

103^D CONGRESS
1ST SESSION

H. R. 575

To establish the National Commission on the Environment and National Security.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1993

Mr. GILMAN introduced the following bill; which was referred jointly to the Committees on Foreign Affairs, Armed Services, and Merchant Marine and Fisheries

A BILL

To establish the National Commission on the Environment and 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. SHORT TITLE.**

4 This Act may be cited as the “National Commission
5 on the Environment and National Security Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) new threats to the global environment, in-
9 cluding to the earth’s climate system, the ozone

1 layer, biological diversity, soils, oceans, and fresh-
2 water resources, have arisen in recent years;

3 (2) such threats to the global environment may
4 adversely affect the health, livelihoods, and physical
5 well-being of Americans, the stability of many soci-
6 eties, and international peace;

7 (3) in recent years, the definition of national se-
8 curity of the United States has been broadened, both
9 in official White House documents and in legislation,
10 to include economic security as well as environ-
11 mental security;

12 (4) with the end of the Cold War, the dramatic
13 reduction of the military threat to United States in-
14 terests, and the new recognition in world politics of
15 the urgency of reversing global environmental deg-
16 radation recognized at the Earth Summit in Rio in
17 June 1992, the global environment has taken on
18 even greater importance to the United States;

19 (5) the extent and significance of such threats
20 to United States security has not been fully evalu-
21 ated by the Congress or the executive branch, and
22 responses to global environmental threats have not
23 yet been fully integrated into United States national
24 security policy; and

1 (6) the United States Government currently
2 lacks a focal point for assessing the importance of
3 such new environmental threat to the national secu-
4 rity of the United States and their implications for
5 United States global security policy.

6 **SEC. 3. ESTABLISHMENT.**

7 There is established a commission to be known as the
8 National Commission on the Environment and National
9 Security (hereinafter in this Act referred to as the “Com-
10 mission”).

11 **SEC. 4. DUTIES OF COMMISSION.**

12 (a) **STUDY.**—The Commission shall study the role in
13 United States national security of security against global
14 environmental threats, in light of recent global political
15 changes and the rise of new environmental threats to the
16 earth’s natural resources and vital life support systems,
17 including such threats referred to in section 2.

18 (b) **REPORT.**—The Commission shall submit a pre-
19 liminary and final report pursuant to section 8, each of
20 which shall contain—

21 (1) a detailed statement of the findings and
22 conclusions of the Commission on the matters de-
23 scribed in subsection (a); and

24 (2) specific recommendations with respect to—

1 (A) ways in which the United States might
2 integrate concerns about global environmental
3 threats into its national security and foreign
4 policy;

5 (B) priority international action to respond
6 to global environmental threats and likely re-
7 source commitments required to support them;
8 and

9 (C) possible institutional changes in the ex-
10 ecutive and legislative branches of the United
11 States Government that may be needed to en-
12 sure that such new environmental threats re-
13 ceive adequate priority in the national security
14 policies and budgetary allocations of the United
15 States.

16 **SEC. 5. MEMBERSHIP.**

17 (a) NUMBER AND APPOINTMENT.—The Commission
18 shall be composed of 14 members, to be appointed not
19 later than 30 days after the date of the enactment of this
20 Act, as follows:

21 (1) 2 members appointed by the President.

22 (2) 3 members, 1 of whom shall be a Senator,
23 appointed by the President pro tempore of the Sen-
24 ate from among the recommendations made by the
25 majority leader of the Senate.

1 (3) 3 members, 1 of whom shall be a Senator,
2 appointed by the President pro tempore of the Sen-
3 ate from among the recommendations made by the
4 minority leader of the Senate.

5 (4) 3 members, 1 of whom shall be a member
6 of the House of Representatives, appointed by the
7 Speaker of the House of Representatives.

8 (5) 3 members, 1 of whom shall be a member
9 of the House of Representatives, appointed by the
10 minority leader of the House of Representatives.

11 (b) ADDITIONAL QUALIFICATIONS.—The Commis-
12 sion members (not including the members of Congress)
13 shall be chosen from among individuals who—

14 (1) are scientists, environmental specialists, ex-
15 perts on national and international security, or ana-
16 lysts who have studied the relationship between the
17 environment and national security, and

18 (2) are not officers or employees of the United
19 States.

20 (c) POLITICAL AFFILIATION.—Not more than one-
21 half of the members appointed from individuals who are
22 not Members of Congress may be of the same political
23 party. With respect to members who are Members of Con-
24 gress, not more than one-half may be of the same political
25 party.

1 (d) CONTINUATION OF MEMBERSHIP.—If a member
2 was appointed to the Commission as a Member of Con-
3 gress and the member ceases to be a Member of Congress,
4 or was appointed to the Commission because the member
5 was not an officer or employee of any government and
6 later becomes an officer or employee of a government, that
7 member may continue as a member for not longer than
8 the 60-day period beginning on the date that member
9 ceases to be a Member of Congress, or becomes such an
10 officer or employee, as the case may be.

11 (e) TERMS.—

12 (1) IN GENERAL.—Each member of the Com-
13 mission shall be appointed for the life of the Com-
14 mission.

15 (2) VACANCIES.—A vacancy in the Commission
16 shall be filled in the manner in which the original
17 appointment was made.

18 (f) BASIC PAY.—

19 (1) RATES OF PAY.—Except as provided in
20 paragraph (2), each member of the Commission
21 shall be paid at a rate not to exceed the daily equiv-
22 alent of the annual rate of basic pay payable for
23 level IV of the Executive Schedule under section
24 5315 of title 5, United States Code, for each day

1 during which such member is engaged in the actual
2 performance of duties of the Commission.

