

110TH CONGRESS
2D SESSION

S. 3567

To establish a Commission on the conflict between Russia and Georgia,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Mrs. CLINTON introduced the following bill; which was read twice and referred
to the Committee on Foreign Relations

A BILL

To establish a Commission on the conflict between Russia
and Georgia, 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
5 “_____ Act of 2008”.

6 **SEC. 2. ESTABLISHMENT OF COMMISSION ON THE CON-**
7 **FLICT BETWEEN RUSSIA AND GEORGIA.**

8 There is established the Commission on the Conflict
9 between Russia and Georgia (in this Act referred to as
10 the “Commission”).

1 **SEC. 3. PURPOSES OF COMMISSION.**

2 The purposes of the Commission are to—

3 (1) to examine the causes of the conflict be-
4 tween Russia and Georgia that began on August 7,
5 2008; and

6 (2) make recommendations with respect to the
7 policies of the United States toward Russia, Georgia,
8 and other countries in the region.

9 **SEC. 4. COMPOSITION OF COMMISSION.**

10 (a) MEMBERS.—The Commission shall be composed
11 of 9 members, of whom—

12 (1) 1 member shall be appointed by the major-
13 ity leader of the Senate, with the concurrence of the
14 Speaker of the House of Representatives, who shall
15 serve as chair of the Commission;

16 (2) 2 members shall be appointed by the major-
17 ity leader of the Senate;

18 (3) 2 members shall be appointed by the minor-
19 ity leader of the Senate;

20 (4) 2 members shall be appointed by the Speak-
21 er of the House of Representatives; and

22 (5) 2 members shall be appointed by the minor-
23 ity leader of the House of Representatives.

24 (b) QUALIFICATIONS.—It is the sense of Congress
25 that individuals appointed to the Commission should be
26 prominent United States citizens, with significant depth

1 of experience in the field of foreign relations and with ex-
 2 pertise regarding relations between Russia and Georgia.

3 (c) DEADLINE FOR APPOINTMENT.—All members of
 4 the Commission shall be appointed within 90 days of the
 5 date of the enactment of this Act.

6 (d) INITIAL MEETING.—The Commission shall meet
 7 and begin the operations of the Commission as soon as
 8 practicable after the 90-day period described in subsection
 9 (c). After its initial meeting, the Commission shall meet
 10 upon the call of the chair or a majority of its members.

11 (e) QUORUM; VACANCIES.—Six members of the Com-
 12 mission shall constitute a quorum. Any vacancy in the
 13 Commission shall not affect its powers, but shall be filled
 14 in the same manner in which the original appointment was
 15 made.

16 **SEC. 5. RESPONSIBILITIES OF COMMISSION.**

17 The Commission shall—

18 (1) examine and determine the timeline of
 19 events since 1991 that led to the conflict between
 20 Russia and Georgia that began on August 7, 2008;

21 (2) examine the policies of the Government of
 22 Russia with respect to Georgia;

23 (3) examine the policies of the Government of
 24 Georgia with respect to the regions of South Ossetia
 25 and Abkhazia;

1 (4) evaluate the role of the North Atlantic
2 Treaty Organization and the April 2008 Bucharest
3 Summit in the development of the conflict between
4 Russia and Georgia;

5 (5) examine and evaluate the policies of the
6 United States with respect to Russia and Georgia in
7 the context of the conflict, including—

8 (A) any communications by officials of the
9 United States to the Government of Russia;
10 and

11 (B) any communications by officials of the
12 United States to the Government of Georgia;

13 (6) review the role of peacekeepers from Russia
14 in South Ossetia and the relationship between Geor-
15 gia and the peacekeepers;

16 (7) review and evaluate the training and pre-
17 paredness of the militaries of Russia and Georgia,
18 including—

19 (A) any focus in the training of the mili-
20 tary of Russia with respect to Georgia; and

21 (B) any focus in the training of the mili-
22 tary of Georgia with respect to Russia;

23 (8) review and evaluate allegations of genocide
24 and ethnic cleansing during the conflict; and

1 (9) make recommendations with respect to the
2 policies of the United States with respect to Russia,
3 Georgia, and other countries in the region in the
4 context of the conflict between Russia and Georgia.

5 **SEC. 6. POWERS OF COMMISSION.**

6 (a) **HEARINGS AND EVIDENCE.**—The Commission or,
7 on the authority of the Commission, any subcommittee or
8 member thereof, may, for the purpose of carrying out this
9 Act, hold such hearings and sit and act at such times and
10 places, take such testimony, receive such evidence, and ad-
11 minister such oaths as the Commission, subcommittee, or
12 member, as the case may be, may determine advisable.

13 (b) **CONTRACTING.**—The Commission may, to such
14 extent and in such amounts as are provided in appropria-
15 tions Acts, enter into contracts to enable the Commission
16 to discharge its duties under this Act.

