

H. Con. Res. 417: Mr. DOYLE and Mr. ANDREWS.

H. Con. Res. 421: Mr. MEEKS of New York.

H. Con. Res. 438: Mr. JEFFERSON.

H. Con. Res. 444: Mr. BEREUTER, Mr. COBLE, and Mr. FORBES.

H. Res. 106: Mr. LYNCH, Mr. HINCHEY, Mr. McNULTY, Ms. MILLENDER-McDONALD, Ms. HARMAN, Mr. FROST, Mr. KILDEE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WOOLSEY, Ms. MCKINNEY, Mr. DAVIS of Illinois, Mr. FRANK, and Mr. LARSEN of Washington.

H. Res. 253: Mr. KUCINICH.

H. Res. 295: Mr. BOSWELL and Ms. KILPATRICK.

H. Res. 410: Mr. COX.

H. Res. 429: Mr. ISRAEL, Mr. ENGLISH, Mr. FORBES, Mr. PETERSON of Minnesota, Mr. FRANK, Mrs. MYRICK, Mr. STUMP, Mr. WEXLER, Mr. CARSON of Oklahoma, Mr. GREEN of Texas, Ms. HART, Mr. DIAZ-BALART, Mr. HEFLEY, Mr. BAKER, Mr. FOSSELLA, Mr. BALDACCIO, Mr. ACEVEDO-VILA, Mr. VETTER, Mr. MORAN of Virginia, Mr. RAHALL, Mrs. MINK of Hawaii, Mr. WOLF, Mr. MCGOVERN, Mr. FROST, Mr. LEVIN, Mr. GOODE, Mr. WYNN, Mr. BARTLETT of Maryland, Mr. BRADY of Texas, Mr. KERNS, Mr. TURNER, Mr. TAYLOR of Mississippi, Ms. BALDWIN, Mr. GREEN of Wisconsin, Mr. BONIOR, Mr. SIMPSON, Mr. BERRY, Mr. SKEEN, Mr. CALVERT, Mr. BARR of Georgia, Mr. SESSIONS, Mr. SANDLIN, Mr. JONES of North Carolina, Mr. CRANE, Mr. ROHRBACHER, Mr. TIAHRT, Mr. GILMAN, Mr. GILCHREST, Ms. GRANGER, Mr. RODRIGUEZ, Mr. HOYER, Ms. HOOLEY of Oregon, Mr. TANNER, Mr. DINGELL, Mr. BROWN of Ohio, Ms. BROWN of Florida, Mr. DOYLE, Mr. FLETCHER, Mr. CUNNINGHAM, Mr. UNDERWOOD, Mr. BUYER, Mr. WILSON of South Carolina, Mr. HOLDEN, Mr. FALEOMAVAEGA, Mr. DELAHUNT, Mr. COSTELLO, Ms. SLAUGHTER, Ms. MCKINNEY, Mr. STRICKLAND, Mr. COOKSEY, Mr. GIBBONS, Mr. SULLIVAN, Mr. SHERMAN, Mr. GOODLATTE, Mr. YOUNG of Florida, Mr. WATT of North Carolina, Mr. KINGSTON, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. CUMMINGS, Mr. ISAKSON, Mr. LYNCH, Mr. GONZALEZ, Mr. PHELPS, Mrs. THURMAN, and Mr. LIPINSKI.

H. Res. 454: Mr. ROHRBACHER, Mr. McNULTY, and Mr. LIPINSKI.

AMENDMENTS

Under clause 8 of the rule XVIII, propose amendments were submitted as follows:

H.R. 5005

OFFERED BY: MR. ROEMER

AMENDMENT NO. 4: Amend title II to read as follows:

TITLE II—DIRECTORATES OF INTELLIGENCE AND OF CRITICAL INFRASTRUCTURE PROTECTION

SEC. 201. DIRECTORATE OF INTELLIGENCE.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—

(A) IN GENERAL.—There is established a Directorate of Intelligence which shall serve as a national-level focal point for the analysis of all information available to the United States Government for the purpose of preventing, deterring, protecting against, preparing for, and responding to threats of terrorism against the United States and other threats to homeland security.

