

# **APPENDIX B: COMMISSION CHARTER AND PROCESS**

## **Commission History**

The National Commission on Terrorism was established by Section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1999 (as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (P.L. 105-277). The legislation called for the appointment of 10 commissioners, three selected by the Majority Leader of the Senate, three by the Speaker of the House of Representatives, and two each by the Minority Leaders of the Senate and House of Representatives.

Congress gave the Commission six months to review the laws, regulations, directives, policies and practices for preventing and punishing international terrorism directed against the United States, assess their effectiveness, and recommend changes. The Commission held 14 plenary meetings, generally meeting twice per month. During its meetings, the Commission was briefed by both government witnesses and outside experts. A number of Commissioners met with representatives of the governments of Canada, Egypt, France, Israel, Jordan, Poland, and the United Kingdom to address various international terrorism issues, including cooperation between those countries and the United States. Several Commissioners participated in non-plenary meetings dealing with particular issues, and Commission staff interviewed additional witnesses. (See List of Witnesses at Appendix D)

## **Charter Legislation**

PUBLIC LAW 105-277 - OCT 21, 1998

(Page 112 STAT. 2681-210; H.R. 4328)

NATIONAL COMMISSION ON TERRORISM  
SEC. 591.

**(a) Establishment of National Commission on Terrorism.**

(1) *Establishment.*—There is established a national commission on terrorism to review counter-terrorism policies regarding the prevention and punishment of international acts of terrorism directed at the United States. The commission shall be known as "The National Commission on Terrorism".

(2) *Composition.*—The commission shall be composed of 10 members appointed as follows:

- (A) Three members shall be appointed by the Majority Leader of the Senate.
- (B) Three members shall be appointed by the Speaker of the House of Representatives.
- (C) Two members shall be appointed by the Minority Leader of the Senate.
- (D) Two members shall be appointed by the Minority Leader of the House of Representatives.
- (E) The appointments of the members of the commission should be made no later than 3 months after the date of the enactment of this Act.

(3) *Qualifications.*—The members should have a knowledge and expertise in matters to be studied by the commission.

(4) *Chair.*—The Speaker of the House of Representatives, after consultation with the majority leader of the Senate and the minority leaders of the House of Representatives and the Senate, shall designate one of the members of the Commission to serve as chair of the Commission.

(5) *Period of appointment: vacancies.*—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(6) *Security clearances.*—All Members of the Commission should hold appropriate security clearances.

**(b) Duties.—**

(1) *In general.*—The commission shall consider issues relating to international terrorism directed at the United States as follows:

- (A) Review the laws, regulations, policies, directives, and practices relating to counterterrorism in the prevention and punishment of international terrorism directed towards the United States.

- (B) Assess the extent to which laws, regulations, policies, directives, and practices relating to counterterrorism have been effective in preventing or punishing international terrorism directed towards the United States. At a minimum, the assessment should include a review of the following:
  - (i) Evidence that terrorist organizations have established an infrastructure in the western hemisphere for the support and conduct of terrorist activities.
  - (ii) Executive branch efforts to coordinate counterterrorism activities among Federal, State, and local agencies and with other nations to determine the effectiveness of such coordination efforts.
  - (iii) Executive branch efforts to prevent the use of nuclear, biological, and chemical weapons by terrorists.
- (C) Recommend changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States.

(2) *Report.*—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and the Congress a final report of the findings and conclusions of the commission, together with any recommendations.

**(c) Administrative Matters.—**

*(1) Meetings.—*

- (A) The commission shall hold its first meeting on a date designated by the Speaker of the House which is not later than 30 days after the date on which all members have been appointed.
- (B) After the first meeting, the commission shall meet upon the call of the chair.
- (C) A majority of the members of the commission shall constitute a quorum, but a lesser number may hold meetings.

(2) *Authority of individuals to act for commission.*—Any member or agent of the commission may, if authorized by the commission, take any action which the commission is authorized to take under this section.

*(3) Powers.—*

- (A) The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out its duties.

- (B) The commission may secure directly from any agency of the Federal Government such information as the commission considers necessary to carry out its duties. Upon the request of the chair of the commission, the head of a department or agency shall furnish the requested information expeditiously to the commission.
  - (C) The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.
- (4) *Pay and expenses of commission members.—*
- (A) Subject to appropriations, each member of the commission who is not an employee of the government shall be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code for each day (including travel time) during which such member is engaged in performing the duties of the commission.
  - (B) Members and personnel for the commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when travel is necessary in the performance of a duty of the commission except when the cost of commercial transportation is less expensive.
  - (C) The members of the commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.
  - (D) (i) A member of the commission who is an annuitant otherwise covered by section 8344 of 8468 of title 5, United States Code, by reason of membership on the commission shall not be subject to the provisions of such section with respect to membership on the commission.
  - (ii) A member of the commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission.

*(5) Staff and administrative support.—*

- (A) The chairman of the commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to three additional staff members as necessary to enable the commission to perform its duties. The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the maximum rate of pay for GS-15 under the General Schedule.
- (B) Upon the request of the chairman of the commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the commission to assist in carrying out its duties. The detail of an employee shall be without interruption or loss of civil service status or privilege.

**(d) Termination of Commission.—The commission shall terminate 30 days after the date on which the commission submits a final report.**

**(e) Funding.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.**