

117TH CONGRESS
1ST SESSION

H. R. 275

To establish the National Commission on the Domestic Terrorist Attack
Upon the United States Capitol.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2021

Mr. RODNEY DAVIS of Illinois (for himself, Mr. KATKO, Mr. COMER, Mr. BANKS, and Mrs. HINSON) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To establish the National Commission on the Domestic
Terrorist Attack Upon the United States Capitol.

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. ESTABLISHMENT OF COMMISSION.**

4 There is established in the legislative branch the Na-
5 tional Commission on the Domestic Terrorist Attack Upon
6 the United States Capitol (hereafter referred to as the
7 “Commission”).

8 **SEC. 2. PURPOSES.**

9 Consistent with the functions described in section 4,
10 the purposes of the Commission are to—

1 (1) examine and report upon the facts and
2 causes relating to the domestic terrorist attack of
3 January 6, 2021, which occurred at the United
4 States Capitol Complex;

5 (2) ascertain, evaluate, and report on the evi-
6 dence developed by all relevant governmental agen-
7 cies regarding the facts and circumstances sur-
8 rounding the attacks;

9 (3) make a full and complete accounting of the
10 circumstances surrounding the attacks, and the ex-
11 tent of the United States preparedness for, and im-
12 mediate response to, the attacks; and

13 (4) investigate and report to the Chair and
14 ranking minority member of the Committee on
15 House Administration, the Chair and ranking minor-
16 ity member of the Committee on Rules and Adminis-
17 tration of the Senate, the President, and Congress
18 on its findings, conclusions, and recommendations
19 for corrective measures that can be taken to prevent
20 acts of domestic terrorism.

21 **SEC. 3. COMPOSITION OF COMMISSION.**

22 (a) MEMBERS.—The Commission shall be composed
23 of 10 members, of whom—

24 (1) 1 member shall be appointed by the Presi-
25 dent, who shall serve as Chair of the Commission;

1 (2) 1 member shall be appointed by the leader
2 of the Senate (majority or minority leader, as the
3 case may be) of the Republican Party, in consulta-
4 tion with the leader of the House of Representatives
5 (majority or minority leader, as case may be) of the
6 Republican Party, who shall serve as Vice-Chair of
7 the Commission;

8 (3) 2 members shall be appointed by the senior
9 member of the Senate leadership of the Democratic
10 Party;

11 (4) 2 members shall be appointed by the senior
12 member of the leadership of the House of Represent-
13 atives of the Republican Party;

14 (5) 2 members shall be appointed by the senior
15 member of the Senate leadership of the Republican
16 Party; and

17 (6) 2 members shall be appointed by the senior
18 member of the leadership of the House of Represent-
19 atives of the Democratic Party.

20 (b) QUALIFICATIONS; INITIAL MEETING.—

21 (1) POLITICAL PARTY AFFILIATION.—Not more
22 than 5 members of the Commission shall be from
23 the same political party.

24 (2) NONGOVERNMENTAL APPOINTEES.—An in-
25 dividual appointed to the Commission may not be an

1 officer or employee of the Federal Government or
2 any State or local government, except that not more
3 than two of the members who are appointed by
4 Members of Congress may be Members of Congress
5 or other officers or employees of the Federal Govern-
6 ment.

7 (3) OTHER QUALIFICATIONS.—It is the sense of
8 Congress that individuals appointed to the Commis-
9 sion should be prominent United States citizens,
10 with national recognition and significant depth of ex-
11 perience in such professions as governmental service,
12 law enforcement, the armed services, law, public ad-
13 ministration, online dis-information and intelligence
14 gathering.

15 (4) TIMING FOR APPOINTMENT.—All members
16 of the Commission shall be appointed on or after
17 January 21, 2021, and on or before February 15,
18 2021.

19 (5) INITIAL MEETING.—The Commission shall
20 meet and begin the initial operation of the Commis-
21 sion as soon as practicable.

