

104TH CONGRESS
2^D SESSION

H.R. 3953

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 1996
Read the first time

AN ACT

To combat terrorism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Aviation Security and Antiterrorism Act of 1996”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 this Act is as follows:

Sec. 1. Short title.

TITLE I—AVIATION SECURITY

Sec. 101. Interim deployment of commercially available explosive detection equipment.

Sec. 102. Authority for criminal history records checks.

Sec. 103. Audit of performance of background checks for certain personnel.

Sec. 104. Performance standards for airport security personnel.

Sec. 105. Passenger profiling.

Sec. 106. Authority to use certain funds for airport security programs and activities.

Sec. 107. Assessment of cargo.

Sec. 108. Assignment of FBI agents to high-risk airports.

Sec. 109. Supplemental screening.

Sec. 110. Supplemental explosive detection.

Sec. 111. Enhanced security for small airplanes

Sec. 112. Civil aviation security review commission.

TITLE II—ANTITERRORISM

Sec. 201. Addition of terrorist offenses as RICO predicates.

Sec. 202. Enhanced Privacy Act and wiretap penalties.

Sec. 203. Combatting international state terrorism.

Sec. 204. Implementation of the Antiterrorism and Effective Death Penalty Act of 1996.

Sec. 205. Taggants in black and smokeless powder.

Sec. 206 National Commission on Terrorism.

6 **TITLE I—AVIATION SECURITY**

7 **SEC. 101. INTERIM DEPLOYMENT OF COMMERCIALY**
8 **AVAILABLE EXPLOSIVE DETECTION EQUIP-**
9 **MENT.**

10 Section 44913(a) of title 49, United States Code, is
11 amended—

12 (1) by redesignating paragraph (3) as para-
13 graph (4); and

1 (2) by inserting after paragraph (2) the follow-
 2 ing new paragraph (3):

3 “(3) Until such time as the Administrator de-
 4 termines that equipment certified under paragraph
 5 (1) of this subsection is commercially available and
 6 has successfully completed operational testing as
 7 provided in 49 United States Code 44913(a)(1), the
 8 Administrator shall facilitate the deployment of com-
 9 mercially available explosive detection devices that
 10 the Administrator approves and determines will en-
 11 hance aviation security significantly. The Adminis-
 12 trator shall require that equipment deployed under
 13 this paragraph be replaced by equipment certified
 14 under paragraph (1) when equipment certified under
 15 paragraph (1) becomes commercially available.”.

16 **SEC. 102. AUTHORITY FOR CRIMINAL HISTORY RECORDS**
 17 **CHECKS.**

18 Section 44936(a)(1) of title 49, United States Code.
 19 is amended—

20 (1) by striking “(1)” and inserting “(1)(A)”;
 21 (2) by redesignating subparagraphs (A) and
 22 (B) as clauses (i) and (ii), respectively; and
 23 (3) by adding at the end the following:
 24 “(B) The Administrator shall require by regula-
 25 tion that an employment investigation (including a

1 criminal history record check in cases in which the
2 employment investigation reveals a gap in employ-
3 ment of 12 months or more that the individual does
4 not satisfactorily account for) be conducted for indi-
5 viduals who will be responsible for screening pas-
6 sengers or property under this chapter and their su-
7 pervisors.”.

8 **SEC. 103. AUDIT OF PERFORMANCE OF BACKGROUND**
9 **CHECKS FOR CERTAIN PERSONNEL.**

10 Section 44936(a) of title 49, United States Code, is
11 amended by adding at the end the following:

12 “(3) The Administrator shall provide for the
13 periodic audit of criminal history record checks con-
14 ducted under paragraph (1) of this subsection.”.

15 **SEC. 104. PERFORMANCE STANDARDS FOR AIRPORT SECU-**
16 **RITY PERSONNEL.**

17 Section 44935(a) of title 49, United States Code, is
18 amended—

19 (1) by striking “and” at the end of paragraph
20 (4); and

21 (2) by adding at the end the following:

22 “(6) performance standards for airport and air-
23 line security personnel, including counter personnel;
24 and

1 “(7) guidelines for encouraging the retention of
2 security personnel responsible for passengers and
3 cargo.”

4 **SEC. 105. PASSENGER PROFILING.**

5 The Federal Aviation Administration, the Secretary
6 of Transportation, the intelligence community, and the law
7 enforcement community should continue to assist air car-
8 riers in developing computer-assisted passenger profiling
9 programs.

