

110TH CONGRESS  
1ST SESSION

# H. R. 265

To provide for the establishment of an independent, Presidentally-appointed Commission to assess the circumstances related to the damage caused by Hurricane Katrina on or between Friday, August 26, 2005, and Tuesday, August 30, 2005.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2007

Ms. JACKSON-LEE of Texas introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To provide for the establishment of an independent, Presidentally-appointed Commission to assess the circumstances related to the damage caused by Hurricane Katrina on or between Friday, August 26, 2005, and Tuesday, August 30, 2005.

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 “Hurricane Katrina  
5       Disaster Inquiry Commission Act of 2007”.

1 **SEC. 2. DEFINITION.**

2 For purposes of this Act, the term “Commission”  
3 means the Commission established under this Act.

4 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

5 (a) **ESTABLISHMENT.**—The President shall establish  
6 an independent, nonpartisan Commission within the exec-  
7 utive branch to discover and assess the circumstances re-  
8 lated to the damage caused by Hurricane Katrina on or  
9 between Friday, August 26, 2005, and Tuesday, August  
10 30, 2005.

11 (b) **DEADLINE FOR ESTABLISHMENT.**—The Presi-  
12 dent shall issue an executive order establishing a Commis-  
13 sion within 30 days after the date of enactment of this  
14 Act.

15 **SEC. 4. COMPOSITION OF COMMISSION.**

16 (a) **NUMBER OF COMMISSIONERS.**—The Commission  
17 shall consist of 15 members.

18 (b) **SELECTION.**—The members of the Commission  
19 shall be chosen in the following manner:

20 (1) The President of the United States Con-  
21 ference of Mayors shall be a member of the Commis-  
22 sion.

23 (2) The President shall appoint the remaining  
24 14 members, and shall designate the Chairman and  
25 Vice Chairman of the Commission from among its  
26 members.

4 (A) The majority leader of the Senate, the  
5 minority leader of the Senate, the Speaker of  
6 the House of Representatives, the minority  
7 leader of the House of Representatives, and the  
8 President of the collective-bargaining organiza-  
9 tion including the largest number of emergency  
10 medical responders, shall each provide to the  
11 President a list of candidates for membership  
12 on the Commission.

13 (B) The President shall select one of the  
14 candidates from each of the 5 lists for member-  
15 ship on the Commission.

16 (4)(A) No officer or employee of the Federal  
17 Government shall serve as a member of the Commis-  
18 sion

19 (B) No member of the Commission shall have,  
20 or have pending, a contractual relationship with the  
21 Federal Emergency Management Agency

15 (c) DEADLINE FOR APPOINTMENT.—All members of  
16 the Commission shall be appointed no later than 60 days  
17 after issuance of the executive order establishing the Com-  
18 mission.

19 (d) INITIAL MEETING.—The Commission shall meet  
20 and begin operations as soon as practicable.

21 (e) QUORUM; VACANCIES.—After its initial meeting,  
22 the Commission shall meet upon the call of the Chairman  
23 or a majority of its members. Eight members of the Com-  
24 mission shall constitute a quorum. Any vacancy in the  
25 Commission shall not affect its powers, but shall be filled

1 in the same manner in which the original appointment was  
2 made.

3 **SEC. 5. TASKS OF THE COMMISSION.**

4 The Commission shall, to the extent possible, under-  
5 take the following tasks:

6 (1) Chronicle the trajectory of Hurricane  
7 Katrina, including the timetable and locations of its  
8 path, and the responses made by the Federal, State,  
9 and local governments.

10 (2) Issue a statement of an estimate as to the  
11 loss of life, physical and structural damage, and dis-  
12 placement of residents as a result of the disaster.

13 (3) Make recommendations for corrective ac-  
14 tions.

15 (4) Provide any additional findings or rec-  
16 ommendations considered by the Commission to be  
17 important, whether or not they are related to emer-  
18 gency disaster management.

19 (5) Prepare a report to Congress, the Presi-  
20 dent, and the public.

