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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the National Commission on the Domestic Terrorist Attack Upon the United States Capitol (hereafter referred to as the “Commission”).
SEC. 2. PURPOSES.

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

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

(2) ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks;

(3) make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States’ preparedness for, and immediate response to, the attacks; and

(4) investigate and report to the Chair and ranking minority member of the Committee on House Administration, the Chair and ranking minority member of the Committee on Rules and Administration of the Senate, the President, and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of domestic terrorism.

SEC. 3. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—
(1) 1 member shall be appointed by the President, who shall serve as Chair of the Commission;

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

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

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

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

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.
(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government, except that not more than two of the members who are appointed by Members of Congress may be Members of Congress or other officers or employees of the Federal Government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, online dis-information and intelligence gathering.

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

(5) INITIAL MEETING.—The Commission shall meet and begin the initial operation of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chair or
a majority of its members. Six members of the Commission shall constitute a quorum. 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.

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

(e) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

SEC. 4. FUNCTIONS OF COMMISSION.

The functions of the Commission are to—

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

(2) identify, review, and evaluate the causes of and the lessons learned from the attacks regarding the structure, coordination, management policies,
and procedures of the Federal Government, and, if
appropriate, State and local governments and non-
governmental entities, relative to detecting, pre-
venting, and responding to such kinds of attacks;

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

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

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

(4) in addition to the reports described in para-
graph (3), submit to the chairs and ranking minority
members of such Committees, the President, and
Congress such other reports as are required by this
Act containing such findings, conclusions, and rec-
ommendations as the Commission shall determine,
including proposing improvements in the organization, coordination, planning, management arrangements, procedures, rules, and regulations which are designed to prevent such kinds of attacks.

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

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this Act—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—
(I) by the agreement of the Chair and the Vice-Chair; or

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

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the Chair or any member designated by a majority of the Commission, and may be served by any person designated by the Chair or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be pun-
ished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this Act.

(c) OBTAINING OFFICIAL DATA.—

(1) IN GENERAL.—The Commission may secure directly from any department or agency of the Government information necessary to enable it to carry
out this Act. Upon request of the Chair, the chair of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, the head of that department or agency shall furnish that information to the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.
(e) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission.

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

SEC. 6. STAFF OF COMMISSION.

(a) APPOINTMENT; COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Chair, in consultation with the Vice-Chair, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a Staff Director and such other personnel as may be necessary to enable the Commission to carry out its functions, 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 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V.
of the Executive Schedule under section 5316 of title 5, United States Code.

(2) Prohibiting Compensation of Federal Employees.—Members of the Commission who are full-time officers or employees of the United States, including Members of Congress, may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(b) Coverage Under Congressional Accountability Act of 1995.—For purposes of the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.)—

(1) the Commission shall be considered an employing office; and

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

(c) Experts and Consultants.—The Commission is authorized to procure temporary and intermittent services under section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay under level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) Staff of Federal Agencies.—The head of any Federal department or agency may detail, on a non-
reimbursable basis, any of the personnel of that depart-
ment or agency to the Commission to assist it in carrying
out its duties under this Act.

SEC. 7. SECURITY CLEARANCES FOR MEMBERS AND STAFF.
The appropriate Federal agencies or departments
shall cooperate with the Commission in expeditiously pro-
viding to the Commission members and staff appropriate
security clearances to the extent possible pursuant to ex-
isting procedures and requirements, except that no person
shall be provided with access to classified information
under this Act without the appropriate security clearances.

SEC. 8. NONAPPLICABILITY OF FEDERAL ADVISORY COM-
MITTEE ACT.

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

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

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

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

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

SEC. 9. REPORTS; TERMINATION.

(a) INTERIM REPORTS.—In addition to the reports required under section 4(3), the Commission may submit to the Chair and ranking minority member of the Committee on House Administration, the Chair and ranking minority member of the Committee on Rules and Administration of the Senate, the President, and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

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

(c) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate upon the expiration of the 60-day period which begins on the
date on which the Commission submits the final report under subsection (b).

(2) Administrative Activities Before Termination.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) Availability of Funds.—Amounts appropriated pursuant to the authorization under this section shall remain available until expended.