

112TH CONGRESS  
1ST SESSION

# H. R. 2623

To establish a National Commission to Review the National Response Since  
the Terrorist Attacks of September 11, 2001.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2011

Mr. KING of New York (for himself and Mr. WOLF) introduced the following  
bill; which was referred to the Committee on Homeland Security

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## A BILL

To establish a National Commission to Review the National  
Response Since the Terrorist Attacks of September 11, 2001.

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 “9/11 Commission Re-  
5        view Act”.

6        **SEC. 2. ESTABLISHMENT.**

7        There is established in the legislative branch a Na-  
8        tional Commission to Review the National Response Since  
9        the Terrorist Attacks of September 11, 2001 (referred to  
10       as the “9/11 Review Commission”).

1 **SEC. 3. PURPOSES OF THE 9/11 REVIEW COMMISSION.**

2       The 9/11 Review Commission shall conduct a com-  
3 prehensive review of the implementation of the rec-  
4 ommendations proposed in the report issued by the Na-  
5 tional Commission on Terrorist Attacks Upon the United  
6 States (commonly known as the “9/11 Commission”), as  
7 established pursuant to section 601 of the Intelligence Au-  
8 thorization Act for Fiscal Year 2003 (Public Law 107–  
9 306). The review of the 9/11 Review Commission shall—

10           (1) assess the progress and challenges in car-  
11 rying out the recommendations of the 9/11 Commis-  
12 sion, including any relevant legislation, Executive  
13 order, regulation, plan, policy, practice, or procedure  
14 implemented since the attacks of September 11,  
15 2001;

16           (2) analyze the trends of domestic terror at-  
17 tacks since the attacks of September 11, 2001, in-  
18 cluding the growing influence of domestic radicaliza-  
19 tion and its causes, and recommendations on how  
20 Federal, State, and local agencies can deter and  
21 mitigate such radicalization;

22           (3) investigate whether there exists evidence  
23 that was not considered by the 9/11 Commission of  
24 any conduct, relationships, or other factors which  
25 served in any manner to contribute to, facilitate,

1 support, or assist the hijackers who carried out the  
2 terrorist attacks of September 11, 2001; and

3 (4) provide additional recommendations with re-  
4 gard to protecting United States homeland security,  
5 ensuring interagency intelligence sharing, and other  
6 matters relating to counterterrorism policy.

7 **SEC. 4. COMPOSITION OF THE 9/11 REVIEW COMMISSION.**

8 The 9/11 Review Commission shall be composed of  
9 a chairman, to be appointed by the Speaker of the House  
10 of Representatives, and a vice chairman, to be appointed  
11 by the Majority Leader of the Senate.

12 **SEC. 5. AUTHORITY OF 9/11 REVIEW COMMISSION.**

13 (a) **HEARINGS AND EVIDENCE.**—The 9/11 Review  
14 Commission, or any panel acting on the authority of the  
15 9/11 Review Commission, may—

16 (1) hold hearings, take testimony, receive evi-  
17 dence, and administer oaths; and

18 (2) subject to subsection (b)(1), require, by sub-  
19 poena or otherwise, the attendance and testimony of  
20 such witnesses and the production of such books,  
21 records, correspondence, memoranda, electronic com-  
22 munications, papers, and documents, as the 9/11  
23 Review Commission or such designated panel may  
24 determine advisable.

25 (b) **SUBPOENA AUTHORITY.**—

1           (1) ISSUANCE.—Upon the agreement of the  
2 chairman and the vice chairman, the chairman may  
3 issue a subpoena to compel the production of docu-  
4 ments or sworn testimony.

5           (2) PROCESS.—Subpoenas issued pursuant to  
6 this subsection shall be signed by the chairman or  
7 any person designated by the chairman, and may be  
8 served by any person designated by the chairman.

9           (3) ENFORCEMENT.—

10           (A) IN GENERAL.—In the event that any  
11 person fails to obey a subpoena issued pursuant  
12 to paragraph (1), the United States district  
13 court for the judicial district in which the sub-  
14 poenaed person resides, is served, or may be  
15 found, or where the subpoena is returnable,  
16 may issue an order requiring such person to ap-  
17 pear at any designated place to testify or to  
18 produce documentary or other evidence. Any  
19 person failing to obey the order of the court  
20 may be held in contempt of the court.