(B) SUPPORT TO DIRECTORATE.—The Directorate of Intelligence shall be supported by—

(i) the Federal Bureau of Investigation;

(ii) the intelligence community as defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a) including the Office of the Director of Central Intelligence, the National Intelligence Council, the Central Intelligence Agency, the National Security

Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, and the Bureau of Intelligence and Research of the Department of State; and

(iii) other agencies or entities, including those within the Department, as determined by the Secretary.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Intelligence shall be responsible for the following:

(1) Receiving and analyzing law enforcement information, intelligence, and other information in order to understand the nature and scope of threats to the homeland and to detect and identify threats of terrorism against the United States and other threats to homeland security.

(2) Ensuring timely and efficient access by the Directorate to—

(A) information from agencies described under subsection (a)(1)(B), State and local governments, local law enforcement and intelligence agencies, private sector entities; and

(B) open source information.

(3) Working with the Director of Central Intelligence and the agencies described under subsection (a)(1)(B), to establish overall collection priorities and strategies for information, including law enforcement-related information, relating to threats of terrorism against the United States and other threats to homeland security.

(4) Directing the agencies described under subsection (a)(1)(B), on behalf of the Secretary and subject to disapproval by the President, on a case-by-case basis, to provide additional information relating to threats of terrorism against the United States and other threats to homeland security.

(5) Disseminating information to the Directorate of Critical Infrastructure Protection, the agencies described under subsection (a)(1)(B), State and local governments, local law enforcement and intelligence agencies, and private sector entities to assist in the deterrence, prevention, preemption, and response to threats of terrorism against the United States and other threats to homeland security.

(6) Establishing and utilizing, in conjunction with the Chief Information Officer of the Department, and in conjunction with the appropriate officers at the agencies described under subsection (a)(1)(B), a secure communications and information technology infrastructure, including data mining and other advanced analytical tools, to permit the Directorate's analysts to access, receive, and analyze law enforcement, intelligence, and other information in the possession of agencies, to the extent that such information may lawfully be obtained from State and local governments, local law enforcement and intelligence agencies, and private sector entities.

(7) Developing, in conjunction with the Chief Information Officer of the Department, and in conjunction with appropriate officers at the agencies described under subsection (a)(1)(B) appropriate software, hardware, and other information technology, and security and formatting protocols, to ensure that the Federal Government databases and information technology systems containing information relevant to terrorist threats, and other threats against the United States, are—

(A) compatible with the secure communications and information technology infrastructure referred to under paragraph (6); and

(B) comply with Federal laws concerning privacy and the prevention of unauthorized disclosure.

(8) Ensuring, in conjunction with the Director of Central Intelligence and the Attorney General, that all material received by the Department related to threats of terrorism against the United States and other threats to homeland security is protected against unauthorized disclosure and is utilized by the Department only in the course and for the purposes of fulfillment of official duties, and is transmitted, retained, handled, and disseminated consistent with—

(A) the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure under the National Security Act of 1947 (50 U.S.C. 401 et seq.) and related procedures; or

(B) as appropriate, similar authorities of the Attorney General concerning sensitive law enforcement information, and the privacy interests of United States persons as defined under section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(9) Referring, through the Secretary, to the appropriate law enforcement or intelligence agency, intelligence and analysis requiring further investigation or action.

(10) Providing training and other support as necessary to providers of information to the Department, or consumers of information from the Department, to allow such providers or consumers to identify and share intelligence information revealed in their ordinary duties or utilize information received from the Department.

