

Calendar No. 351

105TH CONGRESS
2D Session
S. 1900

A BILL

To establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

APRIL 30, 1998
Reported with an amendment

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To establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 1, 1998

Mr. D'AMATO (for himself, Ms. MOSELEY-BRAUN, Mr. SHELBY, Mr. FAIRCLOTH, Mr. BENNETT, Mr. HAGEL, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mrs. BOXER, Mr. REED, Mr. DEWINE, Mr. ALLARD, Mr. KOHL, Mr. COVERDELL, Mr. INOUE, Mr. ABRAHAM, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. SANTORUM, Mr. BOND, Mr. BINGAMAN, Mr. DURBIN, Mr. THOMAS, and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

APRIL 30, 1998

Reported by Mr. D'AMATO, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

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 “U.S. Holocaust Assets
 5 Commission Act of 1998”.

6 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

7 ~~(a) ESTABLISHMENT.—~~There is established a Presi-
 8 dential Commission, to be known as the “Presidential Ad-
 9 visory Commission on Holocaust Assets in the United
 10 States” (hereafter in this Act referred to as the “Commis-
 11 sion”).

12 ~~(b) MEMBERSHIP.—~~

13 ~~(1) NUMBER.—~~The Commission shall be com-
 14 posed of ~~23~~ members, appointed in accordance with
 15 paragraph ~~(2)~~.

16 ~~(2) APPOINTMENTS.—~~Of the ~~23~~ members of
 17 the Commission—

18 ~~(A)~~ ~~11~~ shall be private citizens, appointed
 19 by the President;

20 ~~(B)~~ ~~3~~ shall be representatives of the De-
 21 partment of State, the Department of Justice,
 22 and the Department of the Treasury (~~1~~ rep-
 23 resentative of each such Department), ap-
 24 pointed by the President;

1 (C) 2 shall be Members of the House of
 2 Representatives, appointed by the Speaker of
 3 the House of Representatives;

4 (D) 2 shall be Members of the House of
 5 Representatives, appointed by the Minority
 6 Leader of the House of Representatives;

7 (E) 2 shall be Members of the Senate, ap-
 8 pointed by the Majority Leader of the Senate;

9 (F) 2 shall be Members of the Senate, ap-
 10 pointed by the Minority Leader of the Senate;
 11 and

12 (G) 1 shall be the Chairperson of the
 13 United States Holocaust Memorial Council.

14 (3) CRITERIA FOR MEMBERSHIP.—Each private
 15 citizen appointed to the Commission shall be an indi-
 16 vidual who has a record of demonstrated leadership
 17 on issues relating to the Holocaust or in the fields
 18 of commerce, culture, or education that would assist
 19 the Commission in analyzing the disposition of the
 20 assets of Holocaust victims.

21 (4) ADVISORY PANELS.—The Chairperson of
 22 the Commission may, in the discretion of the Chair-
 23 person, establish advisory panels to the Commission,
 24 including State or local officials, representatives of
 25 organizations having an interest in the work of the

1 Commission, or others having expertise that is rel-
 2 evant to the purposes of the Commission.

3 ~~(5) DATE.~~—The appointments of the members
 4 of the Commission shall be made not later than 90
 5 days after the date of enactment of this Act.

6 ~~(c) CHAIRPERSON.~~—The Chairperson of the Commis-
 7 sion shall be selected by the President from among the
 8 members of the Commission appointed under subpara-
 9 graph (A) or (B) of subsection (b)(2).

10 ~~(d) PERIOD OF APPOINTMENT.~~—Members of the
 11 Commission shall be appointed for the life of the Commis-
 12 sion.

13 ~~(e) VACANCIES.~~—Any vacancy in the membership of
 14 the Commission shall not affect its powers, but shall be
 15 filled in the same manner as the original appointment.

16 ~~(f) MEETINGS.~~—The Commission shall meet at the
 17 call of the Chairperson at any time after the date of ap-
 18 pointment of the Chairperson.