3 (2) PROHIBITION OF COMPENSATION OF MEM-
4 BERS OF CONGRESS.—Members of the Commission
5 who are Members of Congress may not receive addi-
6 tional pay, allowances, or benefits by reason of their
7 service on the Commission.

8 (g) TRAVEL EXPENSES.—Each member shall receive
9 travel expenses, including per diem in lieu of subsistence,
10 in accordance with sections 5702 and 5703 of title 5,
11 United States Code.

12 (h) QUORUM.—8 members of the Commission shall
13 constitute a quorum but a lesser number may hold hear-
14 ings.

15 (i) CHAIRPERSON.—The Chairperson of the Commis-
16 sion shall be elected by a majority of the members.

17 (j) MEETINGS.—The Commission shall meet at the
18 call of the Chairperson.

19 **SEC. 6. DIRECTOR AND STAFF OF COMMISSION; EXPERTS**
20 **AND CONSULTANTS.**

21 (a) DIRECTOR.—The Commission shall have a Direc-
22 tor who shall be appointed by the Chairperson. The Direc-
23 tor shall be paid at a rate not to exceed the maximum
24 rate of basic pay payable for level IV of the Executive

1 Schedule under section 5315 of title 5, United States
2 Code.

3 (b) STAFF.—Subject to rules prescribed by the Com-
4 mission, the Chairperson may appoint and fix the pay of
5 additional personnel as the Chairperson considers appro-
6 priate.

7 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
8 LAWS.—The Director and staff of the Commission may
9 be appointed without regard to the provisions of title 5,
10 United States Code, governing appointments in the com-
11 petitive service, and may be paid without regard to the
12 provisions of chapter 51 and subchapter III of chapter 53
13 of that title relating to classification and General Schedule
14 pay rates, except that an individual so appointed may not
15 receive pay in excess of the annual rate of basic pay pay-
16 able for level IV of the Executive Schedule under section
17 5315 of the title 5, United States Code.

18 (d) EXPERTS AND CONSULTANTS.—The Commission
19 may procure temporary and intermittent services under
20 section 3109(b) of title 5, United States Code, at rates
21 for individuals not to exceed the maximum annual rate
22 of basic pay payable for GS-18 of the General Schedule.

23 (e) STAFF OF FEDERAL AGENCIES.—Upon request
24 of the Commission, the head of any Federal department
25 or agency may detail, on a reimbursable basis, any of the

1 personnel of that department or agency to the Commission
2 to assist it in carrying out its duties under this Act.

3 **SEC. 7. POWERS OF COMMISSION.**

4 (a) HEARINGS AND SESSIONS.—The Commission
5 may, for the purpose of carrying out this Act, hold hear-
6 ings, sit and act at times and places, take testimony, and
7 receive evidence as the Commission considers appropriate.
8 The Commission may administer oaths or affirmations to
9 witnesses appearing before it.

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

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

20 (d) GIFTS, BEQUESTS, AND DEVICES.—The Commis-
21 sion may accept, use, and dispose of gifts, bequests, or
22 devises of services or property, both real and personal, for
23 the purpose of aiding or facilitating the work of the Com-
24 mission. Gifts, bequests, or devises of money and proceeds
25 from sales of other property received as gifts, bequests,

1 or devises shall be deposited in the Treasury and shall be
2 available for disbursement upon order of the Commission.

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

7 (f) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the
8 request of the Commission, the Administrator of General
9 Services shall provide to the Commission, on a reimburs-
10 able basis, the administrative support services necessary
11 for the Commission to carry out its responsibilities under
12 this Act.

13 (g) **SUBPOENA POWER.**—

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

22 (2) **FAILURE TO OBEY A SUBPOENA.**—If a per-
23 son refuses to obey a subpoena issued under para-
24 graph (1), the Commission may apply to a United
25 States district court for an order requiring that per-

1 son to appear before the Commission to give testi-
2 mony, produce evidence, or both, relating to the
3 matter under investigation. The application may be
4 made within the judicial district where the hearing
5 is conducted or where that person is found, resides,
6 or transacts business. Any failure to obey the order
7 of the court may be punished by the court as civil
8 contempt.

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

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

19 (h) IMMUNITY.—Except as provided in this sub-
20 section, a person may not be excused from testifying or
21 from producing evidence pursuant to a subpoena on the
22 ground that the testimony or evidence required by the sub-
23 poena may tend to incriminate or subject that person to
24 criminal prosecution. A person, after having claimed the
25 privilege against self-incrimination, may not be criminally

1 prosecuted by reason of any transaction, matter, or thing
2 which that person is compelled to testify about or produce
3 evidence relating to, except that the person may be pros-
4 ecuted for perjury committed during the testimony or
5 made in the evidence.

6 (i) CONTRACT AUTHORITY.—The Commission may
7 contract with and compensate government and private
8 agencies or persons for the purpose of conducting research
9 or surveys necessary to enable the Commission to carry
10 out its duties under this Act, and for other services.

11 **SEC. 8. REPORTS.**

12 (a) PRELIMINARY REPORT.—The Commission shall
13 submit to the President and the Congress a preliminary
14 report not later than 18 months after the date on which
15 all the members of the Commission have been appointed.

16 (b) FINAL REPORT.—The Commission shall submit
17 a final report to the President and the Congress not later
18 than 2 years after the date on which all the members of
19 the Commission have been appointed.

20 **SEC. 9. TERMINATION.**

21 The Commission shall terminate 60 days after sub-
22 mitting its final report pursuant to section 8(b).

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 Amounts shall be made available to carry out this Act
3 only to the extent such amounts are made available in ad-
4 vance in appropriations Acts.

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