10 **SEC. 106. AUTHORITY TO USE CERTAIN FUNDS FOR AIR-**
11 **PORT SECURITY PROGRAMS AND ACTIVITIES.**

12 (a) **AUTHORITY TO USE FUNDS.**—Notwithstanding
13 any other provision of law, funds referred to in subsection
14 (b) may be used to expand and enhance air transportation
15 security programs and other activities at airports (includ-
16 ing the improvement of facilities and the purchase and de-
17 ployment of equipment) to ensure the safety and security
18 of passengers and other persons involved in air travel.

19 (b) **COVERED FUNDS.**—The following funds may be
20 used under subsection (a):

21 (1) Project grants made under subchapter 1 of
22 chapter 471 of title 49, United States Code.

23 (2) Passenger facility fees collected under sec-
24 tion 40117 of title 49, United States Code.

1 **SEC. 107. ASSESSMENT OF CARGO.**

2 (a) IN GENERAL.— The Administrator of the Federal
3 Aviation Administration shall, in consultation with the ap-
4 propriate Federal agencies, review—

5 (1) the oversight by the Federal Aviation Ad-
6 ministration of inspections of shipments of mail and
7 cargo by domestic and foreign air carriers; and

8 (2) the need for additional security measures
9 with respect to such inspections; and

10 (3) the adequacy of inspection and screening of
11 cargo on passenger air carriers.

12 (b) LEGISLATIVE PROPOSALS.—The President shall
13 submit relevant legislative proposals to Congress, as may
14 be required.

15 **SEC. 108. ASSIGNMENT OF FBI AGENTS TO HIGH-RISK AIR-**
16 **PORTS.**

17 Section 44904 of title 49, United States Code, is
18 amended by adding at the end the following:

19 “(d) RESPONSIBILITY OF FBI AGENTS TO AREAS OF
20 HIGH-RISK AIRPORTS.—The Director of the Federal Bu-
21 reau of Investigation shall assure that agents of the Fed-
22 eral Bureau of Investigation who are assigned to an area
23 where there are airports that are determined to be high-
24 risk airports shall, jointly with the Federal Aviation Ad-
25 ministration, carry out periodic threat and vulnerability

1 assessments of security every 3 years, or more frequently,
2 as necessary, at such airports.”.

3 **SEC. 109. SUPPLEMENTAL SCREENING.**

4 Section 44903(c) of title 49, United States Code, is
5 amended by adding at the end of the following new para-
6 graph:

7 “(3) USE OF DOGS IN SCREENING.—

8 “(A) IN GENERAL.—The law enforcement
9 presence and capability required under para-
10 graph (1) shall include a requirement that the
11 operator of each major airport use dogs or
12 other appropriate animals to supplement exist-
13 ing equipment used for screening passengers
14 and cargo for plastic explosives and other de-
15 vices or materials which may be used in aircraft
16 piracy. If the Administrator determines that the
17 requirements of the preceding sentence will not
18 significantly enhance the safety and security of
19 passengers and other persons involved in air
20 travel, the Administrator may modify such re-
21 quirements as appropriate. At the discretion of
22 the Administrator, the use of dogs at an airport
23 may be deemed as compliance with section
24 44913(a)(3) of this title.

1 “(B) MAJOR AIRPORT DEFINED.—In this
2 paragraph, the term ‘major airport’ means an
3 airport that is one of the largest 50 airports in
4 the United States, as determined by the num-
5 ber of passenger enplanements in calendar year
6 1995.”.

7 **SEC. 110. SUPPLEMENTAL EXPLOSIVE DETECTION.**

8 Section 44913(b) of title 49, United States Code, is
9 amended to read as follows:

10 “(b) SUPPLEMENTAL EXPLOSIVE DETECTION.—

11 “(1) GRANTS.—The Secretary shall make
12 grants for expenses of training and evaluation of
13 dogs for the explosive detection K–9 team training
14 program for the purpose of detecting explosives at
15 airports and aboard aircraft. Not later than 180
16 days after the date of the enactment of the Aviation
17 Security Improvement Act of 1996, the Secretary
18 shall extend such program to the largest 50 airports
19 in the United States, as determined by the number
20 of passenger enplanements in calendar year 1995.

21 “(2) FUNDING.—There is authorized to be ap-
22 propriated from the Trust Fund for carrying out
23 paragraph (1) such sums as may be necessary for
24 fiscal years beginning after September 30, 1996.
25 Such funds shall remain available until expended.”.