21           (B) ADDITIONAL ENFORCEMENT.—In the  
22 case of any failure of any witness to comply  
23 with any subpoena or to testify when sum-  
24 moned under authority of this section, the  
25 chairman may certify a statement of fact con-

1           stituting such failure to the appropriate United  
2           States attorney, who may bring the matter be-  
3           fore the grand jury for its action, under the  
4           same statutory authority and procedures as if  
5           the United States attorney had received a cer-  
6           tification under sections 102 through 104 of the  
7           Revised Statutes of the United States (2 U.S.C.  
8           192–194).

9           (c) INFORMATION FROM FEDERAL AGENCIES.—

10           (1) IN GENERAL.—The 9/11 Review Commis-  
11           sion is authorized to secure directly from any execu-  
12           tive department, bureau, agency, board, commission,  
13           office, independent establishment, or instrumentality  
14           of the Government, information, suggestions, esti-  
15           mates, and statistics for the purposes of this Act.  
16           Each such department, bureau, agency, board, com-  
17           mission, office, independent establishment, or instru-  
18           mentality shall, to the extent authorized by law, fur-  
19           nish such information, suggestions, estimates, and  
20           statistics directly to the 9/11 Review Commission,  
21           upon request made by the chairman or the vice  
22           chairman.

23           (2) RECEIPT, HANDLING, STORAGE, AND DIS-  
24           SEMINATION.—Information shall only be received,  
25           handled, stored, and disseminated by the 9/11 Re-

1 view Commission, including its staff, in accordance  
2 with all applicable statutes, regulations, and Execu-  
3 tive orders.

4 (d) ADVISORY PANELS.—The chairman may estab-  
5 lish advisory panels composed of individuals, including  
6 such experts as the chairman determines appropriate, who  
7 may undertake investigations, evaluate evidence, make  
8 findings, and provide recommendations to the 9/11 Review  
9 Commission.

10 (e) CONTRACTING.—The 9/11 Review Commission  
11 may, to such extent and in such amounts as are provided  
12 in by appropriations, enter into contracts to enable the  
13 Commission to discharge its duties under this title.

14 (f) ASSISTANCE FROM FEDERAL AGENCIES.—

15 (1) GENERAL SERVICES ADMINISTRATION.—  
16 The Administrator of General Services shall provide  
17 to the 9/11 Review Commission, on a reimbursable  
18 basis, administrative support and other services for  
19 the performance of the 9/11 Review Commission's  
20 functions.

21 (2) OTHER DEPARTMENTS AND AGENCIES.—In  
22 addition to the assistance prescribed in paragraph  
23 (1), the heads of Federal departments and agencies  
24 may provide to the 9/11 Review Commission such  
25 services, funds, facilities, staff, and other support

1 services as such heads may determine advisable and  
2 as may be authorized by law.

3 (g) **POSTAL SERVICES.**—The 9/11 Review Commis-  
4 sion may use the United States mails in the same manner  
5 and under the same conditions as Federal departments  
6 and agencies.

7 **SEC. 6. COMPENSATION.**

8 The chairman and vice chairman of the 9/11 Review  
9 Commission may receive compensation in an amount not  
10 to exceed the daily equivalent of the annual rate of basic  
11 pay in effect for a position at level IV of the Executive  
12 Schedule under section 5315 of title 5, United States  
13 Code, for each day during which the chairman or vice  
14 chairman, as the case may be, is engaged in the actual  
15 performance of the duties of the 9/11 Review Commission.

16 **SEC. 7. APPOINTMENT OF STAFF.**

17 (a) **IN GENERAL.**—The chairman, in consultation  
18 with the vice chairman and in accord with any rule agreed  
19 upon by the 9/11 Review Commission, may appoint and  
20 fix the compensation of a staff director and such other  
21 personnel as may be necessary to enable the 9/11 Review  
22 Commission to carry out its functions, without regard to  
23 the provisions of title 5, United States Code, governing  
24 appointments in the competitive service, and without re-  
25 gard to the provisions of chapter 51 and subchapter III

1 of chapter 53 of such title relating to classification and  
2 General Schedule pay rates, except that no rate of pay  
3 fixed under this subsection may exceed the equivalent of  
4 that payable for a position at level V of the Executive  
5 Schedule under section 5316 of title 5, United States  
6 Code.

