

107TH CONGRESS  
1ST SESSION

# S. 1867

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

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 20 (legislative day, DECEMBER 18), 2001

Mr. LIEBERMAN (for himself and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## 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”).

7       **SEC. 2. PURPOSES.**

8       The purposes of the Commission are to—

9               (1) examine and report upon the facts and  
10       causes relating to the terrorist attacks of September

1 11, 2001, occurring at the World Trade Center in  
2 New York, New York and at the Pentagon in Vir-  
3 ginia;

4 (2) ascertain, evaluate, and report on the evi-  
5 dence developed by all relevant governmental agen-  
6 cies regarding the facts and circumstances sur-  
7 rounding the attacks;

8 (3) make a full and complete accounting of the  
9 circumstances surrounding the attacks, and the ex-  
10 tent of the United States' preparedness for, and re-  
11 sponse to, the attacks; and

12 (4) investigate and report to the President and  
13 Congress on its findings, conclusions, and rec-  
14 ommendations for corrective measures that can be  
15 taken to prevent acts of terrorism.

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

17 (a) MEMBERS.—The Commission shall be composed  
18 of 14 members, of whom—

19 (1) 4 members shall be appointed by the Presi-  
20 dent;

21 (2) 1 member shall be appointed by the chair-  
22 person, in consultation with the ranking member, of  
23 the Committee on Armed Services of the Senate ;

24 (3) 1 member shall be appointed by the chair-  
25 person, in consultation with the ranking member, of

1 the Committee on Commerce, Science, and Trans-  
2 portation of the Senate;

3 (4) 1 member shall be appointed by the chair-  
4 person, in consultation with the ranking member, of  
5 the Committee on the Judiciary of the Senate;

6 (5) 1 member shall be appointed by the chair-  
7 person, in consultation with the ranking member, of  
8 the Select Committee on Intelligence of the Senate;

9 (6) 1 member shall be appointed by the chair-  
10 person, in consultation with the ranking member, of  
11 the Committee on Foreign Relations of the Senate;

12 (7) 1 member shall be appointed by the chair-  
13 person, in consultation with the ranking member, of  
14 the Committee on Armed Services of the House of  
15 Representatives;

16 (8) 1 member shall be appointed by the chair-  
17 person, in consultation with the ranking member, of  
18 the Committee on Energy and Commerce of the  
19 House of Representatives;

20 (9) 1 member shall be appointed by the chair-  
21 person, in consultation with the ranking member, of  
22 the Committee on the Judiciary of the House of  
23 Representatives;

24 (10) 1 member shall be appointed by the chair-  
25 person, in consultation with the ranking member, of

1 the Permanent Select Committee on Intelligence of  
 2 the House of Representatives; and

3 (11) 1 member shall be appointed by the chair-  
 4 person, in consultation with the ranking member, of  
 5 the Committee on International Relations of the  
 6 House of Representatives.

7 (b) CHAIRPERSON.—The President shall select the  
 8 chairperson of the Commission.

9 (c) QUALIFICATIONS; INITIAL MEETING.—

10 (1) POLITICAL PARTY AFFILIATION.—Not more  
 11 than 7 members of the Commission shall be from  
 12 the same political party.

13 (2) NONGOVERNMENTAL APPOINTEES.—An in-  
 14 dividual appointed to the Commission may not be an  
 15 officer or employee of the Federal Government or  
 16 any State or local government.

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

1           (4) INITIAL MEETING.—If 60 days after the  
2       date of enactment of this Act, 8 or more members  
3       of the Commission have been appointed, those mem-  
4       bers who have been appointed may meet and, if nec-  
5       essary, select a temporary chairperson, who may  
6       begin the operations of the Commission, including  
7       the hiring of staff.

8       (d) QUORUM; VACANCIES.—After its initial meeting,  
9       the Commission shall meet upon the call of the chair-  
10      person or a majority of its members. Eight members of  
11      the Commission shall constitute a quorum. Any vacancy  
12      in the Commission shall not affect its powers, but shall  
13      be filled in the same manner in which the original appoint-  
14      ment was made.

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

16       The functions of the Commission are to—

17           (1) conduct an investigation into relevant facts  
18       and circumstances relating to the terrorist attacks of  
19       September 11, 2001, including any relevant legisla-  
20       tion, Executive order, regulation, plan, practice, or  
21       procedure;

22           (2) review and evaluate the lessons learned  
23       from the terrorist attacks of September 11, 2001 re-  
24       garding the structure, coordination, and manage-  
25       ment arrangements of the Federal Government rel-

1       ative to detecting, preventing, and responding to  
2       such terrorist attacks; and

3               (3) submit to the President and Congress such  
4       reports as are required by this Act containing such  
5       findings, conclusions, and recommendations as the  
6       Commission shall determine, including proposing or-  
7       ganization, coordination, planning, management ar-  
8       rangements, procedures, rules, and regulations.

