

CHARTER
PRESIDENT'S COMMISSION ON
AVIATION SECURITY AND TERRORISM

PURPOSE. This charter establishes the President's Commission on Aviation Security and Terrorism which was created by Executive Order 12686 (August 4, 1989) and sets forth guidelines for its operation.

SCOPE AND OBJECTIVES. The Commission shall conduct a comprehensive study and appraisal of practices and policy options with respect to preventing terrorist acts involving aviation, with particular reference to the destruction on December 21, 1988, of Pan American World Airways Flight 103.

In conducting this study, the Commission shall:

- evaluate the adequacy of existing procedures for aviation security, compliance therewith, and enforcement thereof;
- review options for handling terrorist threats, including prior notification to the public; and
- investigate practices, policies and laws with respect to the treatment of families of victims of terrorist acts.

DUTIES. The Commission is a Presidential Commission and shall, by February 4, 1990, submit a report to the President, which shall be classified if necessary, containing findings and recommendations. If the report is classified, an unclassified version shall be prepared for public distribution. The Commission may, for the purpose of carrying out provisions of Executive Order 12686, request and receive information, receive testimony, conduct hearings, and hold meetings, as appropriate.

DURATION. The Commission shall terminate 30 days after submitting its report to the President.

OFFICIAL TO WHOM COMMITTEE REPORTS. The Commission reports to the President of the United States.

SPONSOR AND SUPPORT SERVICE. Subject to such rules as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 of such title relating to classification or chapter 53 of such title relating to General Schedule pay rates, may--

- appoint and fix the compensation of such staff personnel as the Chairman considers necessary, including an executive director who may be compensated at a rate not in excess of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

and

-- procure the services of experts or consultants in accordance with section 3109 of title 5, United States Code.

To the extent permitted by law and subject to the availability of appropriations, the Department of Transportation shall, among other administrative functions, provide the Commission with administrative services, funds, facilities, staff and other support services necessary for the performance of its functions. The Secretary of Transportation shall perform the functions of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App.2), except that of reporting to the Congress, in accordance with the guidelines and procedures established by the Administrator of General Services. The Office of the Assistant Secretary for Policy and International Affairs shall be the sponsor of the Commission.

To the extent permitted by law and fully protecting intelligence sources and methods and the ongoing investigations into the destruction of Pan American World Airways Flight 103 of December 21, 1988, the heads of executive departments, agencies, and independent instrumentalities shall provide the Commission, upon request, with such information as it may require for purposes of carrying out its functions.

The Commission may use the United States mail in the same manner and under the same conditions as departments and agencies of the United States.

ESTIMATED ANNUAL COST. FY 1990 costs are estimated at \$1,061,600.

MEMBERSHIP. The Commission shall consist of seven members appointed by the President. Two members shall be Senators, and two shall be Members of the House of Representatives; they shall represent both parties equally. The President shall consult with the Majority and Republican Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives in making appointments from the Senate and House of Representatives, respectively. The other three members shall be qualified individuals with expertise in aviation transportation, aviation security or counter-terrorism.

Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

Members of the Commission shall serve until the expiration of the Commission.

OFFICERS. The President shall designate the Chairman from among the members of the Commission.

MEETINGS. The Commission shall meet, as appropriate, at the call of the Chairman. Four members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

PUBLIC NOTICE OF AND ACCESS TO MEETINGS. Except as provided below, each meeting shall be open to the public. Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Chairman shall prescribe procedures to provide for other types of public notice to insure that all

interested persons are notified of such meeting prior thereto. Interested persons shall be permitted to attend, appear before, or file statements with the Commission, subject to such reasonable procedures as the Chairman may prescribe. However, meetings are not required to be open, and interested persons shall not be permitted to attend or appear before meetings, when such meetings have been determined by the President to be concerned with matters listed in section 552(b) of title 5, United States Code. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the Commission shall include in the unclassified version of its report to the President a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5, United States Code.

DOCUMENTATION. Subject to section 552 of title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were available to or prepared for or by the Commission shall be available for public inspection and copying at a single location in the offices of the Commission until the Commission ceases to exist.

Detailed minutes of each meeting of the Commission shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Commission. The accuracy of all minutes shall be certified by the Chairman.

COMPENSATION FOR MEMBERS. Members of the Commission appointed from among private citizens may receive compensation for their work on the Commission at the daily rate specified for GS-18 of the General Schedule. Members of the Commission appointed from the Legislative or Executive Branch of the government shall not receive salary compensation. All members of the Commission, while engaged in the work of the Commission, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law.

SUBCOMMITTEES. The Chairman is authorized to establish subcommittees from the membership of the Commission.

EFFECTIVE DATE. This charter is effective _____, and will expire on March 6, 1990, unless sooner terminated or extended.