

110TH CONGRESS  
2D SESSION

# S. 3578

To establish a commission to assess the nuclear activities of the Islamic Republic of Iran.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25 (legislative day, SEPTEMBER 17), 2008

Mr. ENSIGN introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To establish a commission to assess the nuclear activities of the Islamic Republic of Iran.

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 TO ASSESS**

4                       **THE NUCLEAR ACTIVITIES OF THE ISLAMIC**

5                       **REPUBLIC OF IRAN.**

6       (a) ESTABLISHMENT.—There is hereby established a  
7       commission to be known as the “Commission To Assess  
8       the Nuclear Activities of the Islamic Republic of Iran” (in  
9       this Act referred to as the “Commission”).

1 (b) COMPOSITION.—The Commission shall be com-  
2 posed of 12 members appointed as follows:

3 (1) 3 members shall be appointed by the major-  
4 ity leader of the Senate.

5 (2) 3 members shall be appointed by the Speak-  
6 er of the House of Representatives.

7 (3) 3 members shall be appointed by the minor-  
8 ity leader of the Senate.

9 (4) 3 members shall be appointed by the minor-  
10 ity leader of the House of Representatives.

11 (c) QUALIFICATIONS.—Members of the Commission  
12 shall be appointed from among private United States citi-  
13 zens with knowledge and expertise in the political and mili-  
14 tary aspects of nuclear proliferation and the military and  
15 civilian nuclear activities of the Islamic Republic of Iran.

16 (d) CHAIRMEN.—The Committee shall have two co-  
17 chairmen, of whom—

18 (1) one shall be designated from among the  
19 members of the Commission by the Speaker of the  
20 House of Representatives, after consultation with  
21 the majority leader of the Senate; and

22 (2) one shall be designated from among the  
23 members of the Commission by the minority leader  
24 of the House of Representatives, after consultation  
25 with the minority leader of the Senate.

1 (e) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
 2 bers shall be appointed for the life of the Commission. Any  
 3 vacancy in the Commission shall be filled in the same man-  
 4 ner as the original appointment.

5 (f) SECURITY CLEARANCES.—All members of the  
 6 Commission shall hold appropriate security clearances.

7 (g) INITIAL ORGANIZATION REQUIREMENTS.—

8 (1) DEADLINE FOR INITIAL APPOINTMENTS.—  
 9 All appointments to the Commission shall be made  
 10 not later than 45 days after the date of the enact-  
 11 ment of this Act.

12 (2) FIRST MEETING.—The Commission shall  
 13 convene its first meeting not later than 30 days  
 14 after the date as of which all members of the Com-  
 15 mission have been appointed, but not earlier than  
 16 February 1, 2008.

17 **SEC. 2. DUTIES OF COMMISSION.**

18 The Commission shall assess the following:

19 (1) The status of the military nuclear activities  
 20 and civilian nuclear activities of the Islamic Republic  
 21 of Iran.

22 (2) The relationship between the military nu-  
 23 clear activities and civilian nuclear activities of the  
 24 Islamic Republic of Iran.

1           (3) The intentions behind the military nuclear  
2           activities and civilian nuclear activities of the Islamic  
3           Republic of Iran.

4   **SEC. 3. REPORT.**

5           Not later than six months after its first meeting, the  
6   Commission shall submit to Congress a report on its find-  
7   ings and conclusions as a result of the assessment under  
8   section 2.

9   **SEC. 4. POWERS.**

10          (a) HEARINGS.—The Commission or, at its direction,  
11   any panel or member of the Commission, may, for the pur-  
12   pose of carrying out the provisions of this Act, hold hear-  
13   ings, sit and act at times and places, take testimony, re-  
14   ceive evidence, and administer oaths to the extent that the  
15   Commission or any panel or member considers advisable.

16          (b) SUPPORT OF OTHER AGENCIES.—

17               (1) IN GENERAL.—The Commission may secure  
18   directly from the Department of Defense, the Office  
19   of the Director of National Intelligence, the Central  
20   Intelligence Agency, and any other department or  
21   agency of the United States Government information  
22   that the Commission considers necessary to enable  
23   the Commission to carry out its duties under this  
24   Act.

1           (2) COOPERATION OF GOVERNMENT OFFI-  
2           CIALS.—The Commission should receive the full and  
3           timely cooperation of the Secretary of Defense, the  
4           Director of National Intelligence, and other appro-  
5           priate officials of the United States Government who  
6           should, in providing such cooperation, provide the  
7           Commission with analyses, briefings, and other in-  
8           formation necessary for the fulfillment of the duties  
9           of the Commission.

10 **SEC. 5. COMMISSION PROCEDURES.**

11           (a) MEETINGS.—The Commission shall meet at the  
12           call of the chairman of the Commission.