1 **SEC. 111. ENHANCED SECURITY FOR SMALL AIRPLANES**

2 Not later than 60 days after the date of the enact-
3 ment of this Act, the Administrator shall initiate a rule-
4 making to revise section 108.5 and 108.7 of 14 C.F.R.
5 with respect to airplanes having a passenger seating con-
6 figuration of less than 61 to enhance the safety and secu-
7 rity of air travel in such airplanes.

8 **SEC. 112. CIVIL AVIATION SECURITY REVIEW COMMISSION.**

9 (a) ESTABLISHMENT.—There is established a com-
10 mission to be known as the Civil Aviation Security Review
11 Commission (hereinafter in this section referred to as the
12 “Commission”).

13 (b) FUNCTIONS.—The Commission shall conduct a
14 comprehensive review of aviation security. Matters to be
15 studied by the Commission shall include the following:

16 (1) A review of the advisability of transferring
17 responsibilities of air carriers under Federal law for
18 security activities conducted on-site at airports to
19 airport operators or to appropriate entities inde-
20 pendent of air carriers.

21 (2) A review of whether baggage match require-
22 ments should be imposed on air carriers providing
23 interstate air transportation and how baggage match
24 can be accomplished to enhance the safety and secu-
25 rity of domestic air travel.

1 (3) A review of the cost and advisability of re-
2 quiring hardened cargo containers as a way to en-
3 hance aviation security and reduce the required sen-
4 sitivity of bomb detection equipment.

5 (c) MEMBERSHIP.—The Commission shall be com-
6 posed of 13 members, appointed from persons knowledge-
7 able about civil aviation in the United States and who are
8 specifically qualified by training and experience to perform
9 the duties of the Commission, as follows:

10 (1) 3 members appointed by the Secretary of
11 Transportation, in consultation with the Secretary of
12 the Treasury.

13 (2) 10 members appointed by Congress as fol-
14 lows:

15 (A) 1 member appointed by each of the
16 chairman and ranking minority member of the
17 Committee on Transportation and Infrastruc-
18 ture of the House of Representatives.

19 (B) 1 member appointed by each of the
20 chairman and ranking minority member of the
21 Committee on Appropriations of the House of
22 Representatives.

23 (C) 1 member appointed by each of the
24 chairman and ranking minority member of the

1 Committee on Commerce, Science, and Trans-
2 portation of the Senate.

3 (D) 1 member appointed by each of the
4 chairman and ranking minority member of the
5 Committee on Appropriations of the Senate.

6 (E) 1 member appointed by each of the
7 chairman and ranking minority member of the
8 Committee on Ways and Means of the House of
9 Representatives.

10 (d) RESTRICTION ON APPOINTMENT OF CURRENT
11 AVIATION EMPLOYEES.—A member appointed under sub-
12 section (c)(1) may not be an employee of an airline, air-
13 port, aviation union, or aviation trade association at the
14 time of appointment or while serving on the Commission.

15 (e) TIMING OF APPOINTMENTS.—The appointing au-
16 thorities shall make their appointments to the Commission
17 not later than 30 days after the date of the enactment
18 of this Act.

19 (f) CHAIRMAN.—In consultation with the Secretary
20 of Transportation, the Speaker of the House of Represent-
21 atives and the Majority Leader of the Senate shall des-
22 ignate a chairman and vice chairman from among the
23 members of the Commission not later than 30 days after
24 appointment of the last member to the Commission.

1 (g) PERIOD OF APPOINTMENT AND VACANCIES.—

2 Members shall be appointed for the life of the Commission,
3 and any vacancy on the Commission shall not affect its
4 powers but shall be filled in the same manner, and by the
5 same appointing authority, as the original appointment.

6 (h) QUORUM.—A majority of the members of the
7 Commission shall constitute a quorum to conduct busi-
8 ness, but the Commission may establish a lesser number
9 for conducting hearings scheduled by the Commission.

10 (i) POWERS OF THE COMMISSION.—

11 (1) HEARINGS.—The Commission may hold
12 such hearings, sit and act at such times and places,
13 administer such oaths, take such testimony, and re-
14 ceive such evidence as the Commission considers ad-
15 visable to carry out its duties.

16 (2) INFORMATION FROM FEDERAL AGENCIES.—

17 The Commission may secure directly from any Fed-
18 eral department or agency such information or docu-
19 ments as the Commission considers necessary to
20 carry out its duties, unless the head of such depart-
21 ment or agency advises the chairman of the Com-
22 mission, in writing, that such information is con-
23 fidential and that its release to the Commission
24 would jeopardize aviation safety, the national secu-
25 rity, or pending criminal investigations.

