

110TH CONGRESS
1ST SESSION

H. R. 3244

To establish the National Commission on Detainee Treatment.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2007

Mr. JOHNSON of Georgia (for himself, Mr. ABERCROMBIE, Mr. BUTTERFIELD, Mr. DOGGETT, Ms. SCHAKOWSKY, Ms. SHEA-PORTER, and Mr. LEWIS of Georgia) introduced the following bill; which was referred to the Committee on the Judiciary, 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

A BILL

To establish the National Commission on Detainee
Treatment.

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 “National Commission
5 on Detainee Treatment Act of 2007”.

1 **SEC. 2. ESTABLISHMENT.**

2 There is established a commission to be known as the
3 “National Commission on Detainee Treatment” (in this
4 Act referred to as the “Commission”).

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

6 The Commission shall conduct a comprehensive re-
7 view of matters relating to the capture, custody, judicial
8 proceedings, and repatriation of suspected unlawful enemy
9 combatants with the objective of developing a comprehen-
10 sive report for purposes of section 7.

11 **SEC. 4. MEMBERSHIP.**

12 (a) **NUMBER AND APPOINTMENT.**—The Commission
13 shall be composed of 8 members, to be appointed as fol-
14 lows:

15 (1) 2 members appointed by the majority leader
16 of the Senate.

17 (2) 2 members appointed by the minority leader
18 of the Senate.

19 (3) 2 members appointed by the Speaker of the
20 House of Representatives.

21 (4) 2 members appointed by the minority leader
22 of the House of Representatives.

23 (b) **PROHIBITED APPOINTMENTS.**—No member of
24 the Commission shall be a Member of Congress or other
25 elected Federal, State, or local government official.

1 (c) PERIOD OF APPOINTMENT.—Each member shall
2 be appointed for the life of the Commission.

3 (d) VACANCIES.—A vacancy in the Commission shall
4 not affect the power and duties of the Commission but
5 shall be filled in the manner in which the original appoint-
6 ment was made.

7 (e) DEADLINE FOR APPOINTMENTS.—Members of
8 the Commission shall be appointed by not later than 30
9 days after the date of enactment of this Act.

10 (f) INITIAL ORGANIZATION PERIOD.—Not later than
11 60 days after the date of enactment of this Act, the Com-
12 mission shall develop and implement a schedule for com-
13 pletion of the review and report required under section 7.

14 (g) CO-CHAIRPERSONS.—The Commission shall se-
15 lect 2 Co-Chairpersons from among its members.

16 (h) COMPENSATION.—Members of the Commission
17 shall serve without pay.

18 (i) TRAVEL EXPENSES.—Members shall receive trav-
19 el expenses, including per diem in lieu of subsistence, in
20 accordance with sections 5702 and 5703 of title 5, United
21 States Code, while away from their homes or regular
22 places of business in performance of services for the Com-
23 mission.

1 **SEC. 5. ADMINISTRATION.**

2 (a) QUORUM.—5 members of the Commission shall
3 constitute a quorum, but a lesser number may hold hear-
4 ings.

5 (b) MEETINGS.—

6 (1) IN GENERAL.—The Commission shall meet
7 at the call of the Co-Chairpersons or a majority of
8 its members.

9 (2) OPEN MEETINGS.—Each meeting of the
10 Commission, other than meetings in which classified
11 information is to be discussed, shall be open to the
12 public.

13 (c) HEARINGS.—The Commission may hold such
14 hearings and undertake such other activities as the Com-
15 mission determines to be necessary to carry out its duties.

16 (d) SUBPOENA POWER.—

17 (1) IN GENERAL.—The Commission may issue
18 subpoenas requiring the attendance and testimony of
19 witnesses and the production of any evidence relat-
20 ing to any matter under investigation by the Com-
21 mission. The attendance of witnesses and the pro-
22 duction of evidence may be required from any place
23 in the United States at any designated place of
24 hearing within the United States.

