

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify the process for appointment to the Commission, the functions of the Commission, closed meetings procedures, subpoena enforcement, and for other purposes.

IN THE SENATE OF THE UNITED STATES—107th Cong., 2d Sess.

S. 1867

To establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. LIEBERMAN
(for himself, Mr. TORRICELLI, and Mr. MCCAIN)

Viz:

- 1 On page 2, line 21, strike all through page 4, line
- 2 6, and insert the following:
- 3 (2) 5 members shall be appointed by the major-
- 4 ity leader of the Senate, in consultation with the mi-
- 5 nority leader of the Senate, from all candidates nom-
- 6 inated under subparagraphs (A) through (E),
- 7 including—

1 (A) 3 candidates nominated by the chair-
2 person, in consultation with the ranking mem-
3 ber, of the Committee on Armed Services of the
4 Senate;

5 (B) 3 candidates nominated by the chair-
6 person, in consultation with the ranking mem-
7 ber, of the Committee on Commerce, Science,
8 and Transportation of the Senate;

9 (C) 3 candidates nominated by the chair-
10 person, in consultation with the ranking mem-
11 ber, of the Committee on the Judiciary of the
12 Senate;

13 (D) 3 candidates nominated by the chair-
14 person, in consultation with the ranking mem-
15 ber, of the Select Committee on Intelligence of
16 the Senate; and

17 (E) 3 candidates nominated by the chair-
18 person, in consultation with the ranking mem-
19 ber, of the Committee on Foreign Relations of
20 the Senate; and

21 (3) 5 members shall be appointed by the Speak-
22 er of the House of Representatives, in consultation
23 with the minority leader of the House of Representa-
24 tives, from all candidates nominated under subpara-
25 graphs (A) through (E), including—

1 (A) 3 candidates nominated by the chair-
2 person, in consultation with the ranking mem-
3 ber, of the Committee on Armed Services of the
4 House of Representatives;

5 (B) 3 candidates nominated by the chair-
6 person, in consultation with the ranking mem-
7 ber, of the Committee on Energy and Com-
8 merce of the House of Representatives;

9 (C) 3 candidates nominated by the chair-
10 person, in consultation with the ranking mem-
11 ber, of the Committee on the Judiciary of the
12 House of Representatives;

13 (D) 3 candidates nominated by the chair-
14 person, in consultation with the ranking mem-
15 ber, of the Permanent Select Committee on In-
16 telligence of the House of Representatives; and

17 (E) 3 candidates nominated by the chair-
18 person, in consultation with the ranking mem-
19 ber, of the Committee on International Rela-
20 tions of the House of Representatives.

21 On page 5, line 17, strike all through page 6, line
22 2, and insert the following:

23 (1) conduct an investigation that—

1 (A) investigates relevant facts and cir-
2 cumstances relating to the terrorist attacks of
3 September 11, 2001, including any relevant leg-
4 islation, Executive order, regulation, plan, pol-
5 icy, practice, or procedure; and

6 (B) may include relevant facts and cir-
7 cumstances relating to—

8 (i) intelligence agencies;

9 (ii) law enforcement agencies;

10 (iii) diplomacy;

11 (iv) immigration, nonimmigrant visas,
12 and border control;

13 (v) the flow of assets to terrorist orga-
14 nizations;

15 (vi) commercial aviation; and

16 (vii) other areas of the public and pri-
17 vate sectors deemed relevant by the Com-
18 mission for its inquiry;

19 (2) identify, review, and evaluate the lessons
20 learned from the terrorist attacks of September 11,
21 2001, regarding the structure, coordination, man-
22 agement policies, and procedures of the Federal
23 Government, and, if appropriate, State and local
24 governments and nongovernmental entities, relative

1 to detecting, preventing, and responding to such ter-
2 rorist attacks; and

3 On page 7, line 1, strike all through line 13, and in-
4 sert the following:

5 (2) SUBPOENAS.—

6 (A) ISSUANCE.—Subpoenas issued under
7 paragraph (1)(B) may be issued under the sig-
8 nature of the chairperson of the Commission,
9 the chairperson of any subcommittee created by
10 a majority of the Commission, or any member
11 designated by a majority of the Commission,
12 and may be served by any person designated by
13 the chairperson, subcommittee chairperson, or
14 member.

15 (B) ENFORCEMENT.—

16 (i) IN GENERAL.—In the case of con-
17 tumacy or failure to obey a subpoena
18 issued under paragraph (1)(B), the United
19 States district court for the judicial district
20 in which the subpoenaed person resides, is
21 served, or may be found, or where the sub-
22 poena is returnable, may issue an order re-
23 quiring such person to appear at any des-
24 ignated place to testify or to produce docu-

1 mentary or other evidence. Any failure to
2 obey the order of the court may be pun-
3 ished by the court as a contempt of that
4 court.

5 (ii) ADDITIONAL ENFORCEMENT.—
6 Sections 102 through 104 of the Revised
7 Statutes of the United States (2 U.S.C.
8 192 through 194) shall apply in the case
9 of any failure of any witness to comply
10 with any subpoena or to testify when sum-
11 moned under authority of this section.

12 (b) CLOSED MEETINGS.—

13 (1) IN GENERAL.—Meetings of the Commission
14 may be closed to the public under section 10(d) of
15 the Federal Advisory Committee Act (5 U.S.C.
16 App.) or other applicable law.

17 (2) ADDITIONAL AUTHORITY.—In addition to
18 the authority under paragraph (1), section 10(a)(1)
19 and (3) of the Federal Advisory Committee Act (5
20 U.S.C. App.) shall not apply to any portion of a
21 Commission meeting if the President determines
22 that such portion or portions of that meeting is like-
23 ly to disclose matters that could endanger national
24 security. If the President makes such determination,

1 the requirements relating to a determination under
2 section 10(d) of that Act shall apply.

3 On page 7, line 14, strike “(b)” and insert “(c)”.

4 On page 7, line 18, strike “(c)” and insert “(d)”.

5 On page 8, line 7, strike “(d)” and insert “(e)”.

6 On page 8, line 20, strike “(e)” and insert “(f)”.

7 On page 8, line 22, strike “(f)” and insert “(g)”.