19 ~~(g) QUORUM.~~—Thirteen of the members of the Com-
 20 mission shall constitute a quorum, but a lesser number
 21 of members may hold meetings.

22 **SEC. 3. DUTIES OF THE COMMISSION.**

23 ~~(a) ORIGINAL RESEARCH.~~—

24 ~~(1) IN GENERAL.~~—Except as otherwise pro-
 25 vided in paragraph (3), the Commission shall con-

1 duct a thorough study and develop an historical
2 record of the collection and disposition of the assets
3 described in paragraph (2); if such assets came into
4 the possession or control of the Federal Government
5 at any time after January 30, 1933, either—

6 (A) after having been obtained from vic-
7 tims of the Holocaust by, on behalf of, or under
8 authority of a government referred to in sub-
9 section (c); or

10 (B) because such assets were left un-
11 claimed as the result of actions taken by, on be-
12 half of, or under authority of a government re-
13 ferred to in subsection (c).

14 (2) TYPES OF ASSETS.—Assets described in
15 this paragraph include—

16 (A) gold;

17 (B) gems, jewelry, and non-gold precious
18 metals;

19 (C) accounts in banks in the United
20 States;

21 (D) domestic financial instruments pur-
22 chased before May 8, 1945 by individual victims
23 of the Holocaust, whether recorded in the name
24 of the victim or in the name of a nominee, and
25 whether or not held in a brokerage account;

- 1 (E) insurance policies and proceeds there-
- 2 of;
- 3 (F) real estate situated in the United
- 4 States;
- 5 (G) works of art; and
- 6 (H) books, manuscripts, and religious ob-
- 7 jects.

8 (3) COORDINATION OF ACTIVITIES.—In carry-

9 ing out its duties under paragraph (1), the Commis-

10 sion shall, to the maximum extent practicable, co-

11 ordinate its activities with, and not duplicate similar

12 activities already or being undertaken by, private in-

13 dividuals, private entities, or government entities,

14 whether domestic or foreign.

15 (b) COMPREHENSIVE REVIEW OF OTHER RE-

16 SEARCH.—Upon request by the Commission and permis-

17 sion by the relevant individuals or entities, the Commis-

18 sion shall review comprehensively research by private indi-

19 viduals, private entities, and non-Federal government enti-

20 ties, whether domestic or foreign, into the collection and

21 disposition of the assets described in subsection (a)(2), to

22 the extent that such research focuses on assets that came

23 into the possession or control of private individuals, pri-

24 vate entities, or non-Federal government entities within

1 the United States at any time after January 30, 1933,
2 either—

3 (1) after having been obtained from victims of
4 the Holocaust by, on behalf of, or under authority
5 of a government referred to in subsection (c); or

6 (2) because such assets were left unclaimed as
7 the result of actions taken by, on behalf of, or under
8 authority of a government referred to in subsection
9 (c).

10 (c) **GOVERNMENTS INCLUDED.**—A government re-
11 ferred to in this subsection includes, as in existence during
12 the period beginning on March 23, 1933, and ending on
13 May 8, 1945—

14 (1) the Nazi government of Germany;

15 (2) any government in any area occupied by the
16 military forces of the Nazi government of Germany;

17 (3) any government established with the assist-
18 ance or cooperation of the Nazi government of Ger-
19 many; and

20 (4) any government which was an ally of the
21 Nazi government of Germany.

22 (d) **REPORTS.**—

23 (1) **SUBMISSION TO THE PRESIDENT.**—Not
24 later than December 31, 1999, the Commission shall
25 submit a final report to the President that shall con-

1 tain any recommendations for such legislative, ad-
2 ministrative, or other action as it deems necessary or
3 appropriate. The Commission may submit interim
4 reports to the President as it deems appropriate.

5 (2) SUBMISSION TO THE CONGRESS.—After re-
6 ceipt of the final report under paragraph (1), the
7 President shall submit to the Congress any rec-
8 ommendations for legislative, administrative, or
9 other action that the President considers necessary
10 or appropriate.