1 (3) **DETAIL OF GOVERNMENT EMPLOYEES.**—

2 Any Federal Government employee may be detailed
3 to the Commission without reimbursement, and such
4 detail shall be without interruption or loss of civil
5 service status or privilege.

6 (4) **TRAVEL AND PER DIEM.**—Members and
7 staff of the Commission shall be paid travel ex-
8 penses, including per diem in lieu of subsistence,
9 when away from his or her usual place of residence,
10 in accordance with section 5703 of title 5, United
11 States Code.

12 (j) **FINAL REPORT.**—Not later than 1 year after the
13 date of the appointment of the last member to the Com-
14 mission under subsection (c), the Commission shall submit
15 to Congress and the Administrator a final report on the
16 findings of the Commission with corresponding rec-
17 ommendations. Included with this report shall be the inde-
18 pendent audit required under subsection (j).

19 (k) **AUTHORIZATION OF APPROPRIATIONS.**—There is
20 hereby authorized to be appropriated \$2,400,000 for ac-
21 tivities of the Commission to remain available until ex-
22 pendent.

1 **TITLE II—ANTITERRORISM**

2 **SEC. 201. ADDITION OF TERRORIST OFFENSES AS RICO**
3 **PREDICATES.**

4 (a) **TITLE 18 OFFENSES.**—Section 1961(1)(B) of
5 title 18 of the United States Code is amended by—

6 (1) inserting “32 (relating to the destruction of
7 aircraft), section 37 (relating to violence at inter-
8 national airports), section 115 (relating to influenc-
9 ing, impeding, or retaliating against a Federal offi-
10 cial by threatening or injuring a family member),
11 section” after “Section”;

12 (2) inserting “section 351 (relating to Congres-
13 sional or Cabinet officer assassination,” after “sec-
14 tion 224 (relating to sports bribery),”;

15 (3) inserting “section 831 (relating to prohib-
16 ited transactions involving nuclear materials), sec-
17 tion 844(f) or (i) (relating to destruction by explo-
18 sives or fire of government property or property af-
19 fecting interstate or foreign commerce),” after “sec-
20 tion 664 (relating to embezzlement from pension and
21 welfare funds),”;

22 (4) inserting “section 930(c) (relating to violent
23 attacks against Federal buildings), section 956 (re-
24 lating to conspiracy to kill, kidnap, maim, or injure
25 certain property in a foreign country),” after “sec-

1 tions 891–894 (relating to extortionate credit trans-
2 actions),”;

3 (5) inserting “section 1111 (relating to mur-
4 der), section 1114 (relating to murder of United
5 States law enforcement officials), section 1116 (re-
6 lating to murder of foreign officials, official guests,
7 or internationally protected persons), section 1203
8 (relating to hostage taking),” after “section 1084
9 (relating to the transmission of gambling informa-
10 tion),”;

11 (6) inserting “section 1361 (relating to willful
12 injury of government property), section 1363 (relat-
13 ing to destruction of property within the special
14 maritime and territorial jurisdiction),” after “section
15 1344 (relating to financial institution fraud),”;

16 (7) inserting “section 1751 (relating to Presi-
17 dential assassination),” after “sections 1581–1588
18 (relating to peonage and slavery),”;

19 (8) inserting “section 1992 (relating to train
20 wrecking), section 2280 (relating to violence against
21 maritime navigation), section 2281 (relating to vio-
22 lence against maritime fixed platforms),” after “sec-
23 tion 1958 (relating to use of interstate commerce fa-
24 cilities in the commission of murder-for-hire),”;

1 (9) inserting “section 2332 (relating to terrorist
2 acts abroad against United States nationals), section
3 2332a (relating to use of weapons of mass destruc-
4 tion), section 2332b (relating to acts of terrorism
5 transcending national boundaries), section 2332c
6 (relating to use of chemical weapon), section 2339A
7 (relating to providing material support to terror-
8 ists),” after “2321 (relating to trafficking in certain
9 motor vehicles or motor vehicle parts),”.

10 (b) NON-TITLE 18 OFFENSE.—Section 1961(1) of
11 title 18 of the United States Code is amended—

12 (1) by striking “or” before “(E)”;

13 (2) by striking “or” before “(F); and

14 (3) by inserting at the end the following: “or
15 (G) section 46502 of title 49, United States Code;”.