22 (c) QUORUM; VACANCIES.—After its initial meeting,
23 the Commission shall meet upon the call of the Chair or
24 a majority of its members. Six members of the Commis-
25 sion shall constitute a quorum. Any vacancy in the Com-

1 mission shall not affect its powers, but shall be filled in
2 the same manner in which the original appointment was
3 made.

4 (d) COMPENSATION.—Each member of the Commis-
5 sion may be compensated at not to exceed the daily equiva-
6 lent of the annual rate of basic pay in effect for a position
7 at level IV of the Executive Schedule under section 5315
8 of title 5, United States Code, for each day during which
9 that member is engaged in the actual performance of the
10 duties of the Commission.

11 (e) TRAVEL EXPENSES.—Each member of the Com-
12 mission shall receive travel expenses, including per diem
13 in lieu of subsistence, in accordance with applicable provi-
14 sions under subchapter I of chapter 57 of title 5, United
15 States Code.

16 **SEC. 4. FUNCTIONS OF COMMISSION.**

17 The functions of the Commission are to—

18 (1) conduct an investigation of the relevant
19 facts and circumstances relating to the attacks on
20 the United States Capitol of January 6, 2021;

21 (2) identify, review, and evaluate the causes of
22 and the lessons learned from the attacks regarding
23 the structure, coordination, management policies,
24 and procedures of the Federal Government, and, if
25 appropriate, State and local governments and non-

1 governmental entities, relative to detecting, pre-
2 venting, and responding to such kinds of attacks;

3 (3) in consultation with the Chair and ranking
4 minority member of the Committee on House Ad-
5 ministration and the Chair and ranking minority
6 member of the Committee on Rules and Administra-
7 tion of the Senate—

8 (A) make interim reports on an ongoing
9 basis on the Commission’s analysis of the secu-
10 rity and safety of the Capitol Complex which
11 are directed at the chairs and ranking minority
12 members of such Committees and the Presi-
13 dent, as well as other activities of the Commis-
14 sion; and

15 (B) submit such reports to the chairs and
16 ranking minority members of such Committees,
17 the President, and Congress; and

18 (4) in addition to the reports described in para-
19 graph (3), submit to the chairs and ranking minority
20 members of such Committees, the President, and
21 Congress such other reports as are required by this
22 Act containing such findings, conclusions, and rec-
23 ommendations as the Commission shall determine,
24 including proposing improvements in the organiza-
25 tion, coordination, planning, management arrange-

1 ments, procedures, rules, and regulations which are
2 designed to prevent such kinds of attacks.

3 **SEC. 5. POWERS OF COMMISSION.**

4 (a) IN GENERAL.—

5 (1) HEARINGS AND EVIDENCE.—The Commis-
6 sion or, on the authority of the Commission, any
7 subcommittee or member thereof, may, for the pur-
8 pose of carrying out this Act—

9 (A) hold such hearings and sit and act at
10 such times and places, take such testimony, re-
11 ceive such evidence, administer such oaths; and

12 (B) subject to paragraph (2)(A), require,
13 by subpoena or otherwise, the attendance and
14 testimony of such witnesses and the production
15 of such books, records, correspondence, memo-
16 randa, papers, and documents, as the Commis-
17 sion or such designated subcommittee or des-
18 ignated member may determine advisable.

19 (2) SUBPOENAS.—

20 (A) ISSUANCE.—

21 (i) IN GENERAL.—A subpoena may be
22 issued under this subsection only—

23 (I) by the agreement of the Chair
24 and the Vice-Chair; or

1 (II) by the affirmative vote of 6
2 members of the Commission.

3 (ii) SIGNATURE.—Subject to clause
4 (i), subpoenas issued under this subsection
5 may be issued under the signature of the
6 Chair or any member designated by a ma-
7 jority of the Commission, and may be
8 served by any person designated by the
9 Chair or by a member designated by a ma-
10 jority of the Commission.