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

10       (a) IN GENERAL.—

11               (1) HEARINGS AND EVIDENCE.—The Commis-  
12       sion or, on the authority of the Commission, any  
13       subcommittee or member thereof, may, for the pur-  
14       pose of carrying out this Act—

15                       (A) hold such hearings and sit and act at  
16       such times and places, take such testimony, re-  
17       ceive such evidence, administer such oaths; and

18                       (B) require, by subpoena or otherwise, the  
19       attendance and testimony of such witnesses and  
20       the production of such books, records, cor-  
21       respondence, memoranda, papers, and docu-  
22       ments, as the Commission or such designated  
23       subcommittee or designated member may deter-  
24       mine advisable.

1           (2) SUBPOENAS.—Subpoenas issued under  
2       paragraph (1)(B) may be issued under the signature  
3       of the chairperson of the Commission, the chair-  
4       person of any subcommittee created by a majority of  
5       the Commission, or any member designated by a  
6       majority of the Commission, and may be served by  
7       any person designated by the chairperson, sub-  
8       committee chairperson, or member. Sections 102  
9       through 104 of the Revised Statutes of the United  
10      States (2 U.S.C. 192 through 194) shall apply in  
11      the case of any failure of any witness to comply with  
12      any subpoena or to testify when summoned under  
13      authority of this section.

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

18      (c) INFORMATION FROM FEDERAL AGENCIES.—The  
19      Commission is authorized to secure directly from any exec-  
20      utive department, bureau, agency, board, commission, of-  
21      fice, independent establishment, or instrumentality of the  
22      Government information, suggestions, estimates, and sta-  
23      tistics for the purposes of this Act. Each department, bu-  
24      reau, agency, board, commission, office, independent es-  
25      tablishment, or instrumentality shall, to the extent author-

1 ized by law, furnish such information, suggestions, esti-  
2 mates, and statistics directly to the Commission, upon re-  
3 quest made by the chairperson, the chairperson of any  
4 subcommittee created by a majority of the Commission,  
5 or any member designated by a majority of the Commis-  
6 sion.

7 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

8 (1) GENERAL SERVICES ADMINISTRATION.—

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

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

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

22 (f) POSTAL SERVICES.—The Commission may use  
23 the United States mails in the same manner and under  
24 the same conditions as departments and agencies of the  
25 United States.

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

2 (a) IN GENERAL.—

3 (1) APPOINTMENT AND COMPENSATION.—The  
4 chairperson, in accordance with rules agreed upon  
5 by the Commission, may appoint and fix the com-  
6 pensation of a staff director and such other per-  
7 sonnel as may be necessary to enable the Commis-  
8 sion to carry out its functions, without regard to the  
9 provisions of title 5, United States Code, governing  
10 appointments in the competitive service, and without  
11 regard to the provisions of chapter 51 and sub-  
12 chapter III of chapter 53 of such title relating to  
13 classification and General Schedule pay rates, except  
14 that no rate of pay fixed under this subsection may  
15 exceed the equivalent of that payable for a position  
16 at level V of the Executive Schedule under section  
17 5316 of title 5, United States Code.

18 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

19 (A) IN GENERAL.—The executive director  
20 and any personnel of the Commission who are  
21 employees shall be employees under section  
22 2105 of title 5, United States Code, for pur-  
23 poses of chapters 63, 81, 83, 84, 85, 87, 89,  
24 and 90 of that title.

1 (B) MEMBERS OF COMMISSION.—Subpara-  
2 graph (A) shall not be construed to apply to  
3 members of the Commission.

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

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

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

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

24 (b) TRAVEL EXPENSES.—While away from their  
25 homes or regular places of business in the performance

1 of services for the Commission, members of the Commis-  
2 sion shall be allowed travel expenses, including per diem  
3 in lieu of subsistence, in the same manner as persons em-  
4 ployed intermittently in the Government service are al-  
5 lowed expenses under section 5703(b) of title 5, United  
6 States Code.

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

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

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

18 (a) INITIAL REPORT.—Not later than 6 months after  
19 the date of the first meeting of the Commission, the Com-  
20 mission shall submit to the President and Congress an ini-  
21 tial report containing such findings, conclusions, and rec-  
22 ommendations for corrective measures as have been  
23 agreed to by a majority of Commission members.

24 (b) ADDITIONAL REPORTS.—Not later than 1 year  
25 after the submission of the initial report of the Commis-

1 sion, the Commission shall submit to the President and  
2 Congress a second report containing such findings, conclu-  
3 sions, and recommendations for corrective measures as  
4 have been agreed to by a majority of Commission mem-  
5 bers.

6 (c) TERMINATION.—

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

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

17 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

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