

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5716

To establish the Commission on Iraqi Transition.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2006

Mr. LYNCH 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 Iraqi Transition.

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 “Iraq Transition Act  
5 of 2006”.

6 **SEC. 2. FINDINGS; DECLARATIONS OF POLICY.**

7 (a) FINDINGS.—Congress makes the following find-  
8 ings:

1           (1) The people of Iraq have made significant  
2 progress in establishing the framework for a demo-  
3 cratic government.

4           (2) In an October 2005 referendum, the Iraqi  
5 people voted to approve Iraq's Constitution, setting  
6 up an Islamic federal democracy while strengthening  
7 the rights of women and minorities in that country.

8           (3) On December 15, 2005, Iraqis voted in the  
9 first multi-party elections in that country in 50  
10 years.

11           (4) The Iraqi parliament that emerged from the  
12 December 2005 elections includes representation  
13 across a broad cross section of the population and  
14 has established affirmative measures to include  
15 women and ethnic minorities in positions of author-  
16 ity.

17           (5) The Iraqi constitutional framework has al-  
18 lowed the election of President Jalal Talabani and  
19 Prime Minister Nouri Kamal al-Maliki to form  
20 Iraq's first democratically-elected government in its  
21 history.

22           (6) The Government of the United States has  
23 expended, through the Iraq Relief and Reconstruc-  
24 tion Fund (IRRF), approximately 67 percent of the

1       \$20,912,000,000 in various reconstruction efforts in  
2       Iraq.

3           (7) In an effort to allow Iraqis to take over se-  
4       curity operations, approximately 265,000 Iraqi Secu-  
5       rity Forces (ISF) have been trained, nearing the  
6       total force goal of 325,000 by August 2007.

7           (8) However, despite the emergence of a demo-  
8       cratically-elected Iraqi Government, most civilian  
9       functions of that government remain the responsi-  
10      bility of United States military and Coalition mili-  
11      tary forces.

12      (b) DECLARATIONS OF POLICY.—Congress makes the  
13      following declarations of policy:

14           (1) While the military excellence with which Op-  
15      eration Iraqi Freedom has been executed is to be  
16      congratulated, it is in the best interests of the  
17      United States and the nation of Iraq that the proper  
18      functions of government be transferred to Iraqi con-  
19      trol as soon as is practicable.

20           (2) In order to have an orderly, deliberate, and  
21      expeditious transition to Iraqi civilian control, the  
22      task of doing so must be vested in a national com-  
23      mission which is specifically empowered and author-  
24      ized to monitor and assess that transition and over-  
25      see that such transition is carried out.

1           (3) Congress acknowledges that there is suc-  
2           cessful precedent for such a commission in com-  
3           parable circumstances. At the close of World War II,  
4           a national commission, composed of three United  
5           States Senators, three Members of the House of  
6           Representatives, and three Presidential appointees  
7           were appointed and directed to oversee the transition  
8           of the Philippines from United States military to  
9           local, civilian control.

10           (4) It is again the desire of Congress, as set  
11           forth in this Act, to establish a national commission  
12           to undertake the responsibility of overseeing the de-  
13           velopment of a plan and its implementation to tran-  
14           sition Iraq from United States military control to  
15           Iraqi civilian control in an orderly, deliberate, and  
16           expeditious manner.

17           (5) Congress anticipates and expects that the  
18           United States military will work in concert with and  
19           be an integral part of the national commission.

20 **SEC. 3. PURPOSE.**

21           It is the purpose of this Act to establish a national  
22           commission to develop plans for the orderly and expedi-  
23           tious transfer of power for Iraqi Government operations  
24           from United States military forces to the newly-elected  
25           Government of Iraq. The national commission shall seek

1 the goals of empowering the newly-elected Government of  
2 Iraq and reducing reliance on United States military  
3 forces, while enabling the safe, prompt, and orderly return  
4 of such military forces to the United States, and further—

5           (1) to facilitate a dialogue between members of  
6 the commission, Iraqi leaders, and coalition and  
7 international partners in furtherance of the purpose  
8 of this Act;

9           (2) to report such findings, conclusions, and  
10 recommendations as are consistent with the purpose  
11 of this Act; and

12           (3) to provide guidance and support for the ex-  
13 peditious assumption of governmental responsibility  
14 by the newly-elected and appointed Iraqi government  
15 officials as is consistent with congressional oversight  
16 responsibilities regarding the proper use of United  
17 States reconstruction assistance for Iraq.