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

12 (a) HEARINGS.—The Commission may hold such
13 hearings, sit and act at such times and places, take such
14 testimony, and receive such evidence as the Commission
15 considers advisable to carry out this Act.

16 (b) INFORMATION FROM FEDERAL AGENCIES.—The
17 Commission may secure directly from any Federal depart-
18 ment or agency such information as the Commission con-
19 siders necessary to carry out this Act. Upon request of
20 the Chairperson of the Commission, the head of any such
21 department or agency shall furnish such information to
22 the Commission as expeditiously as possible.

23 (c) POSTAL SERVICES.—The Commission may use
24 the United States mails in the same manner and under

1 the same conditions as other departments and agencies of
2 the Federal Government.

3 (d) GIFTS.—The Commission may accept, use, and
4 dispose of gifts or donations of services or property.

5 **SEC. 5. COMMISSION PERSONNEL MATTERS.**

6 (a) COMPENSATION.—No member of the Commission
7 who is a private citizen shall be compensated for service
8 on the Commission. All members of the Commission who
9 are officers or employees of the United States shall serve
10 without compensation in addition to that received for their
11 services as officers or employees of the United States.

12 (b) TRAVEL EXPENSES.—The members of the Com-
13 mission shall be allowed travel expenses, including per
14 diem in lieu of subsistence, at rates authorized for employ-
15 ees of agencies under subchapter I of chapter 57 of title
16 5, United States Code, while away from their homes or
17 regular places of business in the performance of services
18 for the Commission.

19 (c) EXECUTIVE DIRECTOR, DEPUTY EXECUTIVE DI-
20 RECTOR, GENERAL COUNSEL, AND OTHER STAFF.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the selection of the Chairperson of the Commission
23 under section 2, the Chairperson shall, without re-
24 gard to the civil service laws and regulations, ap-
25 point an executive director, a deputy executive direc-

1 tor, and a general counsel of the Commission, and
 2 such other additional personnel as may be necessary
 3 to enable the Commission to perform its duties
 4 under this Act.

5 (2) QUALIFICATIONS.—The executive director,
 6 deputy executive director, and general counsel of the
 7 Commission shall be appointed without regard to po-
 8 litical affiliation, and shall possess all necessary se-
 9 curity clearances for such positions.

10 (3) DUTIES OF EXECUTIVE DIRECTOR.—The
 11 executive director of the Commission shall—

12 (A) serve as principal liaison between the
 13 Commission and other Government entities;

14 (B) be responsible for the administration
 15 and coordination of the review of records by the
 16 Commission; and

17 (C) be responsible for coordinating all offi-
 18 cial activities of the Commission.

19 (4) COMPENSATION.—The Chairperson of the
 20 Commission may fix the compensation of the execu-
 21 tive director, deputy executive director, general coun-
 22 sel, and other personnel employed by the Commis-
 23 sion, without regard to the provisions of chapter 51
 24 and subchapter III of chapter 53 of title 5, United

1 States Code, relating to classification of positions
 2 and General Schedule pay rates, except that—

3 (A) the rate of pay for the executive direc-
 4 tor of the Commission may not exceed the rate
 5 payable for level III of the Executive Schedule
 6 under section 5314 of title 5, United States
 7 Code; and

8 (B) the rate of pay for the deputy execu-
 9 tive director, the general counsel of the Com-
 10 mission, and other Commission personnel may
 11 not exceed the rate payable for level IV of the
 12 Executive Schedule under section 5315 of title
 13 5, United States Code.

14 (5) EMPLOYEE BENEFITS.—

15 (A) IN GENERAL.—An employee of the
 16 Commission shall be an employee for purposes
 17 of chapters 84, 85, 87, and 89 of title 5, United
 18 States Code, and service as an employee of the
 19 Commission shall be service for purposes of
 20 such chapters.