(11) Reviewing, analyzing, and making recommendations through the Secretary for improvements in the policies and procedures governing the sharing of law enforcement, intelligence, and other information relating to threats of terrorism against the United States and other threats to homeland security within the Federal government and between the Federal government and State and local governments, local law enforcement and intelligence agencies, and private sector entities.

(12) Assisting and supporting the Secretary in conducting threat and vulnerability assessments and risk analyses in coordination with other appropriate entities, including the Office of Risk Analysis and Assessment in the Directorate of Science and Technology.

(13) Performing other related and appropriate duties as assigned by the Secretary.

(c) ACCESS TO INFORMATION.—

(1) IN GENERAL.—The Secretary shall have access to, and agencies described under subsection (a)(1)(B) shall provide, all law enforcement, intelligence, and other information in the possession of agencies described under subsection (a)(1)(B) relating to threats of terrorism against the United States and other threats to homeland security, including all reports, assessments, analytical information, and unevaluated data the Secretary determines necessary in order to fulfill the responsibilities of the Secretary, except when the President determines otherwise in writing. If there is uncertainty to an agency possessing certain information as to the relevance of that information, that agency shall provide that information to the Secretary who shall determine the relevance of the information, except when the President determines otherwise in writing.

(2) OBTAINING INFORMATION.—The Secretary may obtain information described under paragraph (1) by directing agencies described under subsection (a)(1)(B) to provide such information in such form and at such intervals as the Secretary determines necessary to fulfill the responsibilities of the Secretary under this division. Agencies shall provide

the Secretary with information through secure means, including direct access to specific databases, and through secure communications and information technology infrastructure, consistent with the protection of such information from unauthorized disclosure.

(3) **AGREEMENTS.**—To facilitate access to information under this subsection, the Secretary may enter into cooperative arrangements or memoranda of understanding with agencies described under subsection (a)(1)(B), State and local governments, local law enforcement and intelligence agencies, and private sector entities, as the Secretary determines necessary and appropriate. Failure to reach an agreement under this paragraph with the Secretary shall not constitute grounds for an agency to withhold from the Secretary information that the Secretary determines necessary for the fulfillment of the responsibilities of the Secretary.

(d) **AUTHORIZATION TO SHARE LAW ENFORCEMENT INFORMATION.**—The Secretary shall be deemed to be a Federal law enforcement, intelligence, protective, national defense, or national security official for purposes of information sharing provisions of—

(1) section 203(d) of the USA PATRIOT Act of 2001 (Public Law 107-56);

(2) section 2517(6) of title 18, United States Code; and

(3) rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure.

(e) **ADDITIONAL RESPONSIBILITIES.**—The Under Secretary for Intelligence shall also be responsible for—

(1) developing intelligence about the means terrorists are likely to use to exploit vulnerabilities in the homeland security infrastructure;

(2) developing and conducting experiments, tests, and inspections to test weaknesses in homeland defenses;

(3) developing methods to conduct counter-surveillance of critical infrastructure and potential targets for terrorism against the United States;

(4) conducting risk assessments to determine the risk posed by specific kinds of terrorist attacks, the probability of successful attacks, and the feasibility of specific countermeasures; and

(5) working with the Directorate of Critical Infrastructure Protection, other offices and agencies in the Department, other agencies, State and local governments, local law enforcement and intelligence agencies, and private sector entities, to address vulnerabilities.

(f) **MANAGEMENT AND STAFFING.**—

(1) **IN GENERAL.**—The Directorate of Intelligence shall be staffed, in part, by analysts as requested by the Secretary and assigned by the agencies described under subsection (a)(1)(B). The analysts shall be assigned by reimbursable detail for periods as determined necessary by the Secretary in conjunction with the head of the assigning agency.

(2) **EMPLOYEES ASSIGNED WITHIN THE DEPARTMENT.**—The Secretary may assign employees of the Department by reimbursable detail to the Directorate.

