

107TH CONGRESS  
1ST SESSION

# H. R. 3378

To establish the Commission on Homeland Security.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 2001

Mr. HORN introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To establish the Commission on Homeland 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. SHORT TITLE.**

4       This Act may be cited as the “Commission on Home-  
5 land Security Act”.

6 **SEC. 2. ESTABLISHMENT.**

7       There is established the “Commission on Homeland  
8 Security” (in this Act referred to as the “Commission”).

9 **SEC. 3. DUTY OF COMMISSION.**

10       The Commission shall study procedures to protect the  
11 security of the United States, including, but not limited  
12 to—

1           (1) the efficiency and effectiveness with which  
2 Federal departments and agencies perform their se-  
3 curity missions;

4           (2) the adequacy of Federal personnel resources  
5 to perform security missions;

6           (3) the adequacy and effectiveness of Federal  
7 controls over financial and information systems;

8           (4) the accuracy, reliability, and security of per-  
9 sonal identification information and systems used by  
10 the Federal Government under existing law;

11           (5) how effectively Federal departments and  
12 agencies are organized to perform security missions;  
13 and

14           (6) the effectiveness of relationships among,  
15 and activities of, the Federal Government, the  
16 States, and municipalities to protect security.

17 **SEC. 4. MEMBERSHIP.**

18           (a) NUMBER AND APPOINTMENT.—The Commission  
19 shall be composed of 21 members appointed as follows:

20           (1) Five members appointed by the President,  
21 one of whom shall be the Assistant to the President  
22 for Homeland Security.

23           (2) Four members appointed by the Speaker of  
24 the House of Representatives.

1           (3) Four members appointed by the minority  
2 leader of the House of Representatives.

3           (4) Four members appointed by the majority  
4 leader of the Senate.

5           (5) Four members appointed by the minority  
6 leader of the Senate.

7           (b) QUALIFICATIONS.—Members of the Commission  
8 shall include individuals with expertise in information  
9 technology and security, civil liberties issues, and law en-  
10 forcement issues.

11          (c) DEADLINE FOR APPOINTMENT.—Members shall  
12 be appointed not later than 60 days after the date of the  
13 enactment of this Act.

14          (d) TERMS.—Each member shall be appointed for the  
15 life of the Commission.

16          (e) PAY.—Members shall serve without pay, but each  
17 member shall receive travel expenses, including per diem  
18 in lieu of subsistence, in accordance with applicable provi-  
19 sions under subchapter I of chapter 57 of title 5, United  
20 States Code.

21          (f) CHAIRPERSON.—The Assistant to the President  
22 for Homeland Security shall be the Chairperson of the  
23 Commission.

1 **SEC. 5. EXECUTIVE DIRECTOR AND STAFF OF COMMISSION;**  
2 **EXPERTS AND CONSULTANTS.**

3 (a) EXECUTIVE DIRECTOR.—The Commission shall  
4 have an Executive Director who shall be appointed by the  
5 Commission. The Executive Director shall be paid at the  
6 rate of basic pay for level IV of the Executive Schedule.

7 (b) STAFF.—The Commission may appoint and fix  
8 the pay of additional personnel as it considers appropriate.

9 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE  
10 LAWS.—The Executive Director and staff of the Commis-  
11 sion may be appointed without regard to the provisions  
12 of title 5, United States Code, governing appointments in  
13 the competitive service, and may be paid without regard  
14 to the provisions of chapter 51 and subchapter III of chap-  
15 ter 53 of that title relating to classification and General  
16 Schedule pay rates, except that an individual so appointed  
17 may not receive pay in excess of the annual rate of basic  
18 pay for GS–15 of the General Schedule.

19 (d) EXPERTS AND CONSULTANTS.—The Commission  
20 may procure temporary and intermittent services under  
21 section 3109(b) of title 5, United States Code.

22 (e) STAFF OF FEDERAL AGENCIES.—Upon request  
23 of the Commission, the head of any Federal department  
24 or agency may detail, on a reimbursable basis, any of the  
25 personnel of that department or agency to the Commission  
26 to assist it in carrying out its duties under this Act.