16 (c) LIMITATION TO CIVIL RICO.—The amendments
17 made by this section shall not apply with respect to section
18 1964(c) of title 18, United States Code.

19 **SEC. 202. ENHANCED PRIVACY ACT AND WIRETAP PEN-**
20 **ALTIES.**

21 (a) ENHANCEMENT OF PRIVACY ACT CRIMINAL PEN-
22 ALTIES.—Paragraphs (1) and (3) of section 552a(i) of
23 title 5, United States Code, are each amended by striking
24 “shall be guilty of a misdemeanor” and all that follows
25 through the end of the paragraph and inserting “shall be

1 fined under title 18, imprisoned not more than 5 years,
2 or both.”.

3 (b) ENHANCEMENT OF PRIVACY ACT CIVIL DAM-
4 AGES.—Section 552a(g)(4)(A) of title 5, United States
5 Code, is amended by striking “\$1,000” and inserting
6 “\$5,000”.

7 (c) ENHANCEMENT OF WIRETAP DISCLOSURE
8 CRIMINAL PENALTY.—Section 2511 of title 18, United
9 States Code, is amended—

10 (1) in subsection (4)(a), by striking “paragraph
11 (b)” and all that follows through “(5)” and inserting
12 “this section”; and

13 (2) by adding after paragraph (c) the following:
14 “(d) If the offense is an offense under paragraph (c)
15 or (e) of subsection (1), the offender shall be fined under
16 this title or imprisoned not more than 10 years, or both.”.

17 **SEC. 203. COMBATTING INTERNATIONAL STATE TERROR-**
18 **ISM.**

19 (a) SANCTIONS AGAINST SPONSORS OF INTER-
20 NATIONAL TERRORISM.—The Congress urges the Presi-
21 dent to commence immediately diplomatic efforts, both in
22 appropriate international fora including the United Na-
23 tions, and bilaterally with allies of the United States, to
24 establish a multilateral sanctions regime against each of
25 those nations certified under section 6(j) of the Export

1 Administration Act of 1979 as having repeatedly provided
2 support for acts of international terrorism. The President
3 shall report to Congress, not later than 30 days after the
4 date of the enactment of this Act, and annually thereafter,
5 on the extent to which these diplomatic efforts have been
6 successful.

7 (b) ACTION PLANS FOR DESIGNATED TERRORIST
8 NATIONS.—The President shall provide to the Congress
9 within 30 days after the date of the enactment of this Act
10 an Action Plan for inducing each of those nations certified
11 under section 6(j) of the Export Administration Act of
12 1979 as having repeatedly provided support for acts of
13 international terrorism to cease their support for acts of
14 international terrorism.

15 (c) REPORT ON UNITED STATES COUNTERTERROR
16 AND ANTITERROR INTELLIGENCE CAPABILITIES.—Not
17 later than 60 days after the date of the enactment of this
18 Act, the President shall provide to the Permanent Select
19 Committees on Intelligence of the Senate and the House
20 of Representatives a report on the capability of the United
21 States intelligence community to detect, assess, and elimi-
22 nate international terrorist activities, including an assess-
23 ment of intelligence collection policies and practices which
24 affect the counterterrorism and antiterrorism activities of
25 the United States intelligence community and of the re-

1 sources provided the intelligence community for such ac-
2 tivities, together with a plan to ensure enhanced human
3 intelligence capabilities. To the extent feasible, such report
4 shall be unclassified and made available to the public.
5 Such report shall be supplemented as necessary by a clas-
6 sified report or annex, which shall be transmitted and
7 maintained under appropriate security procedures.

8 **SEC. 204. IMPLEMENTATION OF THE ANTITERRORISM AND**
9 **EFFECTIVE DEATH PENALTY ACT OF 1996.**

10 The Secretary of State is hereby directed, before Oc-
11 tober 1, 1996, to designate foreign terrorist organizations
12 pursuant to the amendment made by section 302 (relating
13 to international terrorism prohibitions) of the
14 Antiterrorism and Effective Death Penalty Act of 1996,
15 and, if possible, justified by the evidence, and consistent
16 with the needs of law enforcement and intelligence, the
17 Secretary of the Treasury shall freeze assets and the At-
18 torney General shall initiate the removal of known alien
19 terrorists and criminals.