(3) **SERVICE AS FACTOR FOR SELECTION.**—The President, or the designee of the President, shall prescribe regulations to provide that service described under paragraph (1) or (2), or service by employees within the Directorate shall be considered a positive factor for selection to positions of greater authority within all supporting agencies.

(4) **PERSONNEL SECURITY STANDARDS.**—The employment of personnel in the Directorate shall be in accordance with such personnel security standards for access to classified information and intelligence as the Secretary, in conjunction with the Director of Central

Intelligence, shall establish for this subsection.

(5) **PERFORMANCE EVALUATION.**—The Secretary shall evaluate the performance of all personnel detailed to the Directorate, or delegate such responsibility to the Under Secretary for Intelligence.

(g) **INTELLIGENCE COMMUNITY.**—Those portions of the Directorate of Intelligence that concern information analysis under subsection (b)(1), and the intelligence-related components of agencies transferred by this division to the Department, including the United States Coast Guard, shall be—

(1) considered to be part of the United States intelligence community within the meaning of section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

(2) for budgetary purposes, within the National Foreign Intelligence Program.

SEC. 202. DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.

(a) **ESTABLISHMENT.**—

(1) **DIRECTORATE.**—There is established within the Department the Directorate of Critical Infrastructure Protection.

(2) **UNDER SECRETARY.**—There shall be an Under Secretary for Critical Infrastructure Protection, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) **RESPONSIBILITIES.**—The Directorate of Critical Infrastructure Protection shall be responsible for the following:

(1) Receiving relevant intelligence from the Directorate of Intelligence, law enforcement information, and other information in order to comprehensively assess the vulnerabilities of the key resources and critical infrastructures in the United States.

(2) Integrating relevant information, intelligence analysis, and vulnerability assessments (whether such information, analyses, or assessments are provided by the Department or others) to identify priorities and support protective measures by the Department, by other agencies, by State and local government personnel, agencies, and authorities, by the private sector, and by other entities, to protect the key resources and critical infrastructures in the United States.

(3) As part of the Strategy, developing a comprehensive national plan for securing the key resources and critical infrastructure in the United States.

(4) Establishing specialized research and analysis units for the purpose of processing intelligence to identify vulnerabilities and protective measures in—

(A) public health;

(B) food and water storage, production and distribution;

(C) commerce systems, including banking and finance;

(D) energy systems, including electric power and oil and gas production and storage;

(E) transportation systems, including pipelines;

(F) information and communication systems;

(G) continuity of government services; and

(H) other systems or facilities the destruction or disruption of which could cause substantial harm to health, safety, property, or the environment.

(5) Enhancing the sharing of information regarding cyber security and physical security of the United States, developing appropriate security standards, tracking vulnerabilities, proposing improved risk management policies, and delineating the roles of various Government agencies in preventing, defending, and recovering from attacks.

(6) Acting as the Critical Information Technology, Assurance, and Security Officer of the Department and assuming the respon-

sibilities carried out by the Critical Infrastructure Assurance Office and the National Infrastructure Protection Center before the effective date of this division.

(7) Coordinating the activities of the Information Sharing and Analysis Centers to share information, between the public and private sectors, on threats, vulnerabilities, individual incidents, and privacy issues regarding United States homeland security.

(8) Coordinating with the Federal Communications Commission in helping to establish cyber security policy, standards, and enforcement mechanisms and working closely with the Federal Communications Commission on cyber security issues with respect to international bodies.

(9) Establishing the necessary organizational structure within the Directorate to provide leadership and focus on both cyber security and physical security, and ensuring the maintenance of a nucleus of cyber security and physical security experts within the United States Government.

(10) Performing such other duties as assigned by the Secretary.

(c) **TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.**—The authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Critical Infrastructure Assurance Office of the Department of Commerce.

(2) The National Infrastructure Protection Center of the Federal Bureau of Investigation (other than the Computer Investigations and Operations Section).

(3) The National Communications System of the Department of Defense.

(4) The Computer Security Division of the National Institute of Standards and Technology of the Department of Commerce.

