 4(c)(1), the  
8 head of any Federal agency that is affected by a rec-  
9 ommendation in such report shall submit to the President,  
10 Congress, and the Commission a response to such rec-  
11 ommendation, including any plans to take administrative  
12 action pursuant to such recommendation.

13 **SEC. 8. TERMINATION.**

14 The Commission shall terminate on the date on which  
15 it submits its update under section 4(c)(2).

16 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated \$2,000,000  
18 for each of fiscal years 2022 and 2023 to the Commission  
19 to carry out this Act, to remain available until the termi-  
20 nation of the Commission.

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