17 (c) **STAFF OF COMMISSION.**—

18 (1) **APPOINTMENT AND COMPENSATION.**—The
19 chairman of the Commission, in accordance with
20 rules agreed upon by the Commission, may appoint
21 and fix the compensation of a staff director and
22 such other personnel as may be necessary to enable
23 the Commission to carry out its functions, without
24 regard to—

1 (A) the provisions of title 5, United States
 2 Code, governing appointments in the competi-
 3 tive service; or

4 (B) the provisions of chapter 51 and sub-
 5 chapter III of chapter 53 of such title relating
 6 to classification and General Schedule pay
 7 rates, except that no rate of pay fixed under
 8 this subsection may exceed the rate of pay for
 9 a position at level V of the Executive Schedule
 10 under section 5316 of such title.

11 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

12 (A) IN GENERAL.—The executive director
 13 and any employees of the Commission shall be
 14 employees under section 2105 of title 5, United
 15 States Code, for purposes of chapters 63, 81,
 16 83, 84, 85, 87, 89, and 90 of such title.

17 (B) MEMBERS OF COMMISSION.—Subpara-
 18 graph (A) shall not be construed to apply to
 19 members of the Commission.

20 (3) DETAILEES.—Any Federal Government em-
 21 ployee may be detailed to the Commission without
 22 reimbursement from the Commission, and such
 23 detailee shall retain the rights, status, and privileges
 24 of the detailee's regular employment without inter-
 25 ruption.

1 (4) CONSULTANT SERVICES.—The Commission
2 may procure the services of experts and consultants
3 in accordance with section 3109 of title 5, United
4 States Code, at rates not to exceed the daily rate of
5 pay for a position at level IV of the Executive
6 Schedule under section 5315 of such title.

7 (5) EMPHASIS ON SECURITY CLEARANCES.—
8 Emphasis shall be made to hire employees and re-
9 tain contractors and detailees with active security
10 clearances.

11 (d) INFORMATION FROM FEDERAL AGENCIES.—

12 (1) IN GENERAL.—The Commission is author-
13 ized to secure directly from any executive depart-
14 ment, bureau, agency, board, commission, office,
15 independent establishment, or instrumentality of the
16 Government, information, suggestions, estimates,
17 and statistics to carry out the purposes of this Act.
18 Each department, bureau, agency, board, commis-
19 sion, office, independent establishment, or instru-
20 mentality shall, to the extent authorized by law, fur-
21 nish such information, suggestions, estimates, and
22 statistics directly to the Commission, upon request
23 made by the chairman, the chairman of any sub-
24 committee created by a majority of the Commission,

1 or any member designated by a majority of the
2 Commission.

3 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
4 SEMINATION.—Information shall be received, han-
5 dled, stored, and disseminated only by members of
6 the Commission and its staff consistent with all ap-
7 plicable laws, regulations, and executive orders.

8 (e) ASSISTANCE FROM FEDERAL AGENCIES.—

9 (1) GENERAL SERVICES ADMINISTRATION.—
10 The Administrator of General Services shall provide
11 to the Commission on a reimbursable basis adminis-
12 trative support and other services for the perform-
13 ance of the Commission's functions.

14 (2) OTHER DEPARTMENTS AND AGENCIES.—In
15 addition to the assistance prescribed in paragraph
16 (1), departments and agencies of the United States
17 may provide to the Commission such services, funds,
18 facilities, staff, and other support services as they
19 may determine advisable and as may be authorized
20 by law.

21 (f) GIFTS.—The Commission may accept, use, and
22 dispose of gifts or donations of services or property.

23 (g) POSTAL SERVICES.—The Commission may use
24 the United States mails in the same manner and under

1 the same conditions as departments and agencies of the
2 United States.

3 **SEC. 7. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
4 **MITTEE ACT.**

5 The Federal Advisory Committee Act (5 U.S.C. App.)
6 shall not apply to the Commission.

7 **SEC. 8. PUBLIC MEETINGS AND HEARINGS; AVAILABILITY**
8 **OF REPORTS.**

9 (a) PUBLIC MEETINGS AND RELEASE OF PUBLIC
10 VERSIONS OF REPORTS.—The Commission shall—

11 (1) hold public hearings and meetings to the ex-
12 tent appropriate; and

13 (2) release public versions of the report re-
14 quired under section 9.

15 (b) PUBLIC HEARINGS.—Any public hearings of the
16 Commission shall be conducted in a manner consistent
17 with the protection of information provided to or developed
18 for or by the Commission as required by any applicable
19 law, regulation, or executive order.

20 **SEC. 9. REPORT.**

21 Not later than 180 days after the appointment of the
22 Commission, the Commission shall submit to the Presi-
23 dent and Congress a final report containing such findings,
24 conclusions, and recommendations as have been agreed to
25 by a majority of Commission members.

1 **SEC. 10. TERMINATION.**

2 (a) IN GENERAL.—The Commission, and the provi-
3 sions of this Act, shall terminate on the date that is 60
4 days after the date on which the final report is submitted
5 under section 9.

6 (b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-
7 NATION.—The Commission may use the 60-day period re-
8 ferred to in subsection (a) for the purpose of concluding
9 its activities, including providing testimony to committees
10 of Congress concerning its report and disseminating the
11 final report.

12 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) IN GENERAL.—There are authorized to be appro-
14 priated such sums as may be necessary for the purposes
15 of the activities of the Commission under this Act.

16 (b) DURATION OF AVAILABILITY.—Amounts made
17 available to the Commission under subsection (a) shall re-
18 main available until the termination of the Commission.

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