18 **SEC. 4. ESTABLISHMENT.**

19       There is established a commission to be known as the  
20 “Commission on Iraqi Transition” (in this Act referred  
21 to as the “Commission”).

22 **SEC. 5. MEMBERSHIP.**

23       (a) NUMBER AND APPOINTMENT.—

24           (1) IN GENERAL.—The Commission shall be  
25 composed of 21 members, as follows:

1           (A) Seven members appointed by the  
2           President, of whom one shall be the Secretary  
3           of State (or the Secretary's designee), one shall  
4           be the Secretary of Defense (or the Secretary's  
5           designee), and one shall be the Secretary of  
6           Commerce.

7           (B) Seven members appointed by the  
8           Speaker of the House of Representatives and  
9           the minority leader of the House of Representa-  
10          tives, of whom four shall be Members of the  
11          House of Representatives from the majority  
12          party and three shall be Members of the House  
13          of Representatives from the minority party.

14          (C) Seven members appointed by the ma-  
15          jority leader of the Senate and the minority  
16          leader of the Senate, of whom four shall be  
17          Members of the Senate from the majority party  
18          and three shall be Members of the Senate from  
19          the minority party.

20          (2) DEADLINE.—Members of the Commission  
21          shall be appointed not later than 60 days after the  
22          date of the enactment of this Act.

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

1 relevant to the goals of the Commission, including in the  
2 fields of public administration, finance, and management.

3 (c) MEETINGS; QUORUM; MAJORITY; VACANCIES.—

4 (1) MEETINGS.—Not later than 30 days after  
5 the date on which all members of the Commission  
6 have been appointed pursuant to subsection (a), the  
7 Commission shall hold its first meeting. After its ini-  
8 tial meeting, the Commission shall meet upon the  
9 call of the Chairperson or a majority of its members.

10 (2) QUORUM.—At least 11 members shall con-  
11 stitute a quorum for the transaction of business pro-  
12 vided a bipartisan representation is present.

13 (3) MAJORITY.—At least 11 Members shall con-  
14 stitute a majority of the Commission.

15 (4) VACANCIES.—Any vacancy in the Commis-  
16 sion shall not affect its powers, but shall be filled in  
17 the same manner in which the original appointment  
18 was made.

19 (d) CHAIRPERSON.—The Chairperson of the Com-  
20 mission shall be elected by the members of the Commis-  
21 sion

22 **SEC. 6. DUTIES OF COMMISSION.**

23 (a) STUDY AND REPORT.—The Commission shall  
24 study and report upon all issues relating to the orderly  
25 and expeditious transfer of power for Iraqi Government

1 operations from United States military forces to the  
2 newly-elected Government of Iraq, particularly to the  
3 Prime Minister of Iraq, the President of Iraq, and the  
4 Iraqi Council of Representatives, including day-to-day op-  
5 erations of Iraqi ministries and departments, as have been  
6 established by the Iraqi Constitution and laws, including  
7 the Ministries of Agriculture, Capital Markets Institu-  
8 tions, Communications, Commission on Public Integrity,  
9 Culture, Defense, Displacement and Migration, Edu-  
10 cation, Electricity, Environment, Finance, Foreign Af-  
11 fairs, Health, Higher Educations, Housing and Construc-  
12 tion, Humane Rights, Industry and Minerals, Interior,  
13 Property Claims Commission, Justice, Labor and Social  
14 Affairs, Municipalities and Public Works, Oil, Planning  
15 and Development, Private Sector Development, Science  
16 and Technology, Trade, Transportation, Water Resources,  
17 and Youth and Sports.

18 (b) PROMOTION OF ACCOUNTABILITY AND OTHER  
19 GOALS.—In carrying out subsection (a), the Commission  
20 shall seek to promote the government-wide management  
21 goals of accountability, effective management, efficiency  
22 and economy of operations, ethical conduct, and the merit-  
23 based recruitment and compensation of a professional civil  
24 service for the Iraqi Government.

1 **SEC. 7. POWERS OF COMMISSION.**

2 (a) **HEARINGS; SUBPOENA POWER.**—

3 (1) **IN GENERAL.**—The Commission or, on the  
4 authority of the Commission, any subcommittee or  
5 member thereof, may, for the purpose of carrying  
6 out this Act—

7 (A) hold such hearings and sit and act at  
8 such times and places, take such testimony, re-  
9 ceive such evidence, and administer such oaths  
10 as the Commission considers appropriate; and

11 (B) require, by subpoena or otherwise, the  
12 attendance and testimony of such witnesses and  
13 the production of such books, records, cor-  
14 respondence, memoranda, papers, and other  
15 documents, as the Commission, or such des-  
16 ignated subcommittee or designated member  
17 thereof, is empowered to investigate under this  
18 Act.

19 (2) **SERVICE OF SUBPOENAS.**—A subpoena  
20 issued pursuant to paragraph (1)(B) may be issued  
21 under the signature of the Chairperson of the Com-  
22 mission, the chairperson of any designated sub-  
23 committee thereof, or any designated member there-  
24 of, and may be served by any person designated by  
25 such Chairperson, subcommittee chairperson, or  
26 member. The provisions of sections 102 through 104

1 of the Revised Statutes of the United States (2  
2 U.S.C. 192–194) shall apply in the case of any fail-  
3 ure of any witness to comply with any subpoena or  
4 to testify when summoned under authority of this  
5 section.

6 (b) CONTRACTING.—The Commission may, to such  
7 extent and in such amounts as are provided in appropria-  
8 tion Acts, enter into contracts to enable the Commission  
9 to discharge its duties under this Act.

10 (c) INFORMATION FROM FEDERAL AGENCIES.—The  
11 Commission is authorized to secure directly from any exec-  
12 utive department, bureau, agency, board, commission, of-  
13 fice, independent establishment, or instrumentality of the  
14 Government information, suggestions, estimates, and sta-  
15 tistics for the purposes of this Act. Each such department,  
16 bureau, agency, board, commission, office, independent es-  
17 tablishment, or instrumentality shall, to the extent author-  
18 ized by law, furnish such information, suggestions, esti-  
19 mates, and statistics directly to the Commission, upon re-  
20 quest made by the Chairperson of the Commission.

21 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

22 (1) DEPARTMENT OF STATE.—The Secretary of  
23 State is authorized on a reimbursable or non-  
24 reimbursable basis to provide the Commission with  
25 administrative services, funds, facilities, staff, and

1 other support services for the performance of the  
2 Commission's duties under this Act.

3 (2) GENERAL SERVICES ADMINISTRATION.—

4 The Administrator of General Services shall provide  
5 to the Commission on a reimbursable basis such ad-  
6 ministrative support services as the Commission may  
7 request.

8 (3) OTHER DEPARTMENTS AND AGENCIES.—In

9 addition to the assistance set forth in paragraphs  
10 (1) and (2), departments and agencies of the United  
11 States are authorized to provide to the Commission  
12 such services, funds, facilities, staff, and other sup-  
13 port services as such departments and agencies may  
14 deem advisable and as may be authorized by law.

15 (e) GIFTS.—The Commission may accept, use, and  
16 dispose of gifts or donations of services or property.

17 (f) POSTAL SERVICES.—The Commission may use  
18 the United States mails in the same manner and under  
19 the same conditions as department and agencies of the  
20 United States.

21 **SEC. 8. STAFF OF COMMISSION.**

22 (a) IN GENERAL.—The Chairperson of the Commis-  
23 sion, in accordance with rules agreed upon by the Commis-  
24 sion, may appoint and fix the compensation of a staff di-  
25 rector and such other personnel as may be necessary to

1 enable the Commission to carry out its duties under this  
2 Act, without regard to the provisions of title 5, United  
3 States Code, governing appointments in the competitive  
4 service, and without regard to the provisions of chapter  
5 51 and subchapter III of chapter 53 of such title relating  
6 to classification and General Schedule pay rates, except  
7 that no rate of pay fixed under this subsection may exceed  
8 the equivalent of that payable for a position at level V  
9 of the Executive Schedule under section 5316 of title 5,  
10 United States Code.

11 (b) DETAILEES.—Any Federal Government employee  
12 may be detailed to the Commission without reimbursement  
13 for the Commission, and such detailee shall retain the  
14 rights, status, and privileges of his or her regular employ-  
15 ment without interruption.

16 (c) CONSULTANT SERVICES.—The Commission is au-  
17 thorized to procure the services of experts and consultants  
18 in accordance with section 3109 of title 5, United States  
19 Code, but at rates not to exceed the daily rate paid a per-  
20 son occupying a position at level IV of the Executive  
21 Schedule under section 5315 of title 5, United States  
22 Code.

23 **SEC. 9. COMPENSATION AND TRAVEL EXPENSES.**

24 (a) COMPENSATION.—

1           (1) RATES OF PAY.—Each member of the Com-  
2 mission may be compensated at not to exceed the  
3 daily equivalent of the annual rate of basic pay in  
4 effect for a position at level IV of the Executive  
5 Schedule under section 5315 of title 5, United  
6 States Code, for each day during which that member  
7 is engaged in the actual performance of the duties  
8 of the Commission.

9           (2) PROHIBITION ON COMPENSATION OF FED-  
10 ERAL EMPLOYEES.—Members of the Commission  
11 who are officers or employees of the United States  
12 or Members of Congress may not receive additional  
13 pay on account of their service on the Commission.

14       (b) TRAVEL EXPENSES.—While away from their  
15 homes or regular places of business in the performance  
16 of services for the Commission, members of the Commis-  
17 sion shall be allowed travel expenses, including per diem  
18 in lieu of subsistence, in the same manner as persons em-  
19 ployed intermittently in the Government service are al-  
20 lowed expenses under section 5703(b) of title 5, United  
21 States Code.

22 **SEC. 10. SECURITY CLEARANCES FOR COMMISSION MEM-**  
23 **BERS AND STAFF.**

24       The appropriate Federal agencies or departments  
25 shall cooperate with the Commission in expeditiously pro-

1 viding to the Commission members and staff appropriate  
2 security clearances to the extent possible pursuant to ex-  
3 isting procedures and requirements, except that no person  
4 shall be provided with access to classified information  
5 under this Act without the appropriate security clearances.

6 **SEC. 11. REPORTS OF COMMISSION; CONGRESSIONAL RE-**  
7 **SPONSE; TERMINATION.**

8 (a) INITIAL REPORT.—Not later than 90 days after  
9 the date of its initial meeting, the Commission shall sub-  
10 mit to the President and Congress a report that con-  
11 tains—

12 (1) an assessment of any and all progress in  
13 the transfer of governmental authority to the newly  
14 elected Iraqi Government; and

15 (2) such findings, conclusions, and rec-  
16 ommendations, approved by a majority of its mem-  
17 bers, as the Commission shall determine to be con-  
18 sistent with the purpose of this Act.

19 (b) INTERIM REPORTS.—The Commission may sub-  
20 mit to the President and Congress interim reports con-  
21 taining such findings, conclusions, and recommendations  
22 as have been agreed to by a majority of Commission mem-  
23 bers.

24 (c) FINAL REPORT.—By vote of a majority of its  
25 members, the Commission shall submit to the President

1 and Congress a determination in its final report that all  
2 or substantially all of the governing authority has been  
3 transferred to the Iraqi Government.

4 (d) CONGRESSIONAL RESPONSE.—

5 (1) HEARINGS.—At any time following the re-  
6 ceipt of the initial report, interim reports, or final  
7 report of the Commission under this section, the  
8 Committee on International Relations of the House  
9 of Representatives and the Committee on Foreign  
10 Relations of the Senate may initiate hearings to con-  
11 sider the findings and recommendations of the re-  
12 port.

13 (2) LEGISLATION.—At any time following the  
14 receipt of the initial report, interim reports, or final  
15 report of the Commission under this section, Con-  
16 gress may give such findings, conclusions, or rec-  
17 ommendations legislative effect as it deems appro-  
18 priate.

19 (e) TERMINATION.—

20 (1) IN GENERAL.—The Commission, and all the  
21 authorities of this Act, shall terminate no later than  
22 90 days after the date on which the final report is  
23 submitted under subsection (c).

24 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-  
25 MINATION.—The Commission may use the 90-day

1 period referred to in paragraph (1) for the purpose  
2 of concluding its activities, including providing testi-  
3 mony to committees of Congress concerning its re-  
4 ports and disseminating the final report.

5 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There are authorized to be appro-  
7 priated such sums as may be necessary to carry out this  
8 Act.

9 (b) AVAILABILITY.—Amounts appropriated pursuant  
10 to the authorization of appropriations under subsection (a)  
11 are authorized to remain available, without fiscal year lim-  
12 itation, until expended.

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