(5) The National Infrastructure Simulation and Analysis Center of the Department of Energy.

(6) The Federal Computer Incident Response Center of the General Services Administration.

(7) The Energy Security and Assurance Program of the Department of Energy.

(8) The Federal Protective Service of the General Services Administration.

H.R. 5005

OFFERED BY: MR. ROEMER

AMENDMENT NO. 5: Amend section 203 to read as follows:

SEC. 203. ACCESS TO INFORMATION.

The Secretary shall have access to all reports, assessments, and analytical information relating to threats of terrorism in the United States and to other areas of responsibility described in section 101(b), and to all information concerning infrastructure or other vulnerabilities of the United States to terrorism, whether or not such information has been analyzed, that may be collected, possessed, or prepared by any executive agency. The Secretary shall also have access to other information relating to the foregoing matters that may be collected, possessed, or prepared by an executive agency. With respect to the material to which the Secretary has access under this section—

(1) all executive agencies promptly shall provide to the Secretary—

(A) all reports, assessments, and analytical information relating to threats of terrorism in the United States and to other areas of responsibility described in section 101(b);

(B) all information concerning infrastructure or other vulnerabilities of the United States to terrorism, whether or not such information has been analyzed;

(C) all information relating to significant and credible threats of terrorism in the United States, whether or not such information has been analyzed, if the President has

provided that the Secretary shall have access to such information; and

(D) such other material as the President may further provide;

(2) the Secretary shall have full access and input with respect to information from any national collaborative information analysis capability (as referred to in section 924 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1199)) established jointly by the Secretary of Defense and the Director of Central Intelligence; and

(3) the Secretary shall ensure that any material received pursuant to this section is protected from unauthorized disclosure and handled and used only for the performance of official duties, and that any intelligence information shared under this section shall be transmitted, retained, and disseminated consistent with the authority of the Director of Central Intelligence to protect intelligence sources and methods under the National Security Act and related procedures or, as appropriate, similar authorities of the Attorney General concerning sensitive law enforcement information.

H.R. 5005

OFFERED BY: MR. ROEMER

AMENDMENT NO. 6: Strike section 402(5) of the bill (and redesignate subsequent paragraphs accordingly).

In 502(1) of the bill, strike "Except" and all that through "the Integrated" and insert "The Integrated".

H.R. 5005

OFFERED BY: MR. ROEMER

AMENDMENT NO. 7: At the end of the bill, add the following new title:

TITLE _____—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

SEC. ____01. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on Terrorist Attacks Upon the United States (in this title referred to as the "Commission").

SEC. ____02. PURPOSES.

The purposes of the Commission are to—

(1) examine and report upon the facts and causes relating to the terrorist attacks against the United States that occurred on September 11, 2001;

(2) ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks;

(3) make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States' preparedness for, and response to, the attacks; and

(4) investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.

SEC. ____03. COMPOSITION OF THE COMMISSION.

(a) **MEMBERS.**—Subject to the requirements of subsection (b), the Commission shall be composed of 10 members, of whom—

(1) 3 members shall be appointed by the majority leader of the Senate;

(2) 3 members shall be appointed by the Speaker of the House of Representatives;

(3) 2 members shall be appointed by the minority leader of the Senate; and

(4) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) **QUALIFICATIONS.**—

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

(2) **NONGOVERNMENTAL APPOINTEES.**—No member of the Commission shall be an offi-

cer or employee of the Federal Government or any State or local government.

(3) **OTHER QUALIFICATIONS.**—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, legal practice, public administration, intelligence gathering, commerce, including aviation matters, and foreign affairs.

(c) **CHAIRPERSON; VICE CHAIRPERSON.**—

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

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

(d) **INITIAL MEETING.**—If 60 days after the date of enactment of this Act, 6 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary Chairperson and Vice Chairperson, who may begin the operations of the Commission, including the hiring of staff.