20 **SEC. 205. TAGGANTS IN BLACK AND SMOKELESS POWDER.**

21 (a) AMENDMENT TO 1996 ACT TO INCLUDE BLACK
22 AND SMOKELESS POWDER.—Notwithstanding the provi-
23 sions to the contrary of section 732 of the Antiterrorism
24 and Effective Death Penalty Act of 1996, (concerning the
25 exclusion of black and smokeless powder from the study

1 described thereunder), the Director of the National Insti-
2 tute of Justice shall contract for an independent study of
3 the feasibility, safety, and law enforcement effectiveness
4 of including taggants in black and smokeless powder. The
5 contract shall require the completion of the study within
6 one year after the date of the enactment of this Act. The
7 entity that conducts the study shall be outside the execu-
8 tive branch of the Government and possess the requisite
9 expertise in explosives technology. The study shall, in ad-
10 dition, draw upon expertise and science from consultants
11 in the areas of mining and other industries that rely upon
12 such explosives.

13 (b) REPORT TO CONGRESS.—Not later than 30 days
14 after the completion of the study conducted under sub-
15 section (a), the Director shall submit the study to the Con-
16 gress. If the results of the study conducted under sub-
17 section (a) indicate that the taggants—

18 (1) will not pose a risk to human life or safety;

19 (2) will substantially assist law enforcement of-
20 ficers in their investigative efforts;

21 (3) will not substantially impair the quality of
22 the explosive materials for their intended lawful use;

23 (4) will not have a substantially adverse effect
24 on the environment; and

1 (5) the costs associated with the addition of the
2 taggants will not outweigh the benefits of their in-
3 clusion;
4 then the Director may submit to Congress recommenda-
5 tions for legislation for the addition of taggants to black
6 and smokeless powder manufactured in or imported into
7 the United States, of such character and in such quantity
8 as the proposed legislation may authorize or require.

9 **SEC. 206. NATIONAL COMMISSION ON TERRORISM.**

10 (a) **ESTABLISHMENT.**—There is established a com-
11 mission to be known as the National Commission on Ter-
12 rorism (in this title referred to as the “Commission”).

13 (b) **MEMBERSHIP.**—

14 (1) **NUMBER AND APPOINTMENT.**—

15 (A) **GENERALLY.**—The Commission shall
16 be composed of 9 members, appointed from per-
17 sons specially qualified by training and experi-
18 ence to perform the duties of the Commission,
19 as follows:

20 (i) 2 appointed by the Speaker of the
21 House of Representatives, and 1 appointed
22 by the Minority Leader of the House of
23 Representatives;

1 (ii) 2 appointed by the Majority Lead-
2 er of the Senate, and 1 appointed by the
3 Minority Leader of the Senate; and

4 (iii) 3 appointed by the President of
5 the United States.

6 (B) TIMING OF APPOINTMENTS.—The ap-
7 pointing authorities shall make their appoint-
8 ments to the Commission not later than 45
9 days after the date of enactment of this title.

10 (C) DESIGNATION OF THE CHAIRMAN.—
11 The President of the United States shall des-
12 ignate a chairman from the members of the
13 Commission. The Speaker of the House of Rep-
14 resentatives and the Majority Leader of the
15 Senate shall jointly designate a Vice Chairman
16 from the members of the Commission.

17 (D) PERIOD OF APPOINTMENT; VACAN-
18 CIES.—Members shall be appointed for the life
19 of the Commission. Any vacancy in Commission
20 membership shall not affect the exercise of the
21 Commission's powers, and shall be filled in the
22 same manner as the original appointment.

23 (e) MEETINGS.—

24 (1) IN GENERAL.—In not later than 60 days
25 after the date on which all members of the Commis-

1 sion have been appointed, the Commission shall hold
2 its first meeting. Subsequent meetings shall be held
3 at the call of the Chairman.

4 (2) QUORUM.—A majority of the members of
5 the Commission shall constitute a quorum, but a
6 lesser number of members may hold hearings.

7 (d) SECURITY CLEARANCES.—Appropriate security
8 clearances shall be required for members of the Commis-
9 sion who are private United States citizens. Such clear-
10 ances shall be processed and completed on an expedited
11 basis by appropriate elements of the executive branch of
12 Government and shall, in any case, be completed within
13 90 days of the date such members are appointed.