7 (b) TRAVEL EXPENSES.—While away from their  
8 homes or regular places of business in the performance  
9 of services for the 9/11 Review Commission, members and  
10 staff of the Commission shall be allowed travel expenses,  
11 including per diem in lieu of subsistence, in the same man-  
12 ner as persons employed intermittently in the Government  
13 service are allowed expenses under section 5703(b) of title  
14 5, United States Code.

15 (c) STAFF AS FEDERAL EMPLOYEES.—

16 (1) IN GENERAL.—Any staff receiving com-  
17 pensation under this section shall be employees  
18 under section 2105 of title 5, United States Code,  
19 for purposes of chapters 63, 81, 83, 84, 85, 87, 89,  
20 and 90 of such title.

21 (2) MEMBERS OF COMMISSION.—Paragraph (1)  
22 shall not be construed to apply to the chairman or  
23 vice chairman.

24 (d) DETAILEES.—Any Federal Government employee  
25 may be detailed to the 9/11 Review Commission without



1 reimbursement from the 9/11 Review Commission, and  
2 such detailee shall retain the rights, status, and privileges  
3 of his or her regular employment without interruption.

4 (e) **CONSULTANT SERVICES.**—The 9/11 Review Com-  
5 mission is authorized to procure the services of experts  
6 and consultants in accordance with section 3109 of title  
7 5, United States Code, but at rates not to exceed the daily  
8 rate paid to a person occupying a position at level IV of  
9 the Executive Schedule under section 5315 of title 5,  
10 United States Code.

11 **SEC. 8. SECURITY CLEARANCES FOR COMMISSION MEM-**  
12 **BERS AND STAFF.**

13 The appropriate Federal agencies or departments  
14 shall provide to the 9/11 Review Commission, to the extent  
15 possible, personnel with appropriate security clearances.  
16 No person shall be provided with access to classified infor-  
17 mation under this Act without the appropriate security  
18 clearances.

19 **SEC. 9. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**  
20 **MITTEE ACT.**

21 (a) **IN GENERAL.**—The Federal Advisory Committee  
22 Act (5 U.S.C. App.) shall not apply to the 9/11 Review  
23 Commission.

1 (b) PUBLIC MEETINGS AND RELEASE OF PUBLIC  
2 VERSIONS OF REPORTS.—The 9/11 Review Commission  
3 shall—

4 (1) hold public hearings and meetings to the ex-  
5 tent appropriate; and

6 (2) release public versions of the reports re-  
7 quired under this Act.

8 (c) PUBLIC HEARINGS.—Any public hearings of the  
9 9/11 Review Commission shall be conducted in a manner  
10 consistent with the protection of information provided to  
11 or developed for or by the 9/11 Review Commission as re-  
12 quired by any applicable statute, regulation, or Executive  
13 order.

14 **SEC. 10. REPORTS OF 9/11 REVIEW COMMISSION.**

15 (a) INTERIM REPORTS.—The 9/11 Review Commis-  
16 sion may submit to the President and provide to Congress  
17 interim reports containing its findings, conclusions, and  
18 recommendations, and may submit with such reports any  
19 classified annexes.

20 (b) FINAL REPORT.—Not later than 12 months after  
21 the date of the enactment of this Act, the 9/11 Review  
22 Commission shall submit to the President and appropriate  
23 congressional committees (as such term is defined in sec-  
24 tion 101 of the Homeland Security Act of 2002 (6 U.S.C.  
25 101)) a final report, together with a classified annex if

1 such is determined appropriate, containing such findings,  
2 conclusions, and recommendations for corrective measures  
3 as have been agreed to by the chairman and vice chair-  
4 man.

5 (c) TERMINATION.—

6 (1) IN GENERAL.—The 9/11 Review Commis-  
7 sion, and all the authorities of this Act, shall termi-  
8 nate 30 days after the date on which the final report  
9 is submitted under subsection (b).

10 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-  
11 MINATION.—The 9/11 Review Commission may use  
12 the 30-day period referred to in paragraph (1) for  
13 the purpose of concluding its activities, including  
14 providing testimony to Congress concerning its re-  
15 ports and disseminating the final report.

16 **SEC. 11. FUNDING.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated \$1,000,000 to carry out this  
19 Act.

20 (b) DURATION OF AVAILABILITY.—Amounts made  
21 available to the 9/11 Review Commission under this sec-  
22 tion shall remain available until the termination of the 9/  
23 11 Review Commission.

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