21 **SEC. 6. POWERS OF COMMISSION.**

22 (a) IN GENERAL.—

23 (1) HEARINGS AND EVIDENCE.—The Commis-  
24 sion or, on the authority of the Commission, any

1 subcommittee or member thereof, may, for the pur-  
2 pose of carrying out this Act—

3 (A) hold such hearings and sit and act at  
4 such times and places, take such testimony, re-  
5 ceive such evidence, administer such oaths; and

6 (B) subject to paragraph (2)(A), require,  
7 by subpoena or otherwise, the attendance and  
8 testimony of such witnesses and the production  
9 of such books, records, correspondence, memo-  
10 randa, papers, and documents,

11 as the Commission or such designated subcommittee  
12 or designated member may determine advisable.

13 (2) SUBPOENAS.—

14 (A) ISSUANCE.—

15 (i) IN GENERAL.—A subpoena may be  
16 issued under this subsection only—

17 (I) by the agreement of the  
18 Chairman and the Vice Chairman; or

19 (II) by the affirmative vote of 8  
20 members of the Commission.

21 (ii) SIGNATURE.—Subject to clause

22 (i), subpoenas issued under this subsection  
23 may be issued under the signature of the  
24 Chairman or any member designated by a  
25 majority of the Commission, and may be

4 (B) ENFORCEMENT.—

5 (i) IN GENERAL.—In the case of con-  
6 tumacy or failure to obey a subpoena  
7 issued under subparagraph (A), the United  
8 States district court for the judicial district  
9 in which the subpoenaed person resides, is  
10 served, or may be found, or where the sub-  
11 poena is returnable, may issue an order re-  
12 quiring such person to appear at any des-  
13 ignated place to testify or to produce docu-  
14 mentary or other evidence. Any failure to  
15 obey the order of the court may be pun-  
16 ished by the court as a contempt of that  
17 court.

1 grand jury for its action, under the same  
2 statutory authority and procedures as if  
3 the United States attorney had received a  
4 certification under sections 102 through  
5 104 of the Revised Statutes of the United  
6 States (2 U.S.C. 192 through 194).

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

11 (c) INFORMATION FROM FEDERAL AGENCIES.—

12 (1) IN GENERAL.—The Commission may secure  
13 directly from any executive department, bureau,  
14 agency, board, commission, office, independent es-  
15 tablishment, or instrumentality of the Government,  
16 information, suggestions, estimates, and statistics  
17 for the purposes of this Act. Each department, bu-  
18 reau, agency, board, commission, office, independent  
19 establishment, or instrumentality shall, to the extent  
20 authorized by law, furnish such information, sugges-  
21 tions, estimates, and statistics directly to the Com-  
22 mission, upon request made by the Chairman, the  
23 chairman of any subcommittee created by a majority  
24 of the Commission, or any member designated by a  
25 majority of the Commission.

6 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

19 (e) POSTAL SERVICES.—The Commission may use  
20 the United States mails in the same manner and under  
21 the same conditions as departments and agencies of the  
22 United States.

## 23 SEC. 7. PUBLIC MEETINGS, INFORMATION, AND HEARINGS.

24 (a) PUBLIC MEETINGS AND RELEASE OF PUBLIC  
25 VERSIONS OF REPORTS.—The Commission shall—

5 (b) PUBLIC HEARINGS.—Any public hearings of the  
6 Commission shall be conducted in a manner consistent  
7 with the protection of information provided to or developed  
8 for or by the Commission as required by any applicable  
9 statute, regulation, or Executive order.

## 10 SEC. 8. STAFF OF COMMISSION.

11 (a) IN GENERAL.—

12 (1) APPOINTMENT AND COMPENSATION.—The  
13 Chairman, in consultation with Vice Chairman, in  
14 accordance with rules agreed upon by the Commis-  
15 sion, may appoint and fix the compensation of a  
16 staff director and such other personnel as may be  
17 necessary to enable the Commission to carry out its  
18 functions, without regard to the provisions of title 5,  
19 United States Code, governing appointments in the  
20 competitive service, and without regard to the provi-  
21 sions of chapter 51 and subchapter III of chapter 53  
22 of such title relating to classification and General  
23 Schedule pay rates, except that no rate of pay fixed  
24 under this paragraph may exceed the equivalent of  
25 that payable for a position at level V of the Execu-

1 tive Schedule under section 5316 of title 5, United  
2 States Code. Employees of the Federal Emergency  
3 Management Agency shall not be appointed to the  
4 staff of the Commission.

