

107TH CONGRESS  
1ST SESSION

# S. 1735

To establish a National Commission on Threats to the Homeland and United States National Security.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 27, 2001

Mr. BIDEN (for himself and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To establish a National Commission on Threats to the Homeland and United States National Security.

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.**

4       There is established the National Commission on  
5       Threats to the Homeland and United States National Se-  
6       curity (in this Act referred to as the “Commission”).

7       **SEC. 2. COMPOSITION.**

8       (a) IN GENERAL.—The Commission shall be com-  
9       posed of six members, as follows:

1           (1) Two members appointed by the President,  
2           not more than one of whom shall be appointed from  
3           the same political party.

4           (2) One member appointed by the Majority  
5           Leader of the Senate.

6           (3) One member appointed by the Minority  
7           Leader of the Senate.

8           (4) One member appointed by the Speaker of  
9           the House of Representatives.

10          (5) One member appointed by the Minority  
11          Leader of the House of Representatives.

12          (b) QUALIFICATIONS.—Members of the Commission  
13 shall be appointed from among distinguished Americans  
14 in private life who have served at the most senior levels  
15 of the Federal government, including the national security,  
16 law enforcement, and public safety agencies of the United  
17 States.

18          (c) CHAIRMAN.—The Commission shall elect a Chair-  
19 man from among its members.

20          (d) QUORUM.—A majority of the members shall con-  
21 stitute a quorum.

22          (e) VACANCIES.—Any vacancy in the Commission  
23 shall not affect its powers but shall be filled in the same  
24 manner in which the original appointment was made.

1 (f) MEETINGS.—After its initial meeting, the Com-  
2 mission shall meet upon the call of the Chairman or a  
3 majority of its members.

4 (g) APPOINTMENTS DEADLINE.—It is the sense of  
5 Congress that members of the Commission should be ap-  
6 pointed not later than 30 days after the date of enactment  
7 of this Act.

8 **SEC. 3. PURPOSE.**

9 (a) IN GENERAL.—The Commission shall evaluate, in  
10 light of the terrorist attacks against the United States on  
11 September 11, 2001, the threats to the United States and  
12 to United States national security, in order to assist the  
13 Federal Government set priorities in the national budget,  
14 and in the organization of the relevant government depart-  
15 ments, to address those threats.

16 (b) PARTICULAR SUBJECTS FOR REVIEW.—In par-  
17 ticular, the Commission shall—

18 (1) provide a comprehensive assessment of the  
19 range of threats to the United States and to United  
20 States national security, taking into account anal-  
21 yses by United States agencies and nongovernmental  
22 entities that have recently reviewed relevant issues,  
23 such as the United States Commission on National  
24 Security/21st Century, the National Commission on  
25 Terrorism, the Department of Energy Russia Task

1 Force, and the Advisory Panel to Assess Domestic  
2 Response Capabilities for Terrorism Involving Weap-  
3 ons of Mass Destruction; and

4 (2) make recommendations to the President  
5 and Congress on the priority that should be ac-  
6 corded to those threats in the United States national  
7 security strategy, taking into account—

8 (A) the likelihood such threats will result  
9 in attacks on the United States or important  
10 United States interests;

11 (B) the potential damage to the United  
12 States or important United States interests  
13 that would result from such attacks; and

14 (C) current United States capabilities to  
15 counter and respond to such threats.

16 **SEC. 4. POWERS OF THE COMMISSION.**

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

23 (b) INFORMATION FROM FEDERAL AGENCIES.—The  
24 Commission may secure directly or from any Federal de-  
25 partment or agency any information that the Commission

1 considers necessary to enable the Commission to carry out  
2 its responsibilities under this section. Upon request of the  
3 Chairman of the Commission, the head of any such de-  
4 partment or agency shall furnish such information expedi-  
5 tiously to the Commission.

6 (c) POSTAL, PRINTING AND BINDING SERVICES.—  
7 The Commission may use the United States mails and ob-  
8 tain printing and binding services in the same manner and  
9 under the same conditions as other departments and agen-  
10 cies of the Federal Government.

