H. R. 3616

To establish the Commission on Preemptive Foreign Policy and Military Planning.

IN THE HOUSE OF REPRESENTATIVES

November 21, 2003

Mr. Larson of Connecticut introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Armed Services, 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.

A BILL

To establish the Commission on Preemptive Foreign Policy and Military Planning.

1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2. SECTION 1. SHORT TITLE.

3. This Act may be cited as the “Commission on Preemptive Foreign Policy and Military Planning Act”.

4. SEC. 2. ESTABLISHMENT.

5. There is established a commission to be known as the “Commission on Preemptive Foreign Policy and Military Planning” (in this Act referred to as “the Commission”).
SEC. 3. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall review the doctrine of preemption adopted by the President in the National Security Strategy of the United States of America of September 2002 and assess the consequences and implications of its adoption for foreign policy and military planning.

(b) PARTICULAR ISSUES.—In carrying out its duties under subsection (a), the Commission shall analyze the effect of the adoption of the doctrine of preemption on—

(1) foreign policy in key world theaters, including North Korea, Kashmir, Chechnya, the Taiwan Straits, Iran, Iraq, and other theaters of importance as determined by the Commission;

(2) relations between the United States and nations located in regions surrounding key theaters and relations among nations located in regions surrounding key theaters;

(3) present commitments to allies relating to mutual defense agreements, peacekeeping missions, joint military exercises, participation in international institutions, and coalition building;

(4) efforts to conduct the war on terrorism in Afghanistan and elsewhere;

(5) the deployment capabilities, readiness, recruiting and retention rates, morale, and force struc-
ture of the Armed Forces of the United States, including the Reserve and National Guard components, and the Coast Guard;

(6) the deployability of forces in the event of a future crisis requiring—

(A) the defense of the United States,

(B) the deterrence of aggression and coercion in critical regions,

(C) the swift defeat of aggression in overlapping major conflicts, including the possibility of regime change or occupation, while preserving the option of calling for a decisive victory in one of those conflicts, and

(D) the conduct of a limited number of smaller-scale contingency operations;

(7) the capability of the defense manufacturing base in the United States to support the needs of the military, including—

(A) potential military supply deficiencies resulting from the inability of manufacturers of military supplies to respond to increased needs, and

(B) the extent to which domestic manufacturers may face an increase in demand as a re-
result of disagreements with foreign governments over preemptive action; and

(8) the accounting and budgeting structure of the Department of Defense and its ability to track, report, and project operating costs.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 10 members appointed as follows:

(1) 3 members shall be appointed by the majority leader of the Senate.

(2) 3 members shall be appointed by the Speaker of the House of Representatives.

(3) 2 members shall be appointed by the minority leader of the Senate.

(4) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) QUALIFICATIONS.—The members shall have knowledge and expertise in matters to be studied by the Commission.

(c) TERMS.—Members shall be appointed for the life of the Commission.

(d) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.
(c) Chair.—The Chair of the Commission shall be designated by the Speaker of the House of Representa-
tives, after consulting with the majority leader of the Sen-
ate and the minority leaders of the House of Representa-
tives and the Senate.

(f) Security Clearance.—The appropriate execu-
tive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and require-
ments, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

(g) Deadline for Appointment.—The appoint-
ments of the members of the Commission shall be made no later than 3 months after the date of enactment of this Act.

(h) Basic Pay.—

(1) Rates of Pay.—Except as provided in paragraph (2), members shall each be paid at a rate not to exceed the rate of basic pay for level IV of the Executive Schedule for each day (including trav-
el time) during which they are engaged in the actual performance of duties vested in the Commission.
(2) Prohibition of compensation of federal employees.—Members of the Commission who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(i) Travel in Military Vehicles.—Members and personnel for the Commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(j) Travel Expenses.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(k) Retired Annuitiants.—A member of the Commission who is an annuitant otherwise covered by section 8344 or section 8468 of title 5, United States Code, shall not be subject to the provisions of that section with respect to membership on the Commission by reason of membership on the Commission.

(l) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.
(m) MEETINGS.—

(1) FIRST MEETING.—The Commission shall hold its first meeting on a date designated by the Speaker of the House of Representatives which is not later than 30 days after the date on which all members have been appointed.

(2) SUBSEQUENT MEETINGS.—After the first meeting, the Commission shall meet upon the call of the Chair.

SEC. 5. STAFF OF COMMISSION.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chair. The Director shall be paid a rate not to exceed the maximum rate of basic pay for GS–15 of the General Schedule.

(b) ADDITIONAL STAFF.—In addition to the Director, the Chair may appoint and fix the pay of up to 3 staff members, except that any staff member appointed under this subsection shall not be paid at a rate to exceed the maximum rate of basic pay for GS–15 of the General Schedule.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the
provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) Staff of Federal Agencies.—Upon the request of the Chair of the Commission, the head of any Federal department or agency may detail, without reimbursement, any of the personnel of that department or agency to the Commission to assist in carrying out its duties under this Act.

SEC. 6. POWERS OF COMMISSION.

(a) Hearings and Sessions.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) Powers of Members and Agents.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) Obtaining Official Data.—The Commission may secure directly from any agency of the United States information necessary to enable it to carry out this Act. Upon the request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.
(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

SEC. 7. REPORT.

(a) IN GENERAL.—The Commission shall transmit a final report to the President and Congress not later than 6 months after the date on which the Commission first meets.

(b) CONTENTS.—The final report shall contain a detailed statement of the findings, conclusions, and recommendations of the Commission and shall include any estimated budgetary costs or savings the Commission expects will result from sustaining a foreign policy of pre-emption.

SEC. 8. TERMINATION.

The Commission shall terminate 30 days after the date on which the Commission submits its final report to the President and Congress under section 7.
SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.