(e) **QUORUM; VACANCIES.**—After its initial meeting, the Commission shall meet upon the call of the Chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. ____04. FUNCTIONS OF THE COMMISSION.

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

(1) investigate the relevant facts and circumstances relating to the terrorist attacks of September 11, 2001, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure;

(2) identify, review, and evaluate the lessons learned from the terrorist attacks of September 11, 2001, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to such terrorist attacks; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(b) **SCOPE OF INVESTIGATION.**—For purposes of subsection (a)(1), the term "facts and circumstances" includes facts and circumstances relating to—

(1) intelligence agencies;

(2) law enforcement agencies;

(3) diplomacy;

(4) immigration, nonimmigrant visas, and border control;

(5) the flow of assets to terrorist organizations;

(6) commercial aviation; and

(7) other areas of the public and private sectors determined relevant by the Commission for its inquiry.

SEC. ____05. POWERS OF THE COMMISSION.

(a) **HEARINGS AND EVIDENCE.**—The Commission may, for purposes of carrying out this title—

(1) hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents.

(b) **SUBPOENAS.**—

(1) **SERVICE.**—Subpoenas issued under subsection (a)(2) may be served by any person designated by the Commission.

(2) **ENFORCEMENT.**—

(A) **IN GENERAL.**—In the case of contumacy or failure to obey a subpoena issued under subsection (a)(2), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(B) **ADDITIONAL ENFORCEMENT.**—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(c) **CLOSED MEETINGS.**—Notwithstanding any other provision of law which would require meetings of the Commission to be open to the public, any portion of a meeting of the Commission may be closed to the public if the President determines that such portion is likely to disclose matters that could endanger national security.

(d) **CONTRACTING.**—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(e) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any department, agency, or instrumentality of the United States any information related to any inquiry of the Commission conducted under this title. Each such department, agency, or instrumentality shall, to the extent authorized by law, furnish such information directly to the Commission upon request.

(f) **ASSISTANCE FROM FEDERAL AGENCIES.**—

(1) **GENERAL SERVICES ADMINISTRATION.**—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

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

(g) **GIFTS.**—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, accept, use, and dispose of gifts or donations of services or property.

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

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

SEC. ____06. STAFF OF THE COMMISSION.

(a) **DIRECTOR.**—The Commission shall have a Director who shall be appointed by the Chairperson and the Vice Chairperson, acting jointly.

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

(c) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any individual appointed under subsection (a) or (b) shall be treated as an employee for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(d) **DETAILEES.**—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(e) **CONSULTANT SERVICES.**—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 7. COMPENSATION AND TRAVEL EXPENSES.

(a) **COMPENSATION.**—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is en-

gaged in the actual performance of the duties of the Commission.

(b) **TRAVEL EXPENSES.**—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 8. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 9. REPORTS OF THE COMMISSION; TERMINATION.

(a) **INITIAL REPORT.**—Not later than 1 year after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress an initial report containing—

(1) such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members; and

(2) such findings, conclusions, and recommendations regarding the scope of jurisdiction of, and the allocation of jurisdiction among, the committees of Congress with oversight responsibilities related to the scope of the investigation of the Commission

as have been agreed to by a majority of Commission members.

(b) **FINAL REPORT.**—Not later than 6 months after the submission of the initial report of the Commission, the Commission shall submit to the President and Congress a final report containing such updated findings, conclusions, and recommendations described in paragraphs (1) and (2) of subsection (a) as have been agreed to by a majority of Commission members.

(c) **NONINTERFERENCE WITH CONGRESSIONAL JOINT INQUIRY.**—Notwithstanding subsection (a), the Commission shall not submit any report of the Commission until a reasonable period after the conclusion of the Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks against the United States which occurred on September 11, 2001.

(d) **TERMINATION.**—

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

(2) **ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.**—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out this title \$3,000,000, to remain available until expended.