11 **SEC. 5. STAFF OF THE COMMISSION.**

12 (a) IN GENERAL.—The Chairman of the Commission  
13 may, without regard to the provisions of title 5, United  
14 States Code, governing appointments in the competitive  
15 service, appoint a staff director and such additional per-  
16 sonnel as may be necessary to enable the Commission to  
17 perform its duties. The staff director of the Commission  
18 shall be appointed from private life, and such appointment  
19 shall be subject to the approval of the Commission as a  
20 whole.

21 (b) COMPENSATION.—The Chairman of the Commis-  
22 sion may fix the pay of the staff director and other per-  
23 sonnel without regard to the provisions of chapter 51 and  
24 subchapter III of chapter 53 of title 5, United States  
25 Code, relating to classification of positions and General

1 Schedule pay rates, except that the rate of pay fixed under  
2 this paragraph for the staff director may not exceed the  
3 rate payable for level V of the Executive Schedule under  
4 section 5316 of such title and the rate of pay for other  
5 personnel may not exceed the maximum rate payable for  
6 grade GS-15 of the General Schedule.

7 (c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon  
8 request of the Chairman of the Commission, the head of  
9 any Federal department or agency may detail, on a non-  
10 reimbursable basis, any personnel of that department or  
11 agency to the Commission to assist it in carrying out its  
12 administrative and clerical functions.

13 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-  
14 TENT SERVICES.—The Chairman of the Commission may  
15 procure temporary and intermittent services under section  
16 3109(b) of title 5, United States Code, at rates for individ-  
17 uals which do not exceed the daily equivalent of the annual  
18 rate of basic pay payable for level V of the Executive  
19 Schedule under section 5316 of such title.

20 (e) ADMINISTRATIVE AND SUPPORT SERVICES.—The  
21 Administrator of General Services shall furnish the Com-  
22 mission, on a non-reimbursable basis, any administrative  
23 and support services requested by the Commission con-  
24 sistent with this Act.

1 **SEC. 6. COMPENSATION AND TRAVEL EXPENSES.**

2 (a) COMPENSATION OF MEMBERS.—Each member of  
3 the Commission may be compensated at not to exceed the  
4 daily equivalent of the annual rate of basic pay payable  
5 for level V of the Executive Schedule under section 5316  
6 of title 5, United States Code, for each day (including  
7 travel time) during which the member is engaged in the  
8 actual performance of the duties of the Commission.

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

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

18 The appropriate departments, agencies, and other en-  
19 tities of the United States Government shall cooperate  
20 with the Commission in expeditiously providing to the  
21 Commission members and staff appropriate security clear-  
22 ances in a manner consistent with existing procedures and  
23 requirements, except that no person shall be provided with  
24 access to classified information under this section who  
25 would not otherwise qualify for such security clearance.

1 **SEC. 8. REPORTS.**

2 (a) INTERIM REPORT.—Not later than 180 days  
3 after the date of enactment of this Act, the Commission  
4 shall submit an interim report to the President and the  
5 Congress describing its activities since the date of enact-  
6 ment of this Act.

7 (b) FINAL REPORT.—Not later than September 11,  
8 2002, the Commission shall submit a final report to the  
9 President and the Congress describing its activities since  
10 the date of enactment of this Act, together with a sum-  
11 mary of the comprehensive assessment and recommenda-  
12 tions made by the Commission under section 3(b).

13 **SEC. 9. FUNDING.**

14 Notwithstanding the provisions of the Act of Sep-  
15 tember 18, 2001 (Public Law 107–38), amounts appro-  
16 priated by that Act shall be available to carry out the pro-  
17 visions of this Act.

18 **SEC. 10. TERMINATION OF THE COMMISSION.**

19 (a) IN GENERAL.—The Commission shall terminate  
20 60 days after the date of the submission of the final report  
21 required by section 8(b).

22 (b) WIND UP ACTIVITIES.—The Commission may  
23 use the 60-day period referred to in subsection (a) for the  
24 purpose of concluding its activities, including providing

- 1 testimony to congressional committees concerning its final
- 2 report and disseminating that report.

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