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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. RODNEY DAVIS of Illinois introduced the following bill; which was referred
to the Committee on _____

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”).

1 **SEC. 2. PURPOSES.**

2 Consistent with the functions described in section 4,
3 the purposes of the Commission are to—

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

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

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

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

24 **SEC. 3. COMPOSITION OF COMMISSION.**

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

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

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

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

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

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

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

22 (b) QUALIFICATIONS; INITIAL MEETING.—

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

1 (2) NONGOVERNMENTAL APPOINTEES.—An in-
2 dividual appointed to the Commission may not be an
3 officer or employee of the Federal Government or
4 any State or local government, except that not more
5 than two of the members who are appointed by
6 Members of Congress may be Members of Congress
7 or other officers or employees of the Federal Govern-
8 ment.

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

17 (4) TIMING FOR APPOINTMENT.—All members
18 of the Commission shall be appointed on or after
19 January 21, 2021, and on or before February 15
20 2021.

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

24 (c) QUORUM; VACANCIES.—After its initial meeting,
25 the Commission shall meet upon the call of the Chair or

1 a majority of its members. Six members of the Commis-
2 sion shall constitute a quorum. Any vacancy in the Com-
3 mission shall not affect its powers, but shall be filled in
4 the same manner in which the original appointment was
5 made.

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

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

18 **SEC. 4. FUNCTIONS OF COMMISSION.**

19 The functions of the Commission are to—

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

23 (2) identify, review, and evaluate the causes of
24 and the lessons learned from the attacks regarding
25 the structure, coordination, management policies,

1 and procedures of the Federal Government, and, if
2 appropriate, State and local governments and non-
3 governmental entities, relative to detecting, pre-
4 venting, and responding to such kinds of attacks;

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

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

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

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

1 including proposing improvements in the organiza-
2 tion, coordination, planning, management arrange-
3 ments, procedures, rules, and regulations which are
4 designed to prevent such kinds of attacks.

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

6 (a) IN GENERAL.—

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

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

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

21 (2) SUBPOENAS.—

22 (A) ISSUANCE.—

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

1 (I) by the agreement of the Chair
2 and the Vice-Chair; or

3 (II) by the affirmative vote of 6
4 members of the Commission.

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

13 (B) ENFORCEMENT.—

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

1 ished by the court as a contempt of that
2 court.

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

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

22 (c) OBTAINING OFFICIAL DATA.—

23 (1) IN GENERAL.—The Commission may secure
24 directly from any department or agency of the Gov-
25 ernment information necessary to enable it to carry

1 out this Act. Upon request of the Chair, the chair
2 of any subcommittee created by a majority of the
3 Commission, or any member designated by a major-
4 ity of the Commission, the head of that department
5 or agency shall furnish that information to the Com-
6 mission.

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

12 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

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

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

1 (e) GIFTS, BEQUESTS, AND DEVISES.—The Commis-
2 sion may accept, use, and dispose of gifts, bequests, or
3 devises of services or property, both real and personal, for
4 the purpose of aiding or facilitating the work of the Com-
5 mission.

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

10 **SEC. 6. STAFF OF COMMISSION.**

11 (a) APPOINTMENT; COMPENSATION.—

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

1 of the Executive Schedule under section 5316 of title
2 5, United States Code.

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

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

13 (1) the Commission shall be considered an em-
14 ploying office; and

15 (2) the personnel of the Commission shall be
16 considered covered employees.

17 (c) EXPERTS AND CONSULTANTS.—The Commission
18 is authorized to procure temporary and intermittent serv-
19 ices under section 3109 of title 5, United States Code,
20 but at rates for individuals not to exceed the daily equiva-
21 lent of the maximum annual rate of basic pay under level
22 IV of the Executive Schedule under section 5315 of title
23 5, United States Code.

24 (d) STAFF OF FEDERAL AGENCIES.—The head of
25 any Federal department or agency may detail, on a non-

1 reimbursable basis, any of the personnel of that depart-
2 ment or agency to the Commission to assist it in carrying
3 out its duties under this Act.

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

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

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

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

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

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

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

22 (c) **CONDUCT OF PUBLIC HEARINGS.**—Any public
23 hearings of the Commission shall be conducted in a man-
24 ner consistent with the protection of information provided

1 to or developed for or by the Commission as required by
2 any applicable statute, regulation, or Executive order.

3 **SEC. 9. REPORTS; TERMINATION.**

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

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

22 (c) TERMINATION.—

23 (1) IN GENERAL.—The Commission, and all the
24 authorities of this Act, shall terminate upon the ex-
25 piration of the 60-day period which begins on the

1 date on which the Commission submits the final re-
2 port under subsection (b).

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

9 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

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