11 (B) ENFORCEMENT.—

12 (i) IN GENERAL.—In the case of con-
13 tumacy or failure to obey a subpoena
14 issued under subsection (a), the United
15 States district court for the judicial district
16 in which the subpoenaed person resides, is
17 served, or may be found, or where the sub-
18 poena is returnable, may issue an order re-
19 quiring such person to appear at any des-
20 ignated place to testify or to produce docu-
21 mentary or other evidence. Any failure to
22 obey the order of the court may be pun-
23 ished by the court as a contempt of that
24 court.

1 (ii) ADDITIONAL ENFORCEMENT.—In
2 the case of any failure of any witness to
3 comply with any subpoena or to testify
4 when summoned under authority of this
5 section, the Commission may, by majority
6 vote, certify a statement of fact consti-
7 tuting such failure to the appropriate
8 United States attorney, who may bring the
9 matter before the grand jury for its action,
10 under the same statutory authority and
11 procedures as if the United States attorney
12 had received a certification under sections
13 102 through 104 of the Revised Statutes
14 of the United States (2 U.S.C. 192
15 through 194).

16 (b) CONTRACTING.—The Commission may, to such
17 extent and in such amounts as are provided in appropria-
18 tion Acts, enter into contracts to enable the Commission
19 to discharge its duties under this Act.

20 (c) OBTAINING OFFICIAL DATA.—

21 (1) IN GENERAL.—The Commission may secure
22 directly from any department or agency of the Gov-
23 ernment information necessary to enable it to carry
24 out this Act. Upon request of the Chair, the chair
25 of any subcommittee created by a majority of the

1 Commission, or any member designated by a major-
2 ity of the Commission, the head of that department
3 or agency shall furnish that information to the Com-
4 mission.

5 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
6 SEMINATION.—Information shall only be received,
7 handled, stored, and disseminated by members of
8 the Commission and its staff consistent with all ap-
9 plicable statutes, regulations, and Executive orders.

10 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

11 (1) GENERAL SERVICES ADMINISTRATION.—
12 Upon the request of the Commission, the Adminis-
13 trator of General Services shall provide to the Com-
14 mission, on a reimbursable basis, the administrative
15 support services necessary for the Commission to
16 carry out its responsibilities under this Act.

17 (2) OTHER DEPARTMENTS AND AGENCIES.—In
18 addition to the assistance prescribed in paragraph
19 (1), departments and agencies of the United States
20 may provide to the Commission such services, funds,
21 facilities, staff, and other support services as they
22 may determine advisable and as may be authorized
23 by law.

24 (e) GIFTS, BEQUESTS, AND DEVISES.—The Commis-
25 sion may accept, use, and dispose of gifts, bequests, or

1 devises of services or property, both real and personal, for
2 the purpose of aiding or facilitating the work of the Com-
3 mission.

4 (f) **POSTAL SERVICES.**—The Commission may use
5 the United States mails in the same manner and under
6 the same conditions as departments and agencies of the
7 United States.

8 **SEC. 6. STAFF OF COMMISSION.**

9 (a) **APPOINTMENT; COMPENSATION.**—

10 (1) **IN GENERAL.**—Except as provided in para-
11 graph (2), the Chair, in consultation with the Vice-
12 Chair, in accordance with rules agreed upon by the
13 Commission, may appoint and fix the compensation
14 of a Staff Director and such other personnel as may
15 be necessary to enable the Commission to carry out
16 its functions, without regard to the provisions of
17 title 5, United States Code, governing appointments
18 in the competitive service, and without regard to the
19 provisions of chapter 51 and subchapter III of chap-
20 ter 53 of such title relating to classification and
21 General Schedule pay rates, except that no rate of
22 pay fixed under this subsection may exceed the
23 equivalent of that payable for a position at level V
24 of the Executive Schedule under section 5316 of title
25 5, United States Code.

1 (2) PROHIBITING COMPENSATION OF FEDERAL
2 EMPLOYEES.—Members of the Commission who are
3 full-time officers or employees of the United States,
4 including Members of Congress, may not receive ad-
5 ditional pay, allowances, or benefits by reason of
6 their service on the Commission.