14 (e) APPLICATION OF CERTAIN PROVISIONS OF
15 LAW.—In light of the extraordinary and sensitive nature
16 of its deliberations, the provisions of the Federal Advisory
17 Committee Act (5 U.S.C. App.), and the regulations pre-
18 scribed by the Administrator of General Services pursuant
19 to that Act, shall not apply to the Commission. Further,
20 the provisions of section 552 of title 5, United States Code
21 (commonly known as the “Freedom of Information Act”),
22 shall not apply to the Commission; however, records of the
23 Commission shall be subject to the Federal Records Act
24 and, when transferred to the National Archives and

1 Records Agency, shall no longer be exempt from the provi-
2 sions of such section 552.

3 (f) DUTIES OF THE COMMISSION.—

4 (1) IN GENERAL.—It shall be the duty of the
5 Commission—

6 (A) to prepare and transmit the reports
7 described in paragraph (2); and

8 (B) to examine the long-term strategy of
9 the United States in addressing the threat of
10 international terrorism, including intelligence
11 capabilities, international cooperation, military
12 responses, and technological capabilities;

13 (C) to examine the efficacy and appro-
14 priateness of Federal efforts to prevent, detect,
15 investigate, and prosecute acts of terrorism, in-
16 cluding—

17 (i) the coordination of
18 counterterrorism efforts among Federal de-
19 partments and agencies, and Federal co-
20 ordination of law enforcement with State
21 and local law enforcement in responding to
22 terrorist threats and acts;

23 (ii) the ability and utilization of coun-
24 terintelligence efforts to infiltrate and dis-

1 able or disrupt international terrorist orga-
2 nizations and their activities;

3 (iii) the impact of Federal immigra-
4 tion laws and policies on acts of terrorism
5 transcending national boundaries;

6 (iv) the effectiveness of present regu-
7 lations and practices relating to civil avia-
8 tion safety and security to prevent acts of
9 terrorism, to include a study of the desir-
10 ability of assigning, on a permanent basis,
11 personnel of the Federal Bureau of Inves-
12 tigation at high-risk airports, and a study
13 of the practicality and desirability of trans-
14 ferring authority for United States airport
15 security to an entity other than the Fed-
16 eral Aviation Administration;

17 (v) the extent and effectiveness of
18 present cooperative efforts with foreign na-
19 tions to prevent, detect, investigate and
20 prosecute acts of terrorism; and

21 (vi) the impact on present
22 counterterrorism efforts due to the failure
23 to expend and utilize resources and author-
24 ity previously provided by Congress for the
25 implementation of enhanced

1 counterterrorism activities and the reasons
2 why these resources have not been ex-
3 pended in a timely way; and

4 (D) to examine the capability of the United
5 States intelligence community to detect, assess,
6 infiltrate, disrupt, and eliminate international
7 terrorist organizations and activities, including
8 an assessment of intelligence collection policies
9 and practices which affect the counterterrorism
10 and antiterrorism activities of the United States
11 intelligence community and of the resources
12 provided the intelligence community for such
13 activities, together with a plan to ensure en-
14 hanced human intelligence capabilities; and

15 (E) to examine all present laws relating to
16 the collection and dissemination of personal in-
17 formation on individuals by law enforcement or
18 other governmental entities, and the necessity
19 for additional protections to prevent and deter
20 the inappropriate collection and dissemination
21 of such information.

22 (2) REPORTS.—

23 (A) INITIAL REPORT.—Not later than 2
24 months after the first meeting of the Commis-
25 sion, the Commission shall transmit to the

1 Committees on the Judiciary of the Senate and
2 the House of Representatives a report setting
3 forth its plan for the work of the Commission.

4 (B) INTERIM REPORTS.—Prior to the sub-
5 mission of the report required by subparagraph
6 (C), the Commission may issue such interim re-
7 ports as it finds necessary and desirable.

8 (C) FINAL REPORT.—No later than 6
9 months after the first meeting of the Commis-
10 sion, the Commission shall submit to the Presi-
11 dent and to the Committees on the Judiciary of
12 the Senate and the House of Representatives a
13 report setting forth the activities, findings, and
14 recommendations of the Commission, including
15 any recommendations for the enactment of leg-
16 islation that the Commission considers advis-
17 able. To the extent feasible, such report shall be
18 unclassified and made available to the public.
19 Such report shall be supplemented as necessary
20 by a classified report or annex, which shall be
21 provided separately to the President and the
22 Committees on the Judiciary of the Senate and
23 the House of Representatives.

24 (g) POWERS.—

1 (1) HEARINGS.—The Commission or, at its di-
2 rection, any panel or member of the Commission,
3 may, for the purpose of carrying out the provisions
4 of this title, hold hearings, sit and act at times and
5 places, take testimony, receive evidence, and admin-
6 ister oaths to the extent that the Commission or any
7 panel or member considers advisable.