13           (b) QUORUM.—

14                 (1) IN GENERAL.—Five members of the Com-  
15           mission shall constitute a quorum other than for the  
16           purpose of holding hearings.

17                 (2) ACTION BY RESOLUTION OF MAJORITY.—  
18           The Commission shall act by resolution agreed to by  
19           a majority of the members of the Commission.

20           (c) COMMISSION.—The Commission may establish  
21           panels composed of less than full membership of the Com-  
22           mission for the purpose of carrying out the duties of the  
23           Commission under this Act. The actions of any such panel  
24           shall be subject to the review and control of the Commis-  
25           sion. Any findings and determinations made by such a

1 panel shall not be considered the findings and determina-  
 2 tions of the Commission unless approved by the Commis-  
 3 sion.

4 (d) **AUTHORITY OF INDIVIDUALS TO ACT FOR COM-**  
 5 **MISSION.**—Any member or agent of the Commission may,  
 6 if authorized by the Commission, take any action which  
 7 the Commission is authorized to take under this Act.

8 **SEC. 6. PERSONNEL MATTERS.**

9 (a) **PAY OF MEMBERS.**—Members of the Commission  
 10 shall serve without pay by reason of their work on the  
 11 Commission.

12 (b) **TRAVEL EXPENSES.**—The members of the Com-  
 13 mission shall be allowed travel expenses, including per  
 14 diem in lieu of subsistence, at rates authorized for employ-  
 15 ees of agencies under subchapter I of chapter 57 of title  
 16 5, United States Code, while away from their homes or  
 17 regular places of business in the performance of services  
 18 for the Commission.

19 (c) **STAFF.**—

20 (1) **IN GENERAL.**—The co-chairmen of the  
 21 Commission may, without regard to the provisions of  
 22 title 5, United States Code, governing appointments  
 23 in the competitive service, jointly appoint a staff di-  
 24 rector and such additional personnel as may be nec-  
 25 essary to enable the Commission to perform its du-

1       ties under this Act. The appointment of a staff di-  
2       rector shall be subject to the approval of the Com-  
3       mission.

4           (2) COMPENSATION.—The co-chairmen of the  
5       Commission may jointly fix the pay of the staff di-  
6       rector and other personnel of the Commission with-  
7       out regard to the provisions of chapter 51 and sub-  
8       chapter III of chapter 53 of title 5, United States  
9       Code, relating to classification of positions and Gen-  
10      eral Schedule pay rates, except that the rate of pay  
11      fixed under this paragraph for the staff director may  
12      not exceed the rate payable for level V of the Execu-  
13      tive Schedule under section 5316 of such title and  
14      the rate of pay for other personnel may not exceed  
15      the maximum rate payable for grade GS–15 of the  
16      General Schedule.

17      (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon  
18      the joint request of the co-chairmen of the Commission,  
19      the head of any department or agency of the United States  
20      Government may detail, on a nonreimbursable basis, any  
21      personnel of that department or agency to the Commission  
22      to assist it in carrying out its duties.

23      (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
24      TENT SERVICES.—The co-chairmen of the Commission  
25      may jointly procure temporary and intermittent services

1 under section 3109(b) of title 5, United States Code, at  
2 rates for individuals which do not exceed the daily equiva-  
3 lent of the annual rate of basic pay payable for level V  
4 of the Executive Schedule under section 5316 of such title.

5 **SEC. 7. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

6 (a) POSTAL AND PRINTING SERVICES.—The Com-  
7 mission may use the United States mails and obtain print-  
8 ing and binding services in the same manner and under  
9 the same conditions as other departments and agencies of  
10 the United States Government.

11 (b) MISCELLANEOUS ADMINISTRATIVE AND SUP-  
12 PORT SERVICES.—The Director of Central Intelligence  
13 shall furnish the Commission, on a reimbursable basis,  
14 any administrative and support services requested by the  
15 Commission.

16 **SEC. 8. FUNDING.**

17 (a) IN GENERAL.—Funds for activities of the Com-  
18 mission under this Act shall be provided from amounts  
19 available for the Office of the Director of National Intel-  
20 ligence for fiscal year 2008.

21 (b) DISBURSEMENT.—Upon receipt of a joint written  
22 certification from the co-chairmen of the Commission  
23 specifying the funds required for the activities of the Com-  
24 mission, the Director of National Intelligence shall  
25 promptly disburse to the Commission, from amounts re-



1   ferred to in subsection (a), the funds required by the Com-  
2   mission as stated in such certification.

3   **SEC. 9. TERMINATION OF THE COMMISSION.**

4         The Commission shall terminate 60 days after the  
5   date of the submittal of its report under section 3.