7 (b) COVERAGE UNDER CONGRESSIONAL ACCOUNT-
8 ABILITY ACT OF 1995.—For purposes of the Congres-
9 sional Accountability Act of 1995 (2 U.S.C. 1301 et
10 seq.)—

11 (1) the Commission shall be considered an em-
12 ploying office; and

13 (2) the personnel of the Commission shall be
14 considered covered employees.

15 (c) EXPERTS AND CONSULTANTS.—The Commission
16 is authorized to procure temporary and intermittent serv-
17 ices under section 3109 of title 5, United States Code,
18 but at rates for individuals not to exceed the daily equiva-
19 lent of the maximum annual rate of basic pay under level
20 IV of the Executive Schedule under section 5315 of title
21 5, United States Code.

22 (d) STAFF OF FEDERAL AGENCIES.—The head of
23 any Federal department or agency may detail, on a non-
24 reimbursable basis, any of the personnel of that depart-

1 ment or agency to the Commission to assist it in carrying
2 out its duties under this Act.

3 **SEC. 7. SECURITY CLEARANCES FOR MEMBERS AND STAFF.**

4 The appropriate Federal agencies or departments
5 shall cooperate with the Commission in expeditiously pro-
6 viding to the Commission members and staff appropriate
7 security clearances to the extent possible pursuant to ex-
8 isting procedures and requirements, except that no person
9 shall be provided with access to classified information
10 under this Act without the appropriate security clearances.

11 **SEC. 8. NONAPPLICABILITY OF FEDERAL ADVISORY COM-
12 MITTEE ACT.**

13 (a) IN GENERAL.—The Federal Advisory Committee
14 Act (5 U.S.C. App.) shall not apply to the Commission.

15 (b) PUBLIC MEETINGS AND RELEASE OF PUBLIC
16 VERSIONS OF REPORTS.—The Commission shall—

17 (1) hold public hearings and meetings to the ex-
18 tent appropriate; and

19 (2) release public versions of the reports re-
20 quired under section 9.

21 (c) CONDUCT OF PUBLIC HEARINGS.—Any public
22 hearings of the Commission shall be conducted in a man-
23 ner consistent with the protection of information provided
24 to or developed for or by the Commission as required by
25 any applicable statute, regulation, or Executive order.

1 **SEC. 9. REPORTS; TERMINATION.**

2 (a) INTERIM REPORTS.—In addition to the reports
3 required under section 4(3), the Commission may submit
4 to the Chair and ranking minority member of the Com-
5 mittee on House Administration, the Chair and ranking
6 minority member of the Committee on Rules and Adminis-
7 tration of the Senate, the President, and Congress interim
8 reports containing such findings, conclusions, and rec-
9 ommendations for corrective measures as have been
10 agreed to by a majority of Commission members.

11 (b) FINAL REPORT.—Not later than 18 months after
12 the date of the enactment of this Act, the Commission
13 shall submit to the Chair and ranking minority member
14 of the Committee on House Administration, the Chair and
15 ranking minority member of the Committee on Rules and
16 Administration of the Senate, the President, and Congress
17 a final report containing such findings, conclusions, and
18 recommendations for corrective measures as have been
19 agreed to by a majority of Commission members.

20 (c) TERMINATION.—

21 (1) IN GENERAL.—The Commission, and all the
22 authorities of this Act, shall terminate upon the ex-
23 piration of the 60-day period which begins on the
24 date on which the Commission submits the final re-
25 port under subsection (b).

1 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
2 MINATION.—The Commission may use the 60-day
3 period referred to in paragraph (1) for the purpose
4 of concluding its activities, including providing testi-
5 mony to committees of Congress concerning its re-
6 ports and disseminating the final report.

7 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) IN GENERAL.—There are authorized to be appro-
9 priated such sums as may be necessary to carry out this
10 Act.

11 (b) AVAILABILITY OF FUNDS.—Amounts appro-
12 priated pursuant to the authorization under this section
13 shall remain available until expended.

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