1 **SEC. 6. HEARINGS AND SESSIONS.**

2       The Commission may, for the purpose of carrying out  
3 this Act, hold hearings, sit and act at times and places,  
4 take testimony, and receive evidence as the Commission  
5 considers appropriate. The Commission shall hold a min-  
6 imum of eight hearings, including hearings in California,  
7 New York, Texas, Illinois, and Florida.

8 **SEC. 7. ADDITIONAL POWERS OF COMMISSION.**

9       (a) **POWERS OF MEMBERS AND AGENTS.**—Any mem-  
10 ber or agent of the Commission may, if authorized by the  
11 Commission, take any action that the Commission is au-  
12 thorized to take by this section.

13       (b) **OBTAINING OFFICIAL DATA.**—The Commission  
14 may secure directly from any department or agency of the  
15 United States information necessary to enable it to carry  
16 out this Act. Upon request of the Chairperson of the Com-  
17 mission, the head of that department or agency shall fur-  
18 nish that information to the Commission.

19       (c) **GIFTS, BEQUESTS, AND DEVISES.**—The Commis-  
20 sion may accept, use, and dispose of gifts, bequests, or  
21 devises of services or property, both real and personal, for  
22 the purpose of aiding or facilitating the work of the Com-  
23 mission. Gifts, bequests, or devises of money and proceeds  
24 from sales of other property received as gifts, bequests,  
25 or devises shall be deposited in the Treasury and shall be  
26 available for disbursement upon order of the Commission.

1 (d) **MAILS.**—The Commission may use the United  
2 States mails in the same manner and under the same con-  
3 ditions as other departments and agencies of the United  
4 States.

5 (e) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon  
6 the request of the Commission, the Administrator of Gen-  
7 eral Services shall provide to the Commission, on a reim-  
8 bursable basis, the administrative support services nec-  
9 essary for the Commission to carry out its responsibilities  
10 under this Act.

11 (f) **SUBPOENA POWER.**—

12 (1) **IN GENERAL.**—The Commission may issue  
13 subpoenas requiring the attendance and testimony of  
14 witnesses and the production of any evidence relat-  
15 ing to any matter under investigation by the Com-  
16 mission. The attendance of witnesses and the pro-  
17 duction of evidence may be required from any place  
18 within the United States at any designated place of  
19 hearing within the United States.

20 (2) **FAILURE TO OBEY A SUBPOENA.**—If a per-  
21 son refuses to obey a subpoena issued under para-  
22 graph (1), the Commission may apply to a United  
23 States district court for an order requiring that per-  
24 son to appear before the Commission to give testi-  
25 mony, produce evidence, or both, relating to the

1 matter under investigation. The application may be  
2 made within the judicial district where the hearing  
3 is conducted or where that person is found, resides,  
4 or transacts business. Any failure to obey the order  
5 of the court may be punished by the court as civil  
6 contempt.

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

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

17 (g) IMMUNITY.—The Commission is an agency of the  
18 United States for the purpose of part V of title 18, United  
19 States Code (relating to immunity of witnesses). Except  
20 as provided in this subsection, a person may not be ex-  
21 cused from testifying or from producing evidence pursuant  
22 to a subpoena on the ground that the testimony or evi-  
23 dence required by the subpoena may tend to incriminate  
24 or subject that person to criminal prosecution. A person,  
25 after having claimed the privilege against self-incrimina-

1 tion, may not be criminally prosecuted by reason of any  
2 transaction, matter, or thing which that person is com-  
3 pelled to testify about or produce evidence relating to, ex-  
4 cept that the person may be prosecuted for perjury com-  
5 mitted during the testimony or made in the evidence.

6 **SEC. 8. REPORT.**

7       The Commission shall transmit a report to the Presi-  
8 dent and Congress not later than 14 months after the date  
9 of the enactment of this Act containing a detailed state-  
10 ment of the findings and conclusions of the Commission,  
11 together with recommendations for legislation and admin-  
12 istrative actions that the Commission considers appro-  
13 priate.

14 **SEC. 9. TERMINATION.**

15       The Commission shall terminate 30 days after sub-  
16 mitting its final report pursuant to section 8.

17 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

18       There are authorized to be appropriated such sums  
19 as may be necessary to carry out this Act.

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