5 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

12 (B) MEMBERS OF COMMISSION.—Subpara-  
13 graph (A) does not apply to members of the  
14 Commission.

15 (b) DETAILEES.—Any Federal Government em-  
16 ployee, except for an employee of the Federal Emergency  
17 Management Agency, may be detailed to the Commission  
18 without reimbursement from the Commission, and such  
19 detailee shall retain the rights, status, and privileges of  
20 his or her regular employment without interruption.

21 (c) CONSULTANT SERVICES.—The Commission may  
22 procure the services of experts and consultants in accord-  
23 ance with section 3109 of title 5, United States Code, but  
24 at rates not to exceed the daily rate paid a person occu-

1 1 pying a position at level IV of the Executive Schedule  
2 2 under section 5315 of title 5, United States Code.

3 **3 SEC. 9. COMPENSATION AND TRAVEL EXPENSES.**

4 4 (a) COMPENSATION.—Each member of the Commis-  
5 sion may be compensated at not to exceed the daily equiva-  
6 lent of the annual rate of basic pay in effect for a position  
7 at level IV of the Executive Schedule under section 5315  
8 of title 5, United States Code, for each day during which  
9 that member is engaged in the actual performance of the  
10 duties of the Commission.

11 11 (b) TRAVEL EXPENSES.—While away from their  
12 homes or regular places of business in the performance  
13 of services for the Commission, members of the Commis-  
14 sion shall be allowed travel expenses, including per diem  
15 in lieu of subsistence, in the same manner as persons em-  
16 ployed intermittently in the Government service are al-  
17 lowed expenses under section 5703(b) of title 5, United  
18 States Code.

19 **19 SEC. 10. SECURITY CLEARANCES FOR COMMISSION MEM-  
20 BERS AND STAFF.**

21 21 The appropriate Federal agencies or departments  
22 shall cooperate with the Commission in expeditiously pro-  
23 viding to the Commission members and staff appropriate  
24 security clearances to the extent possible pursuant to ex-  
25 isting procedures and requirements. No person shall be

1 provided with access to classified information under this  
2 Act without the appropriate security clearances.

3 **SEC. 11. REPORTING REQUIREMENTS AND TERMINATION.**

4 (a) **INTERIM REPORTS.**—The Commission may sub-  
5 mit to the President and Congress interim reports con-  
6 taining such findings, conclusions, and recommendations  
7 for corrective actions as have been agreed to by a majority  
8 of Commission members.

9 (b) **FINAL REPORT.**—The Commission shall submit  
10 to the President and Congress, and make concurrently  
11 available to the public, a final report containing such find-  
12 ings, conclusions, and recommendations for corrective ac-  
13 tions as have been agreed to by a majority of Commission  
14 members. Such report shall include any minority views or  
15 opinions not reflected in the majority report.

16 (c) **TERMINATION.**—

17 (1) **IN GENERAL.**—The Commission, and all the  
18 authorities of this Act with respect to the Commis-  
19 sion, shall terminate 60 days after the date on which  
20 the final report is submitted under subsection (b).

21 (2) **ADMINISTRATIVE ACTIVITIES BEFORE TER-  
22 MINATION.**—The Commission may use the 60-day  
23 period referred to in paragraph (1) for the purpose  
24 of concluding its activities, including providing testi-

1 mony to committees of Congress concerning its re-  
2 ports and disseminating the final report.

3 **SEC. 12. FUNDING.**

4 Such sums as are necessary to carry out this Act are  
5 authorized to be appropriated. Sums authorized by this  
6 Act shall remain available until the termination of the  
7 Commission.

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