21 (B) NONAPPLICATION TO MEMBERS.—This
 22 paragraph shall not apply to a member of the
 23 Commission.

24 (6) OFFICE OF PERSONNEL MANAGEMENT.—

25 The Office of Personnel Management—

1 (A) may promulgate regulations to apply
 2 the provisions referred to under subsection (a)
 3 to employees of the Commission; and

4 (B) shall provide support services relating
 5 to—

6 (i) the initial employment of employ-
 7 ees of the Commission; and

8 (ii) other personnel needs of the Com-
 9 mission.

10 (d) ~~DETAIL OF GOVERNMENT EMPLOYEES.~~—Any
 11 Federal Government employee may be detailed to the
 12 Commission without reimbursement to the agency of that
 13 employee, and such detail shall be without interruption or
 14 loss of civil service status or privilege.

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

22 (f) ~~STAFF QUALIFICATIONS.~~—Any person appointed
 23 to the staff of or employed by the Commission shall be
 24 an individual of integrity and impartiality.

25 (g) ~~CONDITIONAL EMPLOYMENT.~~—

1 (1) IN GENERAL.—The Commission may offer
2 employment on a conditional basis to a prospective
3 employee pending the completion of any necessary
4 security clearance background investigation. During
5 the pendency of any such investigation, the Commis-
6 sion shall ensure that such conditional employee is
7 not given and does not have access to or responsibil-
8 ity involving classified or otherwise restricted mate-
9 rial.

10 (2) TERMINATION.—If a person hired on a con-
11 ditional basis as described in paragraph (1) is denied
12 or otherwise does not qualify for all security clear-
13 ances necessary for the fulfillment of the responsibil-
14 ities of that person as an employee of the Commis-
15 sion, the Commission shall immediately terminate
16 the employment of that person with the Commission.

17 (h) EXPEDITED SECURITY CLEARANCE PROCES-
18 DURES.—A candidate for executive director or deputy ex-
19 ecutive director of the Commission and any potential em-
20 ployee of the Commission shall, to the maximum extent
21 possible, be investigated or otherwise evaluated for and
22 granted, if applicable, any necessary security clearances
23 on an expedited basis.

1 **SEC. 6. SUPPORT SERVICES.**

2 During the 180-day period following the date of en-
3 actment of this Act, the General Services Administration
4 shall provide administrative support services (including of-
5 fices and equipment) for the Commission.

6 **SEC. 7. TERMINATION OF THE COMMISSION.**

7 The Commission shall terminate 90 days after the
8 date on which the Commission submits its final report
9 under section 3.

10 **SEC. 8. MISCELLANEOUS PROVISIONS.**

11 (a) **INAPPLICABILITY OF FACA.**—The Federal Advi-
12 sory Committee Act (5 U.S.C. App.) does not apply to the
13 Commission.

14 (b) **PUBLIC ATTENDANCE.**—To the maximum extent
15 practicable, each meeting of the Commission shall be open
16 to members of the public.

17 **SEC. 9. FUNDING OF COMMISSION.**

18 Notwithstanding section 1346 of title 31, United
19 States Code, or section 611 of the Treasury and General
20 Government Appropriations Act, 1998, of funds made
21 available for fiscal years 1998 and 1999 to the Depart-
22 ments of Justice, State, and any other appropriate agency
23 that are otherwise unobligated, not more than \$3,500,000
24 shall be available for the interagency funding of activities
25 of the Commission under this Act. Funds made available

1 to the Commission pursuant to this section shall remain
 2 available for obligation until December 31, 1999.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “U.S. Holocaust Assets*
 5 *Commission Act of 1998”.*

6 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

7 (a) *ESTABLISHMENT.*—*There is established a Presi-*
 8 *dential Commission, to be known as the “Presidential Advi-*
 9 *sory Commission on Holocaust Assets in the United States”*
 10 *(hereafter in this Act referred to as the “Commission”).*

