

108TH CONGRESS  
1ST SESSION

# H. R. 3616

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

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## 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

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## A BILL

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

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 Pre-  
5 emptive Foreign Policy and Military Planning Act”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established a commission to be known as the  
8 “Commission on Preemptive Foreign Policy and Military  
9 Planning” (in this Act referred to as “the Commission”).

1 **SEC. 3. DUTIES OF THE COMMISSION.**

2 (a) IN GENERAL.—The Commission shall review the  
3 doctrine of preemption adopted by the President in the  
4 National Security Strategy of the United States of Amer-  
5 ica of September 2002 and assess the consequences and  
6 implications of its adoption for foreign policy and military  
7 planning.

8 (b) PARTICULAR ISSUES.—In carrying out its duties  
9 under subsection (a), the Commission shall analyze the ef-  
10 fect of the adoption of the doctrine of preemption on—

11 (1) foreign policy in key world theaters, includ-  
12 ing North Korea, Kashmir, Chechnya, the Taiwan  
13 Straits, Iran, Iraq, and other theaters of importance  
14 as determined by the Commission;

15 (2) relations between the United States and na-  
16 tions located in regions surrounding key theaters  
17 and relations among nations located in regions sur-  
18 rounding key theaters;

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

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

25 (5) the deployment capabilities, readiness, re-  
26 cruiting and retention rates, morale, and force struc-

1       ture of the Armed Forces of the United States, in-  
2       cluding the Reserve and National Guard compo-  
3       nents, and the Coast Guard;

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

6                       (A) the defense of the United States,

7                       (B) the deterrence of aggression and coer-  
8       cion in critical regions,

9                       (C) the swift defeat of aggression in over-  
10       lapping major conflicts, including the possibility  
11       of regime change or occupation, while pre-  
12       serving the option of calling for a decisive vic-  
13       tory in one of those conflicts, and

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

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

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

23                      (B) the extent to which domestic manufac-  
24       turers may face an increase in demand as a re-

1           sult of disagreements with foreign governments  
2           over preemptive action; and

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

6 **SEC. 4. MEMBERSHIP.**

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

9           (1) 3 members shall be appointed by the major-  
10          ity leader of the Senate.

11          (2) 3 members shall be appointed by the Speak-  
12          er of the House of Representatives.

13          (3) 2 members shall be appointed by the minor-  
14          ity leader of the Senate.

15          (4) 2 members shall be appointed by the minor-  
16          ity leader of the House of Representatives.

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

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

22          (d) **VACANCIES.**—Any vacancy in the Commission  
23 shall be filled in the same manner as the original appoint-  
24 ment.

1       (e) CHAIR.—The Chair of the Commission shall be  
2 designated by the Speaker of the House of Representa-  
3 tives, after consulting with the majority leader of the Sen-  
4 ate and the minority leaders of the House of Representa-  
5 tives and the Senate.

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

14       (g) DEADLINE FOR APPOINTMENT.—The appoint-  
15 ments of the members of the Commission shall be made  
16 no later than 3 months after the date of enactment of this  
17 Act.

18       (h) BASIC PAY.—

19           (1) RATES OF PAY.—Except as provided in  
20 paragraph (2), members shall each be paid at a rate  
21 not to exceed the rate of basic pay for level IV of  
22 the Executive Schedule for each day (including trav-  
23 el time) during which they are engaged in the actual  
24 performance of duties vested in the Commission.

1           (2) PROHIBITION OF COMPENSATION OF FED-  
2           ERAL EMPLOYEES.—Members of the Commission  
3           who are full-time officers or employees of the United  
4           States may not receive additional pay, allowances, or  
5           benefits by reason of their service on the Commis-  
6           sion.

7           (i) TRAVEL IN MILITARY VEHICLES.—Members and  
8           personnel for the Commission may travel on aircraft, vehi-  
9           cles, or other conveyances of the Armed Forces of the  
10          United States when travel is necessary in the performance  
11          of a duty of the Commission except when the cost of com-  
12          mercial transportation is less expensive.

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

17          (k) RETIRED ANNUITANTS.—A member of the Com-  
18          mission who is an annuitant otherwise covered by section  
19          8344 or section 8468 of title 5, United States Code, shall  
20          not be subject to the provisions of that section with respect  
21          to membership on the Commission by reason of member-  
22          ship on the Commission.

23          (l) QUORUM.—A majority of the members of the  
24          Commission shall constitute a quorum, but a lesser num-  
25          ber may hold hearings.

1 (m) MEETINGS.—

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

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

10 **SEC. 5. STAFF OF COMMISSION.**

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

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

21 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE  
22 LAWS.—The Director and staff of the Commission may  
23 be appointed without regard to the provisions of title 5,  
24 United States Code, governing appointments in the com-  
25 petitive service, and may be paid without regard to the

1 provisions of chapter 51 and subchapter III of chapter 53  
2 of that title relating to classification and General Schedule  
3 pay rates.

4 (d) STAFF OF FEDERAL AGENCIES.—Upon the re-  
5 quest of the Chair of the Commission, the head of any  
6 Federal department or agency may detail, without reim-  
7 bursement, any of the personnel of that department or  
8 agency to the Commission to assist in carrying out its du-  
9 ties under this Act.

10 **SEC. 6. POWERS OF COMMISSION.**

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

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

19 (c) OBTAINING OFFICIAL DATA.—The Commission  
20 may secure directly from any agency of the United States  
21 information necessary to enable it to carry out this Act.  
22 Upon the request of the Chair of the Commission, the  
23 head of that department or agency shall furnish that infor-  
24 mation to the Commission.



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 (e) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon  
6 the request of the Commission, the Administrator of Gen-  
7 eral Services shall provide to the Commission, on a reim-  
8 bursable basis, the administrative support services nec-  
9 essary for the Commission to carry out its responsibilities  
10 under this Act.

11 **SEC. 7. REPORT.**

12 (a) **IN GENERAL.**—The Commission shall transmit a  
13 final report to the President and Congress not later than  
14 6 months after the date on which the Commission first  
15 meets.

16 (b) **CONTENTS.**—The final report shall contain a de-  
17 tailed statement of the findings, conclusions, and rec-  
18 ommendations of the Commission and shall include any  
19 estimated budgetary costs or savings the Commission ex-  
20 pects will result from sustaining a foreign policy of pre-  
21 emptation.

22 **SEC. 8. TERMINATION.**

23 The Commission shall terminate 30 days after the  
24 date on which the Commission submits its final report to  
25 the President and Congress under section 7.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such sums

3 as may be necessary to carry out this Act.

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