25 (2) FAILURE TO OBEY A SUBPOENA.—If a per-
26 son refuses to obey a subpoena issued under para-

1 graph (1), the Commission may apply to a United
2 States district court for an order requiring that per-
3 son to appear before the Commission to give testi-
4 mony, produce evidence, or both, relating to the
5 matter under investigation. The application may be
6 made within the judicial district where the hearing
7 is conducted or where that person is found, resides,
8 or transacts business. Any failure to obey the order
9 of the court may be punished by the court as civil
10 contempt.

11 (3) SERVICE OF SUBPOENAS.—The subpoenas
12 of the Commission shall be served in the manner
13 provided for subpoenas issued by a United States
14 district court under the Federal Rules of Civil Pro-
15 cedure for the United States district courts.

16 (4) SERVICE OF PROCESS.—All process of any
17 court to which application is made under paragraph
18 (2) may be served in the judicial district in which
19 the person required to be served resides or may be
20 found.

21 **SEC. 6. DIRECTOR AND STAFF OF COMMISSION.**

22 (a) EXECUTIVE DIRECTOR.—The Commission shall
23 have an Executive Director, who shall be appointed by the
24 Co-Chairpersons of the Commission. To the extent or in
25 the amounts provided in advance in appropriations Acts,

1 the Executive Director shall be paid at a rate equivalent
2 to a rate established for the Senior Executive Service
3 under section 5382 of title 5, United States Code.

4 (b) STAFF.—With the approval of the Commission,
5 the Executive Director may appoint and fix the pay of
6 such additional personnel as the Executive Director deter-
7 mines to be appropriate.

8 (c) ACTUARIAL EXPERTS AND CONSULTANTS.—With
9 the approval of the Commission, the Executive Director
10 may procure temporary and intermittent services under
11 section 3109(b) of title 5, United States Code.

12 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
13 the request of the Commission, the head of any Federal
14 agency may detail, without reimbursement, any of the per-
15 sonnel of such agency to the Commission to assist in car-
16 rying out the duties of the Commission. Any such detail
17 shall not interrupt or otherwise affect the civil service sta-
18 tus or privileges of the Federal employee.

19 (e) OBTAINING OFFICIAL DATA.—The Commission
20 may secure directly from any department or agency of the
21 United States information necessary to enable it to carry
22 out this Act. Upon request of the Co-Chairpersons, the
23 head of that department or agency shall furnish that infor-
24 mation to the Commission.

1 (f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the
2 request of the Commission, the Administrator of General
3 Services shall provide to the Commission, on a reimburs-
4 able basis, the administrative support services necessary
5 for the Commission to carry out its responsibilities under
6 this Act.

7 (g) OTHER RESOURCES.—The Commission shall
8 have reasonable access to materials, resources, statistical
9 data, and other information such Commission determines
10 to be necessary to carry out its duties from the Library
11 of Congress, other agencies and elected representatives of
12 the executive and legislative branches of the Federal Gov-
13 ernment. The Co-Chairpersons of the Commission shall
14 make requests for such access in writing when necessary.

15 **SEC. 7. REPORT.**

16 (a) REPORT.—Not later than one year after the date
17 on which the 2 Co-Chairpersons are selected, the Commis-
18 sion shall prepare and submit to Congress and the Presi-
19 dent a final report that contains a detailed statement of
20 the recommendations, findings, and conclusions of the
21 Commission. The appropriate Committees of Congress
22 shall hold hearings on the report.

23 (b) PUBLIC AVAILABILITY.—The report submitted
24 under this subsection shall be made available to the public.

1 **SEC. 8. TERMINATION.**

2 The Commission shall terminate on the date that is
3 30 days after the date on which the Commission submits
4 the report required under section 7.

5 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated \$1,500,000
7 for fiscal year 2008 to carry out this Act. Such sums shall
8 remain available until expended.

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