8 (2) INFORMATION FROM FEDERAL AGENCIES.—
9 The commission may secure directly from any intel-
10 ligence agency or from any other Federal depart-
11 ment or agency any information that the Commis-
12 sion considers necessary to enable the Commission
13 to carry out its responsibilities under this section.
14 Upon request of the Chairman of the Commission,
15 the head of any such department or agency shall
16 furnish such information expeditiously to the Com-
17 mission, unless the head of the department or agen-
18 cy determines that doing so would threaten national
19 security, the health or safety of any individual, or
20 the integrity of an ongoing investigation or prosecu-
21 tion.

22 (3) POSTAL, PRINTING AND BINDING SERV-
23 ICES.—The Commission may use the United States
24 mails and obtain printing and binding services in the
25 same manner and under the same conditions as

1 other departments and agencies of the Federal Gov-
2 ernment.

3 (4) SUBCOMMITTEES.—The Commission may
4 establish panels composed of less than the full mem-
5 bership of the Commission for the purpose of carry-
6 ing out the Commission’s duties. The actions of each
7 such panel shall be subject to the review and control
8 of the Commission. Any findings and determinations
9 made by such a panel shall not be considered the
10 findings and determinations of the Commission un-
11 less approved by the Commission.

12 (5) AUTHORITY OF INDIVIDUALS TO ACT FOR
13 COMMISSION.—Any member or agent of the Com-
14 mission may, if authorized by the Commission, take
15 any action which the Commission is authorized to
16 take under this title.

17 (h) PERSONNEL MATTERS.—

18 (1) COMPENSATION OF MEMBERS.—Each mem-
19 ber of the Commission who is a private United
20 States citizen shall be paid, if requested, at a rate
21 equal to the daily equivalent of the annual rate of
22 basic pay payable for Level V of the Executive
23 Schedule under section 5316 of title 5, United
24 States Code, for each day (including travel time)
25 during which the member is engaged in the perform-

1 ance of the duties of the Commission. All members
2 of the Commission who are Members of Congress
3 shall serve without compensation in addition to that
4 received for their services as Members of Congress.

5 (2) TRAVEL EXPENSES.—Each member of the
6 Commission shall be allowed travel expenses, includ-
7 ing per diem in lieu of subsistence, at rates author-
8 ized for employees of agencies under subchapter I of
9 chapter 57 of title 5, United States Code, while
10 away from their homes or regular places of business
11 in the performance of services for the Commission.

12 (3) STAFF.—

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

23 (B) COMPENSATION.—The Chairman of
24 the Commission may fix the pay of the staff
25 and other personnel without regard to the pro-

1 visions of chapter 51 and subchapter III of
2 chapter 53 of title 5, United States Code, relat-
3 ing to classification of positions and General
4 Schedule pay rates, except that the rate of pay
5 fixed under this paragraph for the staff director
6 may not exceed the rate payable for Level V of
7 the Executive Schedule under section 5316 of
8 such title and the rate of pay for other person-
9 nel may not exceed the maximum rate payable
10 for grade GS-15 of the General Schedule.

11 (4) DETAIL OF GOVERNMENT EMPLOYEES.—

12 Upon request of the Chairman of the Commission,
13 the head of any Federal department or agency may
14 detail, on a nonreimbursable basis, any personnel of
15 that department or agency to the Commission to as-
16 sist it in carrying out its administrative and clerical
17 functions.

18 (5) PROCUREMENT OF TEMPORARY AND INTER-

19 MITTENT SERVICES.—The Chairman of the Commis-
20 sion may procure temporary and intermittent serv-
21 ices under section 3109(b) of title 5, United States
22 Code, at rates for individuals which do not exceed
23 the daily equivalent of the annual rate of basic pay
24 payable for Level V of the Executive Schedule under
25 section 5316 of such title.

1 (i) PAYMENT OF COMMISSION EXPENSES.—The com-
2 pensation, travel expenses, per diem allowances of mem-
3 bers and employees of the Commission, and other expenses
4 of the Commission shall be paid out of funds available to
5 the Attorney General for the payment of compensation,
6 travel allowances, and per diem allowances, respectively,
7 of employees of the Department of Justice.

8 (j) TERMINATION OF THE COMMISSION.—The Com-
9 mission shall terminate 1 month after the date of the sub-
10 mission of the report required by subsection (f)(2)(C).

Passed the House of Representatives August 2,
1996.

Attest:

ROBIN H. CARLE,
Clerk.

By LINDA NAVE,
Deputy Clerk.