11 (b) *MEMBERSHIP.*—

12 (1) *NUMBER.*—*The Commission shall be com-*
 13 *posed of 21 members, appointed in accordance with*
 14 *paragraph (2).*

15 (2) *APPOINTMENTS.*—*Of the 21 members of the*
 16 *Commission—*

17 (A) *9 shall be private citizens, appointed by*
 18 *the President;*

19 (B) *3 shall be representatives of the Depart-*
 20 *ment of State, the Department of Justice, and*
 21 *the Department of the Treasury (1 representative*
 22 *of each such Department), appointed by the*
 23 *President;*

1 (C) 2 shall be Members of the House of Rep-
 2 resentatives, appointed by the Speaker of the
 3 House of Representatives;

4 (D) 2 shall be Members of the House of Rep-
 5 resentatives, appointed by the Minority Leader
 6 of the House of Representatives;

7 (E) 2 shall be Members of the Senate, ap-
 8 pointed by the Majority Leader of the Senate;

9 (F) 2 shall be Members of the Senate, ap-
 10 pointed by the Minority Leader of the Senate;
 11 and

12 (G) 1 shall be the Chairperson of the United
 13 States Holocaust Memorial Council.

14 (3) *CRITERIA FOR MEMBERSHIP.*—Each private
 15 citizen appointed to the Commission shall be an indi-
 16 vidual who has a record of demonstrated leadership
 17 on issues relating to the Holocaust or in the fields of
 18 commerce, culture, or education that would assist the
 19 Commission in analyzing the disposition of the assets
 20 of Holocaust victims.

21 (4) *ADVISORY PANELS.*—The Chairperson of the
 22 Commission may, in the discretion of the Chair-
 23 person, establish advisory panels to the Commission,
 24 including State or local officials, representatives of
 25 organizations having an interest in the work of the

1 *Commission, or others having expertise that is rel-*
 2 *evant to the purposes of the Commission.*

3 (5) *DATE.*—*The appointments of the members of*
 4 *the Commission shall be made not later than 90 days*
 5 *after the date of enactment of this Act.*

6 (c) *CHAIRPERSON.*—*The Chairperson of the Commis-*
 7 *sion shall be selected by the President from among the mem-*
 8 *bers of the Commission appointed under subparagraph (A)*
 9 *or (B) of subsection (b)(2).*

10 (d) *PERIOD OF APPOINTMENT.*—*Members of the Com-*
 11 *mission shall be appointed for the life of the Commission.*

12 (e) *VACANCIES.*—*Any vacancy in the membership of*
 13 *the Commission shall not affect its powers, but shall be filled*
 14 *in the same manner as the original appointment.*

15 (f) *MEETINGS.*—*The Commission shall meet at the call*
 16 *of the Chairperson at any time after the date of appoint-*
 17 *ment of the Chairperson.*

18 (g) *QUORUM.*—*Eleven of the members of the Commis-*
 19 *sion shall constitute a quorum, but a lesser number of mem-*
 20 *bers may hold meetings.*

21 **SEC. 3. DUTIES OF THE COMMISSION.**

22 (a) *ORIGINAL RESEARCH.*—

23 (1) *IN GENERAL.*—*Except as otherwise provided*
 24 *in paragraph (3), the Commission shall conduct a*
 25 *thorough study and develop an historical record of the*

1 *collection and disposition of the assets described in*
 2 *paragraph (2), if such assets came into the possession*
 3 *or control of the Federal Government, including the*
 4 *Board of Governors of the Federal Reserve System or*
 5 *any Federal reserve bank, at any time after January*
 6 *30, 1933—*

7 *(A) after having been obtained from victims*
 8 *of the Holocaust by, on behalf of, or under au-*
 9 *thority of a government referred to in subsection*
 10 *(c);*

11 *(B) because such assets were left unclaimed*
 12 *as the result of actions taken by, on behalf of, or*
 13 *under authority of a government referred to in*
 14 *subsection (c); or*

15 *(C) in the case of assets consisting of gold*
 16 *bullion, monetary gold, or similar assets, after*
 17 *such assets had been obtained by the Nazi gov-*
 18 *ernment of Germany from the central bank or*
 19 *other governmental treasury in any area occu-*
 20 *pied by the military forces of the Nazi govern-*
 21 *ment of Germany.*

22 *(2) TYPES OF ASSETS.—Assets described in this*
 23 *paragraph include—*

24 *(A) gold;*

1 (B) gems, jewelry, and non-gold precious
2 metals;

3 (C) accounts in banks in the United States;

4 (D) domestic financial instruments pur-
5 chased before May 8, 1945 by individual victims
6 of the Holocaust, whether recorded in the name
7 of the victim or in the name of a nominee;

8 (E) insurance policies and proceeds thereof;

9 (F) real estate situated in the United
10 States;

11 (G) works of art; and

12 (H) books, manuscripts, and religious ob-
13 jects.

14 (3) COORDINATION OF ACTIVITIES.—In carrying
15 out its duties under paragraph (1), the Commission
16 shall, to the maximum extent practicable, coordinate
17 its activities with, and not duplicate similar activi-
18 ties already or being undertaken by, private individ-
19 uals, private entities, or government entities, whether
20 domestic or foreign.

21 (b) COMPREHENSIVE REVIEW OF OTHER RE-
22 SEARCH.—Upon request by the Commission and permission
23 by the relevant individuals or entities, the Commission shall
24 review comprehensively research by private individuals,
25 private entities, and non-Federal government entities,

1 *whether domestic or foreign, into the collection and disposi-*
 2 *tion of the assets described in subsection (a)(2), to the extent*
 3 *that such research focuses on assets that came into the pos-*
 4 *session or control of private individuals, private entities,*
 5 *or non-Federal government entities within the United*
 6 *States at any time after January 30, 1933, either—*

7 (1) *after having been obtained from victims of*
 8 *the Holocaust by, on behalf of, or under authority of*
 9 *a government referred to in subsection (c); or*

10 (2) *because such assets were left unclaimed as the*
 11 *result of actions taken by, on behalf of, or under au-*
 12 *thority of a government referred to in subsection (c).*

13 (c) *GOVERNMENTS INCLUDED.—A government referred*
 14 *to in this subsection includes, as in existence during the*
 15 *period beginning on March 23, 1933, and ending on May*
 16 *8, 1945—*

17 (1) *the Nazi government of Germany;*

18 (2) *any government in any area occupied by the*
 19 *military forces of the Nazi government of Germany;*

20 (3) *any government established with the assist-*
 21 *ance or cooperation of the Nazi government of Ger-*
 22 *many; and*

23 (4) *any government which was an ally of the*
 24 *Nazi government of Germany.*

25 (d) *REPORTS.—*

1 (1) *SUBMISSION TO THE PRESIDENT.*—Not later
 2 *than December 31, 1999, the Commission shall submit*
 3 *a final report to the President that shall contain any*
 4 *recommendations for such legislative, administrative,*
 5 *or other action as it deems necessary or appropriate.*
 6 *The Commission may submit interim reports to the*
 7 *President as it deems appropriate.*

8 (2) *SUBMISSION TO THE CONGRESS.*—After re-
 9 *ceipt of the final report under paragraph (1), the*
 10 *President shall submit to the Congress any rec-*
 11 *ommendations for legislative, administrative, or other*
 12 *action that the President considers necessary or ap-*
 13 *propriate.*

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

15 (a) *HEARINGS.*—The Commission may hold such hear-
 16 *ings, sit and act at such times and places, take such testi-*
 17 *mony, and receive such evidence as the Commission consid-*
 18 *ers advisable to carry out this Act.*

19 (b) *INFORMATION FROM FEDERAL AGENCIES.*—The
 20 *Commission may secure directly from any Federal depart-*
 21 *ment or agency such information as the Commission con-*
 22 *siders necessary to carry out this Act. Upon request of the*
 23 *Chairperson of the Commission, the head of any such de-*
 24 *partment or agency shall furnish such information to the*
 25 *Commission as expeditiously as possible.*

1 (c) *POSTAL SERVICES.*—*The Commission may use the*
 2 *United States mails in the same manner and under the*
 3 *same conditions as other departments and agencies of the*
 4 *Federal Government.*

5 (d) *GIFTS.*—*The Commission may accept, use, and*
 6 *dispose of gifts or donations of services or property.*

7 **SEC. 5. COMMISSION PERSONNEL MATTERS.**

8 (a) *COMPENSATION.*—*No member of the Commission*
 9 *who is a private citizen shall be compensated for service*
 10 *on the Commission. All members of the Commission who*
 11 *are officers or employees of the United States shall serve*
 12 *without compensation in addition to that received for their*
 13 *services as officers or employees of the United States.*

14 (b) *TRAVEL EXPENSES.*—*The members of the Commis-*
 15 *sion shall be allowed travel expenses, including per diem*
 16 *in lieu of subsistence, at rates authorized for employees of*
 17 *agencies under subchapter I of chapter 57 of title 5, United*
 18 *States Code, while away from their homes or regular places*
 19 *of business in the performance of services for the Commis-*
 20 *sion.*

21 (c) *EXECUTIVE DIRECTOR, DEPUTY EXECUTIVE DI-*
 22 *RECTOR, GENERAL COUNSEL, AND OTHER STAFF.*—

23 (1) *IN GENERAL.*—*Not later than 90 days after*
 24 *the selection of the Chairperson of the Commission*
 25 *under section 2, the Chairperson shall, without regard*

1 *to the civil service laws and regulations, appoint an*
 2 *executive director, a deputy executive director, and a*
 3 *general counsel of the Commission, and such other ad-*
 4 *ditional personnel as may be necessary to enable the*
 5 *Commission to perform its duties under this Act.*

6 (2) *QUALIFICATIONS.—The executive director,*
 7 *deputy executive director, and general counsel of the*
 8 *Commission shall be appointed without regard to po-*
 9 *litical affiliation, and shall possess all necessary secu-*
 10 *rity clearances for such positions.*

11 (3) *DUTIES OF EXECUTIVE DIRECTOR.—The ex-*
 12 *ecutive director of the Commission shall—*

13 (A) *serve as principal liaison between the*
 14 *Commission and other Government entities;*

15 (B) *be responsible for the administration*
 16 *and coordination of the review of records by the*
 17 *Commission; and*

18 (C) *be responsible for coordinating all offi-*
 19 *cial activities of the Commission.*

20 (4) *COMPENSATION.—The Chairperson of the*
 21 *Commission may fix the compensation of the execu-*
 22 *tive director, deputy executive director, general coun-*
 23 *sel, and other personnel employed by the Commission,*
 24 *without regard to the provisions of chapter 51 and*
 25 *subchapter III of chapter 53 of title 5, United States*

1 *Code, relating to classification of positions and Gen-*
 2 *eral Schedule pay rates, except that—*

3 *(A) the rate of pay for the executive director*
 4 *of the Commission may not exceed the rate pay-*
 5 *able for level III of the Executive Schedule under*
 6 *section 5314 of title 5, United States Code; and*

7 *(B) the rate of pay for the deputy executive*
 8 *director, the general counsel of the Commission,*
 9 *and other Commission personnel may not exceed*
 10 *the rate payable for level IV of the Executive*
 11 *Schedule under section 5315 of title 5, United*
 12 *States Code.*

13 *(5) EMPLOYEE BENEFITS.—*

14 *(A) IN GENERAL.—An employee of the Com-*
 15 *mission shall be an employee for purposes of*
 16 *chapters 84, 85, 87, and 89 of title 5, United*
 17 *States Code, and service as an employee of the*
 18 *Commission shall be service for purposes of such*
 19 *chapters.*

20 *(B) NONAPPLICATION TO MEMBERS.—This*
 21 *paragraph shall not apply to a member of the*
 22 *Commission.*

23 *(6) OFFICE OF PERSONNEL MANAGEMENT.—The*
 24 *Office of Personnel Management—*

1 (A) may promulgate regulations to apply
 2 the provisions referred to under subsection (a) to
 3 employees of the Commission; and

4 (B) shall provide support services relating
 5 to—

6 (i) the initial employment of employees
 7 of the Commission; and

8 (ii) other personnel needs of the Com-
 9 mission.

10 (d) *DETAIL OF GOVERNMENT EMPLOYEES.*—Any Fed-
 11 eral Government employee may be detailed to the Commis-
 12 sion without reimbursement to the agency of that employee,
 13 and such detail shall be without interruption or loss of civil
 14 service status or privilege.

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

22 (f) *STAFF QUALIFICATIONS.*—Any person appointed to
 23 the staff of or employed by the Commission shall be an indi-
 24 vidual of integrity and impartiality.

25 (g) *CONDITIONAL EMPLOYMENT.*—

1 (1) *IN GENERAL.*—*The Commission may offer*
 2 *employment on a conditional basis to a prospective*
 3 *employee pending the completion of any necessary se-*
 4 *curity clearance background investigation. During the*
 5 *pendency of any such investigation, the Commission*
 6 *shall ensure that such conditional employee is not*
 7 *given and does not have access to or responsibility in-*
 8 *volving classified or otherwise restricted material.*

9 (2) *TERMINATION.*—*If a person hired on a con-*
 10 *ditional basis as described in paragraph (1) is denied*
 11 *or otherwise does not qualify for all security clear-*
 12 *ances necessary for the fulfillment of the responsibil-*
 13 *ities of that person as an employee of the Commis-*
 14 *sion, the Commission shall immediately terminate the*
 15 *employment of that person with the Commission.*

16 (h) *EXPEDITED SECURITY CLEARANCE PROCES-*
 17 *DURES.*—*A candidate for executive director or deputy exec-*
 18 *utive director of the Commission and any potential em-*
 19 *ployee of the Commission shall, to the maximum extent pos-*
 20 *sible, be investigated or otherwise evaluated for and granted,*
 21 *if applicable, any necessary security clearances on an expe-*
 22 *dited basis.*

23 **SEC. 6. SUPPORT SERVICES.**

24 *During the 180-day period following the date of enact-*
 25 *ment of this Act, the General Services Administration shall*

1 *provide administrative support services (including offices*
2 *and equipment) for the Commission.*

3 **SEC. 7. TERMINATION OF THE COMMISSION.**

4 *The Commission shall terminate 90 days after the date*
5 *on which the Commission submits its final report under*
6 *section 3.*

7 **SEC. 8. MISCELLANEOUS PROVISIONS.**

8 (a) *INAPPLICABILITY OF FACA.*—*The Federal Advi-*
9 *sory Committee Act (5 U.S.C. App.) does not apply to the*
10 *Commission.*

11 (b) *PUBLIC ATTENDANCE.*—*To the maximum extent*
12 *practicable, each meeting of the Commission shall be open*
13 *to members of the public.*

14 **SEC. 9. FUNDING OF COMMISSION.**

15 *Notwithstanding section 1346 of title 31, United States*
16 *Code, or section 611 of the Treasury and General Govern-*
17 *ment Appropriations Act, 1998, of funds made available for*
18 *fiscal years 1998 and 1999 to the Departments of Justice,*
19 *State, and any other appropriate agency that are otherwise*
20 *unobligated, not more than \$3,500,000 shall be available*
21 *for the interagency funding of activities of the Commission*
22 *under this Act. Funds made available to the Commission*
23 *pursuant to this section shall remain available for obliga-*
24 *tion until December 31, 1999.*