

107TH CONGRESS
2D SESSION

H. R. 4777

To establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2002

Mr. ROEMER (for himself, Mr. GEPHARDT, Ms. PELOSI, Mr. SKELTON, Mr. SPRATT, Mr. HASTINGS of Florida, Mr. TAYLOR of Mississippi, Mr. ANDREWS, Mr. TIERNEY, Mr. ROTHMAN, Mr. FORD, Mrs. CLAYTON, Mr. TOWNS, Mr. WYNN, Mr. FARR of California, Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. FILNER, Mr. BLUMENAUER, Mr. LANGEVIN, Mr. STRICKLAND, Mr. SABO, and Mr. ISRAEL) introduced the following bill; which was referred to the Committee on Intelligence (Permanent Select), and in addition to the Committees on the Judiciary, International Relations, and Transportation and Infrastructure, 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 National Commission on Terrorist Attacks
Upon the United States, 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. ESTABLISHMENT OF COMMISSION.**

4 There is established the National Commission on
5 Terrorist Attacks Upon the United States (in this Act re-
6 ferred to as the “Commission”).

1 **SEC. 2. PURPOSES.**

2 The purposes of the Commission are to—

3 (1) examine and report upon the facts and
4 causes relating to the terrorist attacks of September
5 11, 2001, occurring at the World Trade Center in
6 New York, New York and at the Pentagon in Vir-
7 ginia;

8 (2) ascertain, evaluate, and report on the evi-
9 dence developed by all relevant governmental agen-
10 cies regarding the facts and circumstances sur-
11 rounding the attacks;

12 (3) make a full and complete accounting of the
13 circumstances surrounding the attacks, and the ex-
14 tent of the United States' preparedness for, and re-
15 sponse to, the attacks; and

16 (4) investigate and report to the President and
17 Congress on its findings, conclusions, and rec-
18 ommendations for corrective measures that can be
19 taken to prevent acts of terrorism.

20 **SEC. 3. COMPOSITION OF THE COMMISSION.**

21 (a) MEMBERS.—Subject to the requirements of sub-
22 section (b), the Commission shall be composed of 10 mem-
23 bers, of whom—

24 (1) 3 members shall be appointed by the major-
25 ity leader of the Senate;

1 (2) 3 members shall be appointed by the Speak-
2 er of the House of Representatives;

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

5 (4) 2 members shall be appointed by the minor-
6 ity leader of the House of Representatives.

7 (b) QUALIFICATIONS.—

8 (1) POLITICAL PARTY AFFILIATION.—Not more
9 than 5 members of the Commission shall be from
10 the same political party.

11 (2) NONGOVERNMENTAL APPOINTEES.—No
12 member of the Commission shall be an officer or em-
13 ployee of the Federal Government or any State or
14 local government.

15 (3) OTHER QUALIFICATIONS.—It is the sense of
16 Congress that individuals appointed to the Commis-
17 sion should be prominent United States citizens,
18 with national recognition and significant depth of ex-
19 perience in such professions as governmental service,
20 law enforcement, the armed services, legal practice,
21 public administration, intelligence gathering, com-
22 merce, including aviation matters, and foreign af-
23 fairs.

24 (c) CHAIRPERSON; VICE CHAIRPERSON.—

1 (1) IN GENERAL.—Subject to the requirement
2 of paragraph (2), the Chairperson and Vice Chair-
3 person of the Commission shall be elected by the
4 members.

5 (2) POLITICAL PARTY AFFILIATION.—The
6 Chairperson and Vice Chairperson shall not be from
7 the same political party.

8 (d) INITIAL MEETING.—If 60 days after the date of
9 enactment of this Act, 6 or more members of the Commis-
10 sion have been appointed, those members who have been
11 appointed may meet and, if necessary, select a temporary
12 Chairperson and Vice Chairperson, who may begin the op-
13 erations of the Commission, including the hiring of staff.

14 (e) QUORUM; VACANCIES.—After its initial meeting,
15 the Commission shall meet upon the call of the Chair-
16 person or a majority of its members. Six members of the
17 Commission shall constitute a quorum. Any vacancy in the
18 Commission shall not affect its powers, but shall be filled
19 in the same manner in which the original appointment was
20 made.

21 **SEC. 4. FUNCTIONS OF THE COMMISSION.**

22 (a) IN GENERAL.—The functions of the Commission
23 are to—

24 (1) investigate the relevant facts and cir-
25 cumstances relating to the terrorist attacks of Sep-

1 tember 11, 2001, including any relevant legislation,
2 Executive order, regulation, plan, policy, practice, or
3 procedure;

4 (2) identify, review, and evaluate the lessons
5 learned from the terrorist attacks of September 11,
6 2001, regarding the structure, coordination, man-
7 agement policies, and procedures of the Federal
8 Government, and, if appropriate, State and local
9 governments and nongovernmental entities, relative
10 to detecting, preventing, and responding to such ter-
11 rorist attacks; and

12 (3) submit to the President and Congress such
13 reports as are required by this Act containing such
14 findings, conclusions, and recommendations as the
15 Commission shall determine, including proposing or-
16 ganization, coordination, planning, management ar-
17 rangements, procedures, rules, and regulations.

18 (b) SCOPE OF INVESTIGATION.—For purposes of sub-
19 section (a)(1), the term “facts and circumstances” in-
20 cludes facts and circumstances relating to—

21 (1) intelligence agencies;

22 (2) law enforcement agencies;

23 (3) diplomacy;

24 (4) immigration, nonimmigrant visas, and bor-
25 der control;

- 1 (5) the flow of assets to terrorist organizations;
2 (6) commercial aviation; and
3 (7) other areas of the public and private sectors
4 determined relevant by the Commission for its in-
5 quiry.

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

7 (a) HEARINGS AND EVIDENCE.—The Commission
8 may, for purposes of carrying out this Act—

9 (1) hold hearings, sit and act at times and
10 places, take testimony, receive evidence, and admin-
11 ister oaths; and

12 (2) require, by subpoena or otherwise, the at-
13 tendance and testimony of witnesses and the produc-
14 tion of books, records, correspondence, memoranda,
15 papers, and documents.

16 (b) SUBPOENAS.—

17 (1) SERVICE.—Subpoenas issued under sub-
18 section (a)(2) may be served by any person des-
19 ignated by the Commission.

20 (2) ENFORCEMENT.—

21 (A) IN GENERAL.—In the case of contu-
22 macy or failure to obey a subpoena issued
23 under subsection (a)(2), the United States dis-
24 trict court for the judicial district in which the
25 subpoenaed person resides, is served, or may be

1 found, or where the subpoena is returnable,
2 may issue an order requiring such person to ap-
3 pear at any designated place to testify or to
4 produce documentary or other evidence. Any
5 failure to obey the order of the court may be
6 punished by the court as a contempt of that
7 court.

8 (B) ADDITIONAL ENFORCEMENT.—Sec-
9 tions 102 through 104 of the Revised Statutes
10 of the United States (2 U.S.C. 192 through
11 194) shall apply in the case of any failure of
12 any witness to comply with any subpoena or to
13 testify when summoned under authority of this
14 section.

15 (c) CLOSED MEETINGS.—Notwithstanding any other
16 provision of law which would require meetings of the Com-
17 mission to be open to the public, any portion of a meeting
18 of the Commission may be closed to the public if the Presi-
19 dent determines that such portion is likely to disclose mat-
20 ters that could endanger national security.

21 (d) CONTRACTING.—The Commission may, to such
22 extent and in such amounts as are provided in appropria-
23 tion Acts, enter into contracts to enable the Commission
24 to discharge its duties under this Act.

1 (e) INFORMATION FROM FEDERAL AGENCIES.—The
2 Commission may secure directly from any department,
3 agency, or instrumentality of the United States any infor-
4 mation related to any inquiry of the Commission con-
5 ducted under this Act. Each such department, agency, or
6 instrumentality shall, to the extent authorized by law, fur-
7 nish such information directly to the Commission upon re-
8 quest.

9 (f) ASSISTANCE FROM FEDERAL AGENCIES.—

10 (1) GENERAL SERVICES ADMINISTRATION.—

11 The Administrator of General Services shall provide
12 to the Commission on a reimbursable basis adminis-
13 trative support and other services for the perform-
14 ance of the Commission's functions.

15 (2) OTHER DEPARTMENTS AND AGENCIES.—In

16 addition to the assistance prescribed in paragraph
17 (1), departments and agencies of the United States
18 are authorized to provide to the Commission such
19 services, funds, facilities, staff, and other support
20 services as they may determine advisable and as may
21 be authorized by law.

22 (g) GIFTS.—The Commission may, to such extent
23 and in such amounts as are provided in appropriation
24 Acts, accept, use, and dispose of gifts or donations of serv-
25 ices or property.

1 (h) POSTAL SERVICES.—The Commission may use
2 the United States mails in the same manner and under
3 the same conditions as departments and agencies of the
4 United States.

5 (i) POWERS OF SUBCOMMITTEES, MEMBERS, AND
6 AGENTS.—Any subcommittee, member, or agent of the
7 Commission may, if authorized by the Commission, take
8 any action which the Commission is authorized to take by
9 this section.

10 **SEC. 6. STAFF OF THE COMMISSION.**

11 (a) DIRECTOR.—The Commission shall have a Direc-
12 tor who shall be appointed by the Chairperson and the
13 Vice Chairperson, acting jointly.

14 (b) STAFF.—The Chairperson, in consultation with
15 the Vice Chairperson, may appoint additional personnel as
16 may be necessary to enable the Commission to carry out
17 its functions.

18 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
19 LAWS.—The Director and staff of the Commission may
20 be appointed without regard to the provisions of title 5,
21 United States Code, governing appointments in the com-
22 petitive service, and may be paid without regard to the
23 provisions of chapter 51 and subchapter III of chapter 53
24 of such title relating to classification and General Schedule
25 pay rates, except that no rate of pay fixed under this sub-

1 section may exceed the equivalent of that payable for a
2 position at level V of the Executive Schedule under section
3 5316 of title 5, United States Code. Any individual ap-
4 pointed under subsection (a) or (b) shall be treated as an
5 employee for purposes of chapters 63, 81, 83, 84, 85, 87,
6 89, and 90 of that title.

7 (d) **DETAILEES.**—Any Federal Government employee
8 may be detailed to the Commission without reimbursement
9 from the Commission, and such detailee shall retain the
10 rights, status, and privileges of his or her regular employ-
11 ment without interruption.

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

19 **SEC. 7. COMPENSATION AND TRAVEL EXPENSES.**

20 (a) **COMPENSATION.**—Each member of the Commis-
21 sion may be compensated at not to exceed the daily equiva-
22 lent of the annual rate of basic pay in effect for a position
23 at level IV of the Executive Schedule under section 5315
24 of title 5, United States Code, for each day during which

1 that member is engaged in the actual performance of the
2 duties of the Commission.

3 (b) TRAVEL EXPENSES.—While away from their
4 homes or regular places of business in the performance
5 of services for the Commission, members of the Commis-
6 sion shall be allowed travel expenses, including per diem
7 in lieu of subsistence, in the same manner as persons em-
8 ployed intermittently in the Government service are al-
9 lowed expenses under section 5703(b) of title 5, United
10 States Code.

11 **SEC. 8. SECURITY CLEARANCES FOR COMMISSION MEM-**
12 **BERS AND STAFF.**

13 The appropriate executive departments and agencies
14 shall cooperate with the Commission in expeditiously pro-
15 viding to the Commission members and staff appropriate
16 security clearances in a manner consistent with existing
17 procedures and requirements, except that no person shall
18 be provided with access to classified information under
19 this section who would not otherwise qualify for such secu-
20 rity clearance.

21 **SEC. 9. REPORTS OF THE COMMISSION; TERMINATION.**

22 (a) INITIAL REPORT.—Not later than 1 year after
23 the date of the first meeting of the Commission, the Com-
24 mission shall submit to the President and Congress an ini-
25 tial report containing such findings, conclusions, and rec-

1 ommendations for corrective measures as have been
2 agreed to by a majority of Commission members.

3 (b) FINAL REPORT.—Not later than 6 months after
4 the submission of the initial report of the Commission, the
5 Commission shall submit to the President and Congress
6 a final report containing such findings, conclusions, and
7 recommendations for corrective measures as have been
8 agreed to by a majority of Commission members.

9 (c) TERMINATION.—

10 (1) IN GENERAL.—The Commission, and all the
11 authorities of this Act, shall terminate 60 days after
12 the date on which the final report is submitted
13 under subsection (b).

14 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
15 MINATION.—The Commission may use the 60-day
16 period referred to in paragraph (1) for the purpose
17 of concluding its activities, including providing testi-
18 mony to committees of Congress concerning its re-
19 ports and disseminating the second report.

20 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to the Com-
22 mission to carry out this Act \$3,000,000, to